

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the "f" key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

APL

110-D-19

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 2012-421 Application Date: 1/31/2012 12:00:00
CBL: 130-G-007 AM
Project Name: Jabbar's Auto Sales
Address: 710 Forest Avenue

Project Description: Office warehouse to pre-owned automobile dealership

Zoning:

Other Reviews

Required:

Review Type: Conditional Use w/ Level I Site Alteration

Distribution List:

<input type="checkbox"/> Planner	Jean Fraser	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic Engineer	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Civil Engineer	David Sensus	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> DRC Coordinator	Phil DiPierro
		<input type="checkbox"/> Outside Agency	

Comments needed by (7 days later): February 8, 2012

*B2C
access Saunders
Brit Bray down traffic
ex lighting/signage*



918 Brighton Ave | Portland, ME 04102

February 17, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Jean:

Thank you for the Planning Division staff's review comments regarding the Condition Use and Level 1 Site Alteration Applications for 710 Forest Avenue. Below we will address each of your comments.

Cover Letter

A portion of the "Proposed Development" narrative was not included in the submission cover letter. The full "Proposed Development" narrative is as follows:

The applicant proposes to lease approximately 5,000 s.f. of the existing building and parcel in order to operate a pre-owned automobile dealership at this location. Per Section 14-183 (a) (5) of the City of Portland Code of Ordinances, automobile dealerships are a permitted Conditional use in the B-2C zone, when approved by the Planning Board with respect to the requirements of Article V (site plan).

The proposed automobile dealership (Jabbar's Auto Sales) will have two full-time employees (one sales person and one mechanic). The proposed facility will operate Monday through Saturday from 8:00 am to 5:00 pm. The applicant proposes to use the existing south parking lot (approximately 4,150 s.f.) to display seven (7) used cars and to serve as parking lot for employees and clients.

Section 14-183 (a), 5: Auto Dealership Condition Use Requirements

- 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.*

The applicant is proposing one (1) building mounted sign. The sign will be designed in accordance with the standards of Division 22 of the Land Use

Ordinance. The proposed sign will be 210 s.f. (1.5 x 140 l.f.) (140 linear feet of street frontage on Saunders Street.) The proposed sign will not 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.*

The applicant proposed to maintain the existing driveway ingress/egress located on Saunders Street. This existing entrance is located over 125-feet from the Forest Avenue intersection. The anticipated traffic volumes at the driveway entrance will be very low and will pose a threat or potential danger to the safety of the public.

Section 14-156 (2), 4, b, i: Bicycle Parking:

- c. Development with zero (0) to ten(10) required vehicle parking spaces shall provide at least two (2) bicycle parking spaces*

The attached revised site plan identifies two proposed secure bicycle parking spaces in conformance with Section 1 of the Technical Manual.

Section 14-156 (2), 4, d: Snow Storage

- i. The site plan shall include areas for snow storage or shall include an acceptable snow removal plan.*

The attached revised site plan identifies three (3) areas for snow storage. The proposed landscape buffer plants have been selected to tolerate the proposed snow loads.

Existing Metal Posts and Guardrail

Along the west property line (at edge of proposed display area), there exists 13 l.f. of metal guardrail as well as three (3) freestanding metal posts and the railroad switchbox. These items are shown on the Existing Conditions Plan (L1.0). These items will remain and will provide a barrier along the west property line.

Number of Driveway / Curb Cuts

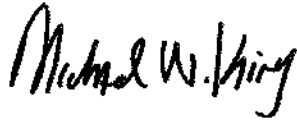
Per the City of Portland Technical Manual, Section 1.7.1.8:

- No more than two (2) driveways shall be permitted for ingress and egress purposes to any site.*

The existing site has four (4) curb cuts and no alterations to these curb cuts are proposed. The applicant seeks a waiver from the permitted number of driveways outlined in Section 1.7.1.8. of the City of Portland Technical Manual.

Enclosed you will find electronic copies of the revised site plan and details. Please contact us if you need additional information. We look forward to working with the Planning Board as part of the review process.

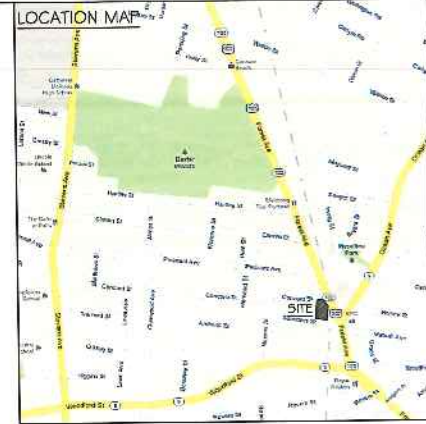
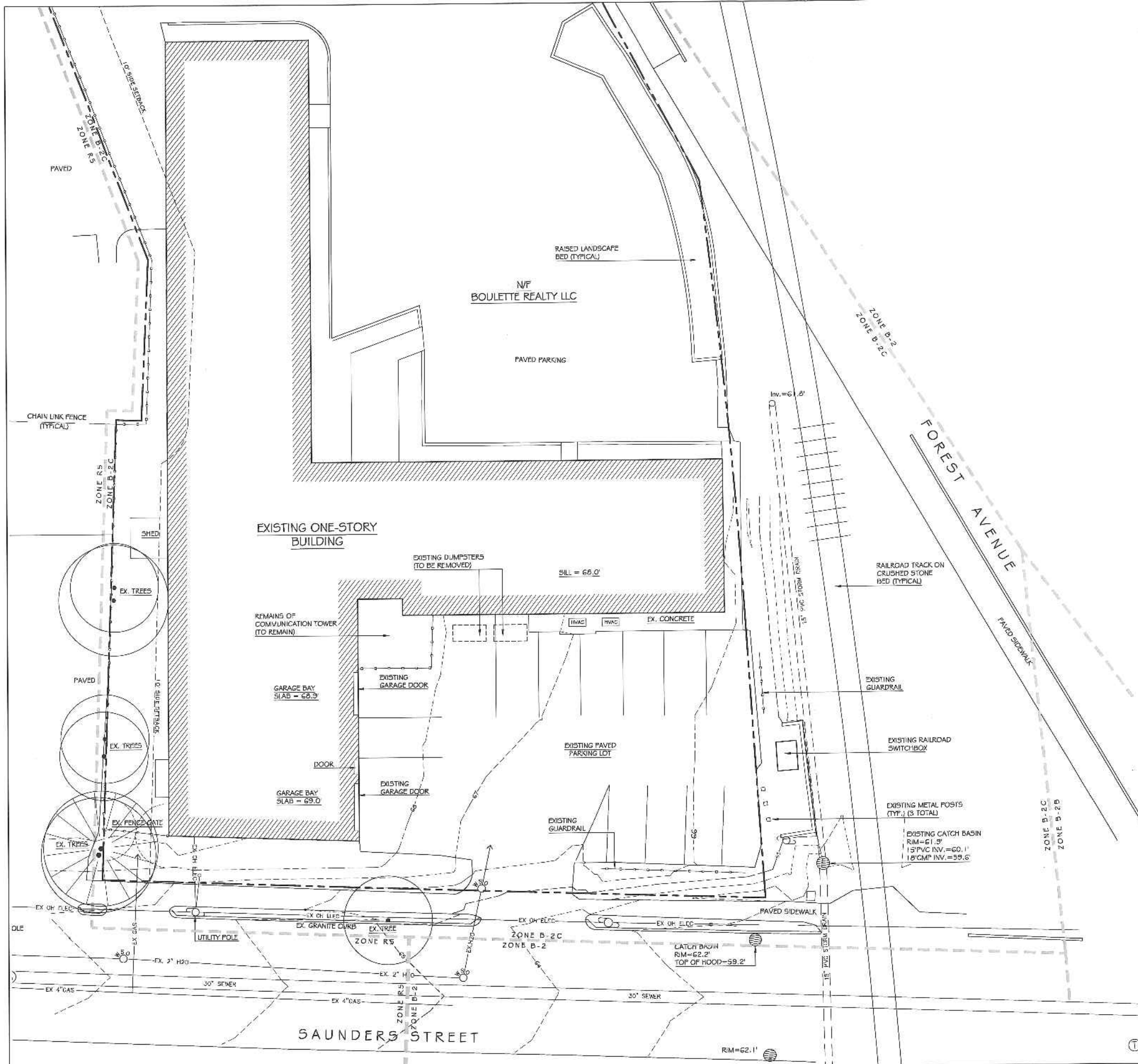
Respectfully,

A handwritten signature in black ink that reads "Michael W. King". The signature is written in a cursive, slightly slanted style.

Michael W. King
Walsh Engineering Associates, Inc.

Enc. PDFs of revised drawing L1.0, L2.0 and L3.0

cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar



Civil Engineer:
WALSH
 ENGINEERING ASSOCIATES, INC.
 818 Brighton Ave | Portland, Maine 04102
 ph: 207.553.9898 | www.walsh-eng.com
 Copyright © 2012

Surveyor:
 James D. Nadeau, LLC
 918 Brighton Avenue
 Portland, Maine 04102
 phone: 207-878-7870

- PLAN REFERENCES:**
1. SURVEY INFORMATION SHOWN HEREON PROVIDED BY JAMES D. NADEAU, LLC, BY WORKSHEET TITLED 'WORKSHEET FOR ABDULKADIR ABUKAR, 710 FOREST AVENUE, PORTLAND, MAINE, DATED JANUARY 12, 2012. FIELD WORK PERFORMED BY JAMES D. NADEAU, LLC IN DECEMBER, 2011.
 2. APPROXIMATE BOUNDARY LINES BASED 'STANDARD BOUNDARY' FOR 710 FOREST AVENUE PROVIDED BY JAMES D NADEAU, LLC, 918 BRIGHTON AVENUE, PORTLAND, MAINE, DATED JANUARY 30, 2012.
 3. ELEVATIONS ARE BASED ON NAVD29. BENCHMARK ESTABLISHED WITH GPS STATIC OBSERVATIONS TAKEN DECEMBER 12, 2011.

- SITE DATA**
1. OWNER: BOULETTE REALTY, LLC
 2. TAX MAP: 130, BLOCK G, LOTS 7, 8, 12 AND 13
 3. LOT SIZE: 27,235 S.F. OR 0.625 ACRES
 4. ZONE: B2-C - COMMUNITY BUSINESS ZONE

B2-C SPACE AND BULK STANDARDS

	REQUIRED	EXISTING
MINIMUM LOT SIZE:	10,000 S.F.	27,235 S.F.
MINIMUM STREET FRONTAGE:	50 FEET	FOREST AVE.: 83 FT. SAUNDERS ST.: 140 FT. CONCORD ST.: 104 FT.
FRONT YARD (OF LEASE AREA):	NONE	10 FEET
REAR YARD (OF LEASE AREA):	10 FEET	N/A
SIDE YARD (OF LEASE AREA):	10 FEET	10 FEET
MINIMUM LOT WIDTH:	NONE	21.3 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET	25 FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	80%	86.6%

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING 'DIG SAFE' AND LOCAL UTILITY COMPANIES AT LEAST THREE (3) BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS, PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, IN ACCORDANCE WITH MAINE STATE LAW. 'DIG SAFE' TELEPHONE NUMBER IS 1-888-344-7233.
 2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL AND ANY MEANS, METHODS, AND TECHNIQUES EMPLOYED TO PERFORM THE WORK SHOWN ON THE PLANS.
 3. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING ALL SAFETY REGULATIONS (OSHA). ALL WORK SHALL COMPLY WITH THE MOST RECENT EDITION OF THE CITY OF PORTLAND TECHNICAL MANUAL.
 4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
 5. EXISTING VEGETATION SHALL BE PROTECTED IN AREAS WHERE SHOWN ON THE DRAWINGS. PRIOR TO CONSTRUCTION, FENCING OR OTHER PROTECTIVE MEASURES SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPS OR TREES DESIGNATED FOR PRESERVATION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OF CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED. NO VEHICLES MAY DRIVE OR PARK WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
 6. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS SHOWN ON THE DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE 'MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES' CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

LEGEND

- CONTOURS
- PROPERTY LINE
- BUILDING
- GAS LINE
- SETBACK LINE
- EDGE OF PAVEMENT
- UTILITY POLE
- WATER VALVE
- WATER MAIN
- SANITARY SEWER
- OVERHEAD ELECTRIC

STATE OF MAINE
 WILLIAM R. WALSH III
 No. 8204
 LICENSED PROFESSIONAL ENGINEER
 2/1/12

GRAPHIC SCALE
 0 5 10 20

**A Plan for
 Jabbar's Auto Sales**

for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

Rev.	Date	Description	Drawn	Check
1	2.17.12	Per City of Portland Planning Dept. review and plan sheet	MK	WW

Sheet Title:
Existing Conditions Plan

Job No.: 181 Sheet No.:
 Date: Jan 30, 2011
 Scale: 1" = 10'
 Drawn: MK
 Checked: WW

L1.0

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING "DIG SAFE" AND LOCAL UTILITY COMPANIES AT LEAST THREE (3) BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS, PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, IN ACCORDANCE WITH MAINE STATE LAW. "DIG SAFE" TELEPHONE NUMBER IS 1-866-344-7233.
 2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL AND ANY MEANS, METHODS, AND TECHNIQUES EMPLOYED TO PERFORM THE WORK SHOWN ON THE PLANS.
 3. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING ALL SAFETY REGULATIONS (OSHA). ALL WORK SHALL COMPLY WITH THE MOST RECENT EDITION OF THE CITY OF PORTLAND TECHNICAL MANUAL.
 4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
 5. EXISTING VEGETATION SHALL BE PROTECTED IN AREAS WHERE SHOWN ON THE DRAWINGS. PRIOR TO CONSTRUCTION, FENCING OR OTHER PROTECTIVE MEASURES SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPS OR TREES DESIGNATED FOR PRESERVATION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OF CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED. NO VEHICLES MAY DRIVE OR PARK WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
 6. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS SHOWN ON THE DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" (CAMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003).

- PLANTING NOTES:**
1. THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN.
 2. ANY SUBSTITUTION OF SPECIFIED PLANT MATERIAL SHALL BE APPROVED BY THE OWNER AND/OR OWNER'S REPRESENTATIVE.
 3. ALL TREE AND SHRUB LOCATIONS SHALL BE STAKED OR MARKED BY CONTRACTOR AND APPROVED BY THE OWNER AND OWNER'S REPRESENTATIVE IN THE FIELD PRIOR TO PLANTING. CONTRACTOR MUST GIVE A MINIMUM 3 DAY NOTICE BETWEEN STAKING AND PLANTING.
 4. THE LANDSCAPE CONTRACTOR IS ADVISED OF THE EXISTENCE OF UNDERGROUND UTILITIES, THE LOCATION OF WHICH SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION OPERATIONS. SHOULD THE LOCATION OF PROPOSED PLANTINGS CONFLICT WITH ANY OF SAID UTILITIES, ADJUST PLANT LOCATIONS ACCORDINGLY AFTER CONSULTATION WITH OWNER AND/OR OWNER'S REPRESENTATIVE.
 5. THE CONTRACTOR SHALL REPLACE OR REPAIR TO ORIGINAL CONDITION ANY AND ALL UTILITIES, PAVING, CURBING, ETC., DAMAGED AS A RESULT OF THEIR OPERATIONS AT NO ADDITIONAL COST TO THE OWNER.
 6. MULCH PLANTING BEDS AND TREE FITS WITH 3" FINELY SHREDDED AND ASLD PINE BARK MULCH OR AS SPECIFIED ON THE PLAN.
 7. ALL DISTURBED LAWN AREAS TO BE LOAMED AND SEEDDED AS NECESSARY AT NO ADDITIONAL COST TO OWNER.
 8. PLANT MATERIALS SHALL BE GUARANTEED FOR ONE (1) YEAR AFTER PLANTING. ANY DEAD, UNSIGHTLY, OR UNHEALTHY PLANTS SHALL BE REPLACED IN KIND AT NO COST TO THE OWNER.
 9. CHALK MARK NORTH AT TREE BASE PRIOR TO DIGGING AT NURSERY. REPLANT ON SITE WITH SAME NORTH ORIENTATION FOR ALL TREES.
 10. A PRECONSTRUCTION MEETING SHALL BE HELD PRIOR TO LANDSCAPE CONTRACTOR BEGINNING CONSTRUCTION OR ORDERING PLANT MATERIALS.

PLANTING SCHEDULE

QUANT.	COMMON NAME	BOTANIC NAME	SIZE	NATIVE	NOTES
TREES					
1	SHADBLOW CUMULUS	AMBLANCHER CAHADENSIS	12" HT.	YES	SINGLE STEM
2	SPRING SNOW CRABAPPLE	MALUS 'SPRING SNOW'	8" HT.	NO	SINGLE STEM
SHRUBS					
10	BEACH PLUM	PRUNUS MARITIMA	#2	YES	
15	HYDRANGEA ENDLESS SUMMER	HYDRANGEA MACROPHYLLA	#2	NO	
15	BEARBERRY	ARCTOSTAPHYLOS UVA-URSI	#2	YES	
PERENNIALS					
30	DAYLILY 'LEMON LILY'	HEMEROCALLIS 'LEMON LILY'	#1		

B2-C SPACE AND BULK STANDARDS

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	10,000 S.F.	27,235 S.F.	27,235 S.F.
MINIMUM STREET FRONTAGE:	50 FEET	93 FEET	93 FEET
FRONT YARD:	NONE	57 FEET	57 FEET
REAR YARD:	10 FEET	4 FEET	4 FEET
SIDE YARD:	10 FEET	10 FEET	10 FEET
MINIMUM LOT WIDTH:	NONE	213 FEET	213 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET	25 FEET	25 FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	80%	66.6%	66.6%

APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

NAME: _____ DATE: _____

- LEGEND**
- CONTOURS
 - PROPERTY LINE
 - BUILDING
 - GAS LINE
 - SETBACK LINE
 - EDGE OF PAVEMENT
 - UTILITY POLE
 - WATER VALVE
 - WATER MAIN
 - SANITARY SEWER
 - OVERHEAD ELECTRIC
 - PROP. DISPLAY AREA
 - PROP. SECONDARY ELECTRIC
 - PROP. WALL PACK LIGHT
 - PROP. SITE LIGHT FIXTURE

STATE OF MAINE
 WILLIAM R. WALSH, III
 No. 894
 LICENSED PROFESSIONAL ENGINEER
 1/31/12

GRAPHIC SCALE
 0 5 10 20

Civil Engineer

WALSH
 ENGINEERING ASSOCIATES, INC.

318 Brighton Ave. Portland, Maine 04103
 Tel: 207-553-9656 | www.walsh-eng.com

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Surveyor
 James D. Nadeau, LLC
 913 Brighton Avenue
 Portland, Maine 04102
 phone: 207-876-7570

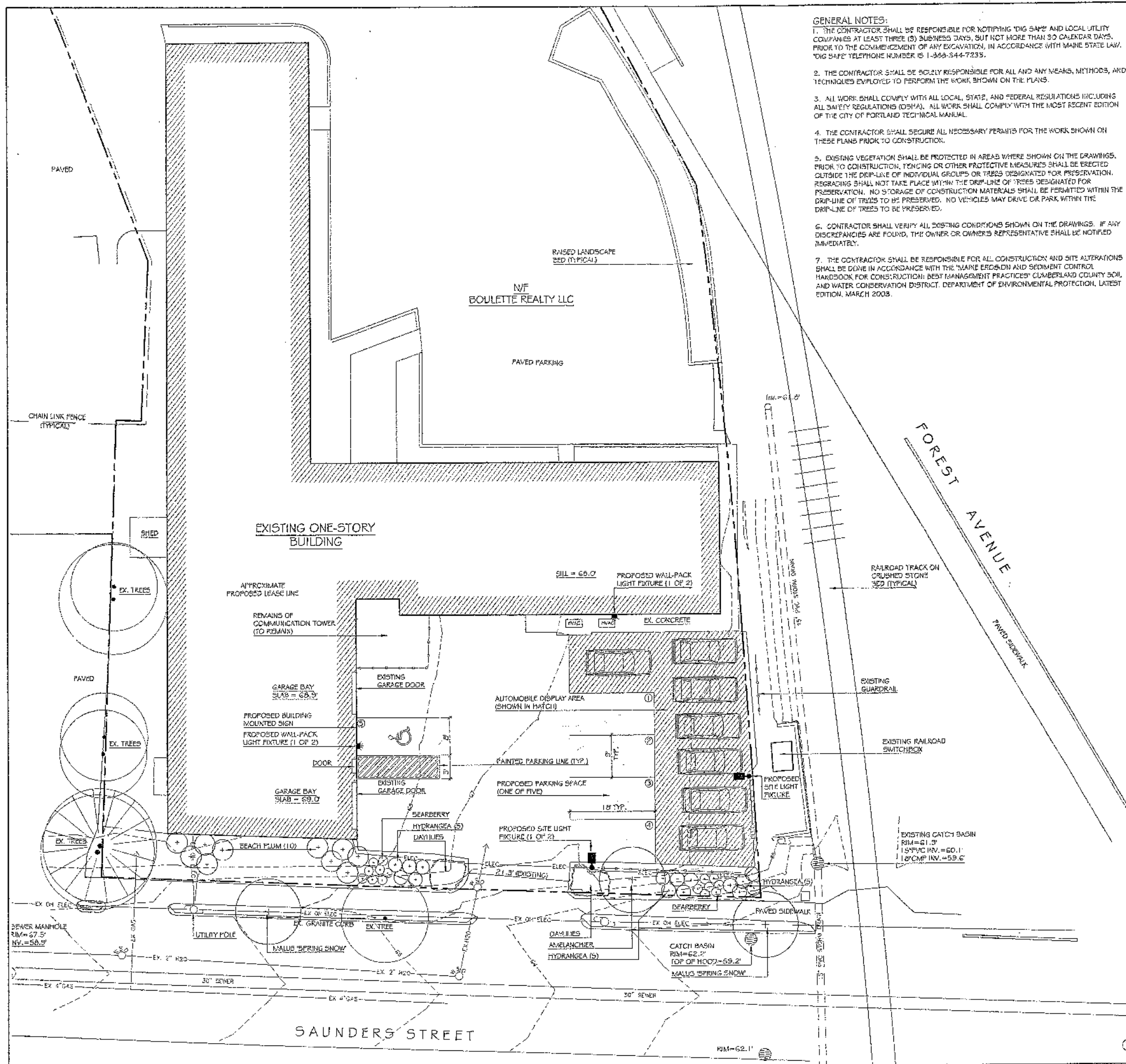
A Plan for
Jabbar's Auto Sales
 for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

as submitted
 Super Coded

Job No: 151 Sheet No:
 Date: Jan. 30, 2011
 Scale: 1" = 10'
 Drawn: NK
 Checked: WW

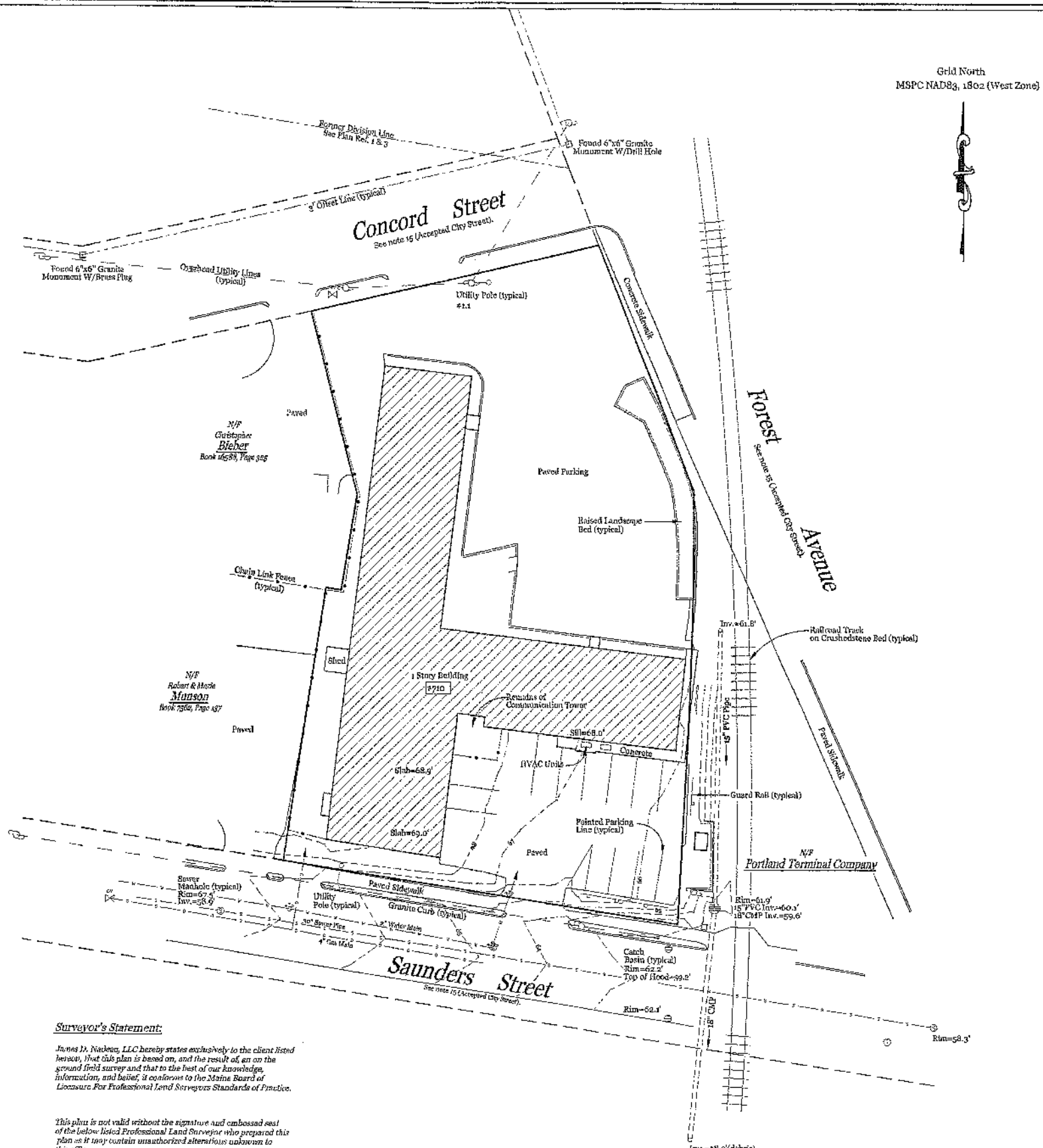
Site Plan

L2.0



Plan References:

- "Plan Of Survey Made April 16, 1893 For C.A. Chase", City of Portland file 403/191.
- "Right Of Way And Truck Stop, Portland Terminal Company, Sta. 52+80.0 to 105+60.0", dated June 30, 1976, sheet no. VI-A/2.
- "Plan Of Seth P.H. Carr", dated 1916, by Percy H. Richardson, C.E., recorded May 25, 1916 in CCRD Plan Book 13, Page 42.
- "Property Plan Land Of Robert M. Chase Portland, Maine", dated June 29, 1987, by Herbert P. Gray, Portland, Maine, recorded July 1, 1987 in CCRD Plan Book 165, Page 65.
- "Plan Depicting The Results Of A Standard Boundary Survey Made For Lisa S. Sack & H. Lynn Barsen Located On The Northeastern Sideline Of Concord Street, Portland, Maine", dated December 8, 1997, by Nadeau & Lodge, Inc., Professional Land Surveyors.
- "Plan Depicting The Results Of A Boundary Survey And Division Of Land Made For John D. Mesquelin And Jennifer D. Mesquelin 40 Swains Street Portland, Maine", dated December 31, 2001, by Nadeau & Lodge, Inc., Professional Land Surveyors.



General Notes:

- This plan is not intended to depict limits or extent of fee title ownership. An opinion of title should be resolved by a title attorney.
- This office reserves the right to be held harmless by all 3rd party claims.
- This survey does not purport to reflect any of the following:
 - documents other than those that are visible or specifically stated in the referenced documents.
 - building setback compliance or restrictive covenants.
 - zoning or other land use regulations.
 - the location of any underground utilities or structures.
- This office reserves the right to be held harmless for unknown or unavailable private records which could affect the results of this survey.
- Reference is made to "Contract For Land Surveying Services" between James D. Nadeau, LLC and the below listed client(s), which shall be considered an integral part of this survey.
- N/F is an abbreviation for Now or Formerly.
- All deeds referenced on this plan are recorded at the Cumberland County Registry of Deeds (CCRD).
- This office does not accept any liability for errors in the Plan References listed herein, excepting Plan References 5 & 6.
- Lotus Parcel is shown on the City of Portland Assessor's Map 130, Block G, as Lots 7, 8, 12 & 13, and is listed as 710 Forest Avenue.
- Area of Lotus Parcel is 57,000 square feet (1.32 acres), more or less, to the lines.
- The apparent right of way lines depicted on this plan are based on the Plan References listed herein and monumentation found in the field, and City of Portland Engineering Street Notes.
- The Lotus Parcel does not scale in a Special Flood Hazard Area per FEMA Flood Insurance Rate Map Community Panel Number 2300270010, dated December 8, 1998. The parcel scales in Zone X.
- All building corner offsets to boundary lines are from cornerboards and not building foundation.
- Call 1-888-4NGSAFE at least three business days before performing ANY excavation.
- Per City of Portland Records Vol. 2, Page 175 and Town of Deering Records Page 373, Art. 15 and Page 361, Saunders Street was accepted March 14, 1881 as 42 feet wide. Per City of Portland Records Vol. 2, Page 151 Concord Street (formerly Concord Road) was accepted December 6, 1920 as 40 feet wide. Per City of Portland Records Vol. 2, Page 29, Forest Avenue was relocated December 30, 1875 as 62 feet wide.
- Vertical Datum is NGVD83. Benchmark established with GPS Station observations taken on December 30, 2017.

Locus Deed Reference:

Arch Wireless Operating Company, Inc.
 f.k.a. Arch Connecticut Valley, Inc.
 to
Boulette Realty, LLC
 dated March 24, 2004 and recorded March 25, 2004 at the Cumberland County Registry of Deeds in book 21017, Page 47.

PRELIMINARY

Surveyor's Statement:

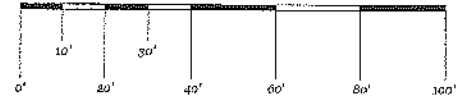
James D. Nadeau, LLC hereby states exclusively to the client listed herein, that this plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure For Professional Land Surveyors Standards of Practice.

This plan is not valid without the signature and embossed seal of the below listed Professional Land Surveyor who prepared this plan as it may contain unauthorized alterations unknown to this office.

James D. Nadeau, J.L.C.

James D. Nadeau, P.L.S. #2124 (03/01)

Graphic Scale:



Plan Depicting The Results Of A Boundary Survey & Partial Topography Survey Made For Jabbar Essa Southerly Sideline Of Concord Street, Westerly Sideline Of Forest Avenue & Northerly Sideline Of Saunders Street PORTLAND, MAINE

PREPARED BY:			
James D. Nadeau, LLC Professional Land Surveyors			
915 BRIGHTON AVENUE PORTLAND, ME 04102		PH: (207) 878-7890 FAX: (207) 878-7879	
Certified Planning Managers			
RECORD OWNER:	DRAWN BY:	MLC	PLAN DATE: 1/30/2018
Boulette Realty, LLC 140 Forest Avenue Portland, Maine 04102	CHECKED BY:	JDN/TPB	SURVEY DATE: Dec 2017/Jan 2018
	INSTA:	Topcon GPT 5003W & Topcon Hiper II GPS	SCALE: 1" = 20'

REVIEW

Jean Fraser - Re: Fwd: 710 Forest Avenue: Revised Survey

From: Jean Fraser
To: Fraser, Jean
Date: 2/28/2012 11:17 AM
Subject: Re: Fwd: 710 Forest Avenue: Revised Survey

>>> William Clark 2/28/2012 9:12 AM >>>

Hi Jean,

I find that plan Impressive and will print it out as an example of an EXCELLENT survey plan.

The State Plan Coordinates have been addressed on the plan.

Thanks,

Bill

710 Forest Ave. – 130-G-007

#2012-421 - B-2c Zone

2/21/2012

The proposed change of use from office/warehouse to an automobile dealership is located in a B-2c zone which is allowable as a conditional use appeal to the Planning Board. It is noted that the area of the building and site where this proposed use is located only fronts on one street, Saunders Street. This portion of the property does not front on Forest Avenue. The rail road property is between Forest Avenue and this portion of the lot.

Section 14-339 requires a continuous curb guard for cars parked within ten feet of any street line. The plans do show that a curb guard is currently in place. I did not see any detail of that curb guard.

As stated in the application, separate permits will be needed for any new signage.

All B-2c maximum sound limitations shall be met as stated in the Ordinance. Complaints are followed up with requirements for any mitigation is noise violations are confirmed.

My zoning review only encompasses the area of the change of use and not the entire lot. No new paving is proposed. Any current impervious surface overage is legally nonconforming. All other B-2c requirements are being met or are legally nonconforming.

Marge Schmuckal
Zoning Administrator

*
see
update
below

Jean Fraser - Fwd: 710 Forest Avenue: Review Comments

From: Jean Fraser
To: Errico, Thomas; Margolis-Pineo, David; Schmuckal, Marge; Tarling, Jeff
Date: 2/17/2012 3:29 PM
Subject: Fwd: 710 Forest Avenue: Review Comments
CC: Barhydt, Barbara; Pirone, Chris
Attachments: City of Portland 2-17-2012.pdf; L1.0 Existing.Feb.17.2012.pdf; L2.0 Proposed.Feb.17.2012.pdf; L3.0 Details.Feb.17.2012.pdf

RE Jabbars Automobile Dealership #2012-421

Please see response letter and revised plans just received. These will also be uploaded into e-plan.

Final comments needed asap- Hearing report needs to be completed Wednesday if poss.

thanks
Jean

>>> Michael King <mike@walsh-eng.com> 2/17/2012 2:44 PM >>>

Hi Jean --

Attached are four (4) PDFs. The first PDF is a cover letter that addresses the Planning staff's review comments for the 710 Conditional Use and Tier 1 Site Alterations application. The other three PDFs are the corresponding revised site plans and details.

Please review and inform Bill Walsh or myself of additional comments, if any. Thanks.

Mike

Michael W. King LEED AP
Walsh Engineering Associates, Inc.
918 Brighton Avenue
Portland, Maine 04102
207-553-9898
www.walsh-eng.com

Confidentiality Statement:

TO THE RECIPIENT: Information contained in this message and attached to it, is CONFIDENTIAL, proprietary, and/or protected by copyright. If the reader of this email is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Walsh Engineering Associates, Inc., by calling (207) 553-9898, or by replying to this message.

Jean Fraser - Fwd: 710 Forest Avenue: Review Comments

From: Jean Fraser
To: Errico, Thomas; Margolis-Pineo, David; Schmuckal, Marge; Tarling, Jeff
Date: 2/17/2012 3:29 PM
Subject: Fwd: 710 Forest Avenue: Review Comments
CC: Barhydt, Barbara; Pirone, Chris
Attachments: City of Portland 2-17-2012.pdf; L1.0 Existing.Feb.17.2012.pdf; L2.0 Proposed.Feb.17.2012.pdf; L3.0 Details.Feb.17.2012.pdf

RE Jabbars Automobile Dealership #2012-421

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thanks
Jean

>>> Michael King <mike@walsh-eng.com> 2/17/2012 2:44 PM >>>

Hi Jean --

Attached are four (4) PDFs. The first PDF is a cover letter that addresses the Planning staff's review comments for the 710 Conditional Use and Tier 1 Site Alterations application. The other three PDFs are the corresponding revised site plans and details.

Please review and inform Bill Walsh or myself of additional comments, if any. Thanks.

Mike

Michael W. King LEED AP
Walsh Engineering Associates, Inc.
918 Brighton Avenue
Portland, Maine 04102
207-553-9898
www.walsh-eng.com

Confidentiality Statement:

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Jean Fraser - 710 Forest- Jabbar's Auto Sales

From: Jean Fraser
To: Errico, Thomas
Date: 2/15/2012 4:55 PM
Subject: 710 Forest- Jabbar's Auto Sales
CC: Barhydt, Barbara; Margolis-Pineo, David

Tom

We discussed the question of the 4 curb cuts on this lot at Dev Rev today; Alex and others agreed that we should not require the applicant to modify the curb cuts to the north of the site (Concord/Forest) because:

- the applicant is only leasing the part of the site that is accessed by the 2 curb cuts on Saunders;
- the applicant's part of the site can not be reached from the 2 curb cuts on Concord/Forest; and
- and the applicant does not have any control over the 2 curb cuts on Concord/Forest.

I am suggesting a motion to be in the PB Report (this is going straight to a hearing) that is along the following lines:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # XX-12 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives / does not waive** the requirements of Section 1.7.1.8 of the Technical and Design Standards and Guidelines (which allows no more than 2 driveways for ingress and egress purposes to any site) to allow the 4 existing curb cuts for the overall parcel to remain as existing, as only one (1) of these curb cuts (easternmost on Saunders Street) provides ingress and egress to the proposed automobile dealership. The western-most curb cut on Sanuders Street shall only be used for servicing the HVAC and similar utilities on the rear of the building to be used for the automobile dealership.

I am not sure there needs to be a waiver regarding the main access from Saunders which is over 21 feet wide, as the Tech Manual states in 1.7.1.3 that a minimum of 20 ft. is OK.

Please also see my e-mail of 2.10.2012 regarding snow storage and bicycle parking; I have not yet received any additional info from the applicant.

thanks
Jean

Jean Fraser - 710 Forest Ave- Jabbar's Auto Sales

From: Jean Fraser
To: bill@walsh-eng.com
Date: 2/10/2012 12:20 PM
Subject: 710 Forest Ave- Jabbar's Auto Sales

Hello Bill

Just to follow up on our telephone conversation, I am sending this so that you have my e-mail and can send any further submissions direct to me by e-mail.

I can upload anything you send direct into the e-plan review system and it would be helpful to have any additional plans/letter by the end of tuesday (2.14) to allow a review discussion on Wednesday morning.

I confirm that at the moment the Planning Board Hearing on this project is scheduled for the evening of Tuesday Feb. 28, 2012.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

(a) *Business*. Any of the following conditional uses, provided that, notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses:

1. Major and minor auto service stations in the B-2 zone, only;
2. Major or minor auto service stations in the B-2b zone in existence as of November 15, 1999;
3. Car washes;
4. Drive-throughs in the B-2 or B-2b zones which are adjacent to any residential use or zone, provided that, in the B-2b drive-throughs must be accessory to a principal use located on the same site;
5. Automobile dealerships.

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

- 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 or goods available on the premises.
- 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.

6. Drive-throughs, where permitted, shall also

Note for file.

2-10-12

Spoke to Bill Walsh:

- ① Confirmed 2/25/12 Hearing OK.
- ② Raised issue of snow storage & identified its Ord. reference
- ③ Indicated prelim comments esp. re wood grade rail
- ④ Identified "gaps" in fo mt. 4 under Trams and sign/circulation undercond use.
- ⑤ Bill to get me what he can by end of Tues.

February 9, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Preliminary Review Comments: 710 Forest Ave
Jabbar's Auto Sales

This Department has the following preliminary comments. Final comments may differ from the comments listed here.

This Department has no further comments at this time.

1. A stamped survey plan is required. Property corners will need to be set upon approval and before commencing work. Please note that "approximate boundary lines" do not meet City standards
2. It appears that the site drainage will not be altered. A statement should be added to indicate that.
3. There are also four curb cuts shown for this lot. Today's standards only allow for two.
There are two curb cuts on Saunders Street. The westerly cut does not meet current driveway separation standards. It is obvious that this cut is currently only used to service four HVAC units in the rear of the building. This Department is willing to waive this separation standard on Saunders Street with the understanding that this drive will only be used for HVAC servicing and not for parking cars.
4. The sidewalk material policy for this area is concrete. The sidewalk is currently asphalt and in good condition. The granite curb is also in good repair. This department is agreeable to leaving the sidewalk as asphalt.

This Department has no further comments at this time.

Durkew Review 2.8.12 (Tom Errico not at mtg)
re 710 Forest B2C zone.

- ① DM-P reports Tom OK w/ layout + will give waiver re width of the curb cut. (Bill Bray doing traffic)
- ② Barbara suggested condition re second curb cut on Saunders to limit it to service access only.
- ③ Jeff recommended wooden guard rail along heritage to Railway; David M-P pointed out already guard rails + large switching unit so not sure another needed.
- ④ Need to double check B2 car dealership requirements
- ⑤ guard rail would discourage snow storage/dumping onto Rd land; see what app says re this.

[JF - Site Plan - Site Alt Level 1 - lighting ?
signage ?]
Pkg/bikes/snow storage

- Cond Use - 474+ Signs + Circulation

CITY OF PORTLAND, MAINE

PLANNING BOARD

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July 22, 2008

Stephen Mardigan
460 Baxter Boulevard
Portland, Maine 04103

Stephen R. Bushey, PE
DeLuca Hoffman Associates, Inc
778 Main Street, Suite 8
South Portland, Maine 04106

RE: 745-757 Forest Avenue
Avenue Auto Automobile Dealership
Application # 2008-0045
CBL: 130 K001001

Dear Messrs. Mardigan and Bushey:

On July 8, 2008 the Portland Planning Board considered Avenue Auto, a proposal to construct a 1,650 s.f. auto dealership at 745-757 Forest Avenue. The Planning Board reviewed the proposal for conformance with the standards for Major Site Plan and Conditional Use (auto dealership in the B-2 zone). The Planning Board voted unanimously (6-0, Joe Lewis absent) to approve the application with the following motions, waivers and conditions, as presented below.

CONDITIONAL USE

The Planning Board voted unanimously (6-0, Joe Lewis absent) that the proposed conditional use for an auto dealership in the B-2 zone meets the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:

- 1. The applicant shall submit final plans with accurate dimensions for all proposed curb cuts and with curbing extending to the edge of all proposed driveways for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*
- 2. Prior to the issuance of a Certificate of Occupancy, the applicant shall contribute \$1,000.00 towards the study and implementation of future transportation improvements at the nearby Woodfords Corner intersection.*
- 3. The applicant to provide a detail of the required curbing for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*

4. *The final landscaping plan shall be reviewed and approved by the City Arborist prior to the issuance of a building permit. This review shall include a determination as to whether street trees can be incorporated into the proposal and, if they are to be incorporated, the quantity and species.*
5. *No vehicles shall be parked so that they overhang into any portion of the City right of way.*
6. *There shall be no use of the property across the street at 726 Forest Avenue (formerly the site of C.J. Thirsty's bar and Quizno's Restaurant) for any overflow parking, temporary or otherwise, or for the sale and/or display of any vehicles.*

WAIVERS

The Planning Board voted unanimously (6-0, Joe Lewis absent) to waive the requirements of Section III of the Technical and Design Standards and Guidelines to maintain two driveway openings at the site.

SITE PLAN

The Planning Board voted unanimously (6-0, Joe Lewis absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

1. *The applicant shall submit final plans with accurate dimensions for all proposed curb cuts and with curbing extending to the edge of all proposed driveways for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*
2. *Prior to the issuance of a Certificate of Occupancy, the applicant shall contribute \$1,000.00 towards the study and implementation of future transportation improvements at the nearby Woodfords Corner intersection.*
3. *The applicant to provide a detail of the required curbing for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*
4. *The applicant shall submit final site plans to show a DERO Bike Hitch or equivalent installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit.*
5. *The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.*
6. *The applicant shall submit final plans addressing review comments submitted by Dan Goyette, Consulting Engineer to the Department of Public Services for review and approval by the Department of Public Services prior to the issuance of a building permit. (See attached memorandum from Dan Goyette).*
7. *The final landscaping plan shall be reviewed and approved by the City Arborist prior to the issuance of a building permit. This review shall include a determination as to whether street*

trees can be incorporated into the proposal and, if they are to be incorporated, the quantity and species.

8. *No vehicles shall be parked so that they overhang into any portion of the City right of way.*
9. *There shall be no use of the property across the street at 726 Forest Avenue (formerly the site of C.J. Thirsty's bar and Quizno's Restaurant) for any overflow parking, temporary or otherwise, or for the sale and/or display of any vehicles.*

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report 36-08, which is attached.

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

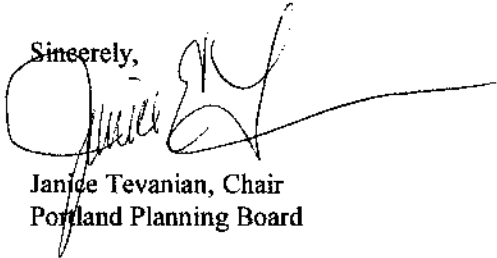
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application 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. The subdivision approval is valid for three (3) years.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public 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.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date

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

If there are any questions, please contact Molly Casto, Planner at (207) 874-8901 or by email at MPC@portlandmaine.gov.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Memorandum from Dan Goyette, Consulting Engineer to the Department of Public Services
2. Planning Board Report 36-08
3. Performance Guarantee Packet

Electronic Distribution:

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carnody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

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F 207.774.6635

MEMORANDUM



TO: Molly Casto
FROM: Dan Goyette, PE
DATE: June 30, 2008
RE: Avenue Auto Company Automobile Dealership

Woodard & Curran has reviewed the Application for Major Site Plan Review and Conditional Use Permit for an Avenue Auto Company Automobile Dealership located at 757 Forest Avenue in Portland. The site previously contained an automobile dealership, and a new automobile dealership with utilities, parking areas, and landscaping will be constructed as part of the proposed project.

Documents Reviewed

- Revisions to engineering plans, sheet 3 and A3, for Avenue Auto Company, prepared by DeLuca-Hoffman, on behalf of Stephen Mardigan, dated June 24, 2008.

Comments

- The typical sewer and storm drain trench section should indicate that 12" of crushed stone is required over all sewer and storm drain piping.
- The site plan and fence detail do not indicate a height for the new wooden fence. Is the intent to match the existing fence height? This should be indicated on the plans.
- No pavement details have been provided. Detail G provided in a previous submission references a pavement schedule, and the site plan notes state that paving repairs will include 3" asphalt. A detail should be provided to show that paving will be in conformance with City of Portland standards, and the site plan should indicate where pavement repairs are planned.
- A lighting plan has not been provided.
- A sidewalk detail shall be provided by the applicant to show it will be in conformance with City of Portland standards.
- Details of erosion control should be including in the engineering plans along with descriptions of how these details will be implemented.

Please contact our office if you have any questions.

DRG/LJS
203943

PLANNING BOARD REPORT #36-08

**AVENUE AUTO
AUTOMOBILE DEALERSHIP
VICINITY OF 745-757 FOREST AVENUE

STEPHEN MARDIGAN, APPLICANT**

**Submitted to:
Portland Planning Board
Portland, Maine**

July 8, 2008

**Submitted by:
Molly Casto, Planner
July 3, 2008**

I. INTRODUCTION

Stephen Mardigan has requested Planning Board review and approval of their proposal to construct a new automobile dealership on his parcel at 757 Forest Avenue. The total land area of the site is 0.23 +/- acres. The site formerly included a 1,289 +/- s.f. automobile dealership that was demolished in December, 2006. The site is located on the east side of Forest Avenue, north of Woodford's Corner. The applicant proposes to construct a 1,650 s.f., two story building and to make associated site infrastructure and landscaping improvements.



Site Location Map (building shown- demolished in 2006)

The site is located in a B-2 Community Business Zone. Automobile dealerships are listed as a conditional use in the B-2 zone. Though this use occurred previously on the site, the permitted use had expired according to Section 14-474 (f) of the City Code. The project is to be reviewed by the Planning Board according to the City standards for Major Site Plan (construction of any new major or minor business in the B-2 zone), and Conditional Use (Automobile dealership in the B-2 zone).

Notice of the application and workshop was sent to 110 area property owners and was advertised in the Portland Press Herald and on the City website.

Representatives for the applicant include DeLuca Hoffman Consulting Engineers, FMC CADD Engineering, and Owen Haskell Surveying. Submitted application materials and site plans have been included as Attachment 1 and Attachment 11. Please note that there are two versions of the site plan included under Attachment 11. The first, submitted on June 25th was distributed to staff for final comments. The applicant made minor revisions to that plan and submitted an update on June 26th. Final review comments, however may not reflect the June 26th version of the final plan, thus both have been attached for the Board's review.

II. FINDINGS:

Total Land area:	0.23 +/- acres (10,134 s.f.)
Zone:	B-2 Business
Proposed Use:	Automobile Sales
Previous Use:	Automobile Sales
Required Minimum Lot Area:	10,000 s.f.
Proposed Lot Area:	10,134 s.f.
Proposed Square Footage:	1,650 s.f. (footprint)
Existing Lot Coverage:	98% +/-
Maximum Allowable Lot Coverage:	80%
Proposed Lot Coverage:	80%
Required/Proposed parking:	4 spaces required/ 5 spaces proposed
Required Bicycle Parking:	2 spaces
Existing Driveways:	3 full movement driveways
Proposed Driveways:	2 full movement driveways

III. SITE DESCRIPTION

The 0.23 (10,134 s.f.) site previously included a 1,289 +/- s.f. auto dealership that was demolished in December, 2006 (see site location map, above). The entire site is paved, less a small planter located in the southern portion of the site and a gravel area at the site of the former structure. There is white, opaque wooden fencing along the rear property line. The existing fence encroaches onto land owned by Portland Terminal Company. The abutting property to the north is also owned by Stephen Mardigan and also contains an auto dealership.

IV. PROPOSED DEVELOPMENT

The proposed redevelopment includes construction of a new 2-story 1,650 s.f. auto dealership. The applicant proposes five (5) parking spaces for employees and customers, in addition to designated vehicle display areas (as identified on the site plan) to display up to nine vehicles outside the building and three vehicles inside. The applicant proposes to close one of the three curb cuts and has requested a waiver from the requirement of Section III of the Technical and Design Standards that one (1) driveway be permitted for ingress and egress purposes to any lot (see Attachment 3-b). The proposal includes new exterior lighting and additional landscaping. Proposed landscaping includes an expanded raised planter bed at the south end of the site and along the northern and rear wall of the new building. There are two movable planters proposed along the west wall on the Forest Avenue side. The proposal includes replacing the existing white wooden fence with wooden stockade fencing and relocating this fence to within the property boundary. Utility infrastructure including water, sewer and underground power/telephone/cable and gas will be connected from Forest Avenue. Submitted plans have been included as Attachment 11.

V. STAFF REVIEW

The proposed development is subject to review under the City's Site Plan Ordinances. In addition, the proposal shall be reviewed under the applicable standards for Conditional Use in the B2 zone. Staff review includes the following subsections:

- a. Zoning
- b. Right Title and Interest
- c. Neighborhood Meeting
- d. Site Plan Review

a. Zoning:

The site is located in the B-2 Business zone. Automobile dealerships are permitted as a Conditional Use. As previously discussed, there used to be an automobile dealership on the site, however, the use and the building have been gone for over a year and thus have lost any legal nonconforming rights. Marge Schmuckal submitted a review memorandum (see Attachment 6) confirming that the proposal meets applicable dimensional requirements of the B-2 zone. The impervious surface requirement of 80% is being met exactly. Future reiteration(s) of the plans shall, therefore, not be permitted to increase the percentage of impervious surface.

The following chart compares the relevant dimensional requirements of the B-2 zone to the development proposal:

Standard	B-2 Requirements	Proposed Development
Min. Lot Size	10,000 s.f.	10,134 s.f.
Min, Street Frontage	50 ft	373.04 ft
Min. Front Yard	<i>None (shall not exceed avg. depth of front yards of closest developed lots) = approx. 9 ft</i>	8.5 ft
Min. Side Yard	None	5 ft +/-
Min. Rear Yard	10 ft	10.08 ft
Max. Allowable Lot Coverage	80%	80%
Max. Structure Height	45 ft	22 ft
Parking	1 parking spot for each 334 square feet of office area = 4 spaces	5 spaces
Bicycle Parking	2 spaces	1 Dero bike hitch or equiv. = 2 spaces

Conditional Use Requirements (Section 14-183):

Sec. 14-183 - *Conditional Uses* identifies automobile dealerships in the B-2 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 a staff analysis of the proposal:

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 or goods available on the premises.

The applicant has submitted elevation drawings showing proposed signage. The applicant proposes two building-mounted signs. There is no proposed free-standing signage identified on the submitted site plan. Proposed signage does not impact visibility at intersections or access drives and advertises only the business name. All proposed signage will need to be reviewed by the Inspections Division prior to the issuance of a sign permit.

Circulation: No ingress and egress driveways shall be located within thirty (30) feet of an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

The centerline of the proposed northerly driveway is approximately 100 ft from the centerline of the intersection of Clinton Street and Forest Avenue. The centerline of the proposed southerly driveway is approximately 100 ft from the centerline of the intersection of Pleasant Street and Forest Avenue. These two intersecting streets are on the opposite side of Forest Avenue from the proposed development. Neither of the proposed driveways is in direct proximity to a place of public assembly. The nearest residential zone to the site is an R-5 zone located on the easterly side of the Portland Terminal Company property, approximately 80 feet from the site, separated by opaque fencing and existing railroad infrastructure.

Section 14-183(g) lists conditional use requirements specific to drive-throughs in the B-2 zone. Letter (g) of this section includes two conditions specific to major or minor automobile dealerships. These conditions would require a landscaped buffer of at least five (5) feet along the street frontage for all auto dealerships, car washes and auto service stations. The structure of this section of the ordinance clearly places these conditions under the subheading for drive-throughs, thus inferring that it would only apply to an automobile dealership that includes a drive-through feature. This section has not been applied to similar development proposals in the past. These provisions have not been applied to this application because there is no drive-through feature associated with this development proposal.

Section 14-474 – Conditional Uses. Part (2) (a-c) states that the Board shall not approve a conditional use if there are unique or distinctive characteristics or effects associated with the proposed additional use, if there will be an adverse impact upon the health, safety or welfare of the public or the surrounding area, or if the impact of the use differs substantially from the impact which would normally occur from such a use in that zone. The use will remain an automobile dealership, as it was previously prior to the demolition of the previous building in 2006. The abutting sites are limited to railroad property and another automobile dealership. It does not appear that there will be any adverse impacts resulting from the proposed project.

b. Right, Title and Interest:

The applicant submitted a Release Deed between Portland Terminal Company as grantor and Stephen Mardigan as grantee for the property as evidence of right, title or interest (see Attachment 1-f).

c. Neighborhood Meeting:

According to the standards of Section 14-32 (c), the applicant is required to host a neighborhood meeting for this proposal. The applicant held a neighborhood meeting on June 27, 2008. A neighborhood meeting certification, copy of the invitation, sign-in sheet and meeting minutes were submitted to the Planning Authority (see Attachment 1-h).

d. Site Plan Review:

The proposed development has been reviewed by Planning staff for conformance with the relevant review standards of Section 14-526- Site Plan. Staff comments are highlighted in this report.

1. Traffic and Pedestrian Circulation

The proposal has been reviewed by the Department of Public Services concerning applicable provisions for vehicle loading and unloading, parking, and vehicle and pedestrian circulation. The site is currently accessed by three full movement driveways. According to the plans these driveways are (north to south) approximately 15 ft, 20 ft and 25 ft wide, respectively. The applicant proposes to close the existing 15 ft wide driveway at the northerly end of the site. The City Transportation Engineer has requested a \$1,000 contribution toward the future study and implementation of transportation improvements at the Woodfords Corner intersection. The submitted plans show the middle driveway as 36.3' wide. After visiting the site, it is clear that that the driveway is closer to 20 ft in width. After communicating with the applicant, the listed dimension appears to be an error. The applicant proposes to maintain the existing width of both curb cuts. Tom Errico, Consulting Transportation Engineer to the Department of Public Services has reviewed the proposal and approves of maintaining the existing width of the curb cut. Staff recommends the following conditions of approval:

The applicant shall submit final plans with accurate dimensions for all proposed curb cuts and with curbing extending to the edge of all proposed driveways for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.

The applicant shall contribute \$1,000.00 towards the study and implementation of future transportation improvements at the nearby Woodfords Corner intersection.

Waiver request:

The applicant has submitted a request for a waiver from the requirements of Section III of the Technical and Design Standards and Guidelines to maintain two driveway openings at the site. Their May 13th letter provides justification for their request. Specifically, they note that many properties along Forest Avenue currently have multiple driveways as a feature, including several newer projects and numerous vehicle dealerships. According to their letter (Attachment 3-b), preserving the two openings would allow the applicant to avoid additional street and sidewalk modifications.

The applicant met with Tom Errico, Consulting Transportation Engineer and Planning staff to discuss proposed access and circulation for the site. Tom has submitted final review comments (Attachment 7-b) on behalf of the Department of Public Services. He finds the access/egress plan to be acceptable and determined that restricting access at the southerly driveway, as proposed, should adequately curtail use by customers seeking the main sales building area.

Internal Circulation:

The applicant submitted revised plans showing the proposed parking lot layout, curb placement, and a vehicle turning template. Vehicles entering and exiting the building would use a side entry door on the south side of the building. Tom Errico has reviewed the proposed parking area and submitted review comments (Attachment 7). The site is to be serviced by a private waste management service and will produce typical office waste only. Though, according to State law, the site must be fitted to perform basic auto repairs, the applicant does not intend to service vehicles on the property. Trash removal trucks would stop along Forest Avenue and roll the proposed residential-scale trash receptacles to the street for removal, rather than accessing and maneuvering on the site.

As requested by the Planning Board, the applicant has provided photographs of the proposed cast in place curbing installed at other locations in the region (see Attachment 4-b). Though Public Services does not oppose the use of cast-in place concrete curbing, the curb detail provided on the site plan is not acceptable. The applicant shall provide 12 inch cast in place "vertical" curbing rather than the sloped curbing shown on the plans. Additionally, the curbing shall be embedded in the pavement. Planning staff recommends the following condition of approval:

The applicant to provide a detail of the required curbing for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.

As discussed at the workshop, the applicant proposes a functional display door along the Forest Avenue façade that can be opened to display vehicles inside the building. Because a curb cut is being closed in that location, no doorway along the front façade should be used for vehicle entry or exit. In order to prevent vehicles from moving in and out of the building onto Forest Avenue at this location, the applicant has extended curbing the length of the property and to include two free-standing planters at this location. As discussed, this and all proposed curbing at the site should be 12" vertical curbing rather than sloped.

Bicycle Parking:

According to Division 20 of the City Code- Off-Street Parking, the applicant is required to include 2 bicycle parking spaces in their proposal. The applicant proposes to install a DERO bike hitch, or equivalent at the southwest corner of the building. One bike hitch, as proposed, accommodates two bicycle parking spaces. The hitch shown on the plan is two feet from the building wall. This is the minimum distance recommended in the Bicycle Rack Placement Guidelines of the Technical and Design Standards and Guidelines, though three feet is preferable. According to the site plan, there appears to be adequate space available to install the rack three feet from the building wall. The plans do not include a detail drawing of the proposed bicycle rack. Staff recommends the following condition of approval:

The applicant shall submit final site plans to show a DERO Bike Hitch or equivalent installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit.

2. Bulk, Location and Height

The proposed bulk, location and height of the proposed building would not appear to health or safety problems relating to loss of light or air, significant wind impact or significant snow loading on neighboring structures. It would also not appear to cause diminution in the value or utility to neighboring structures. The proposed design has numerous design linkages to the neighboring structure, which is under the same ownership and has the same use. See subsection 6- Urban Design for additional discussion.

3. Utilities and Solid Waste

The applicant has submitted a letter from Portland Water District (PWD) dated May 12, 2008 stating that they have adequate capacity to serve the development (see [Attachment 2-a](#)). A letter of sewer capacity from Portland Public Works is pending ([Attachment 2-b](#)). Planning staff recommends a condition of approval stating:

The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.

The proposal includes a 5 x 8 ft opaque cedar trash enclosure. The applicant proposes to use a private waste management service for trash removal. The containers will be residential scale so they can be rolled to the street by the contracted waste management service.

4. Exterior Lighting

The applicant submitted a photometric plan on July 2nd, however, this has not yet been reviewed and approved by the Planning Authority. The plan shows eight (8) 15 ft tall pole lights to illuminate the outside parking and display vehicle area and five (5) wall-mounted lights (see [Attachment 5](#)- catalogue cuts). The applicant provided photos of similar lights that were used at another of his projects, the Starbucks Coffee House on Forest Avenue. The proposed fixtures would not exceed 200 watts and, if installed in the same manner (casting straight down) as those in the provided photos ([Attachment 4-a](#)), would meet City standards for full cutoff. Staff recommends the following condition of approval:

The submitted lighting details and photometric plan shall be reviewed and approved by the Planning Authority prior to the issuance of a building permit.

5. Fire Safety

Captain Greg Cass of the Portland Fire Department approved the application on April 22, 2008 (see [Attachment 9](#)).

6. Urban Design

Section 14-526 of the Site Plan Standards contains design standards for development in the B-2 zone. These standards pertain to building design and orientation, building scale, façade character, window placement, building materials, and landscaping. Planning staff is generally supportive of the overall form, orientation and architectural treatment being proposed. The building, as proposed, clearly represents a significant improvement to the site and has significant design linkages to the neighboring building to the north in terms of shared characteristics and materials.

The B2 Design Guidelines state that "*windows be located in all building facades visible from the public way, especially on building facades along the major public street*". Transparent windows are

provided along the Forest Avenue (western) facade. However, there is a minimal provision of transparent windows visible along the northern side elevation due to security and programmatic purposes. Since the workshop, the applicant has added second story windows along the northern facade and has added additional landscaping. Another element of the B-2 Guidelines is that crosswalks should be provided across entrance driveways. Though the applicant provided these, as requested by Planning staff, upon further review by the City Transportation Engineer, Public Services would prefer not to have crosswalks at these locations. The City crosswalk policy outlines what is specified for crosswalks at signalized versus unsignalized intersections. The City Transportation Engineer has determined that the volume of traffic being generated from this development would not necessitate a crosswalk. City crosswalk policies for low-volume driveways such as these are not to mark crosswalks. Planning staff recommends a condition of approval that the pedestrian crosswalks be removed from the final plans.

7. Stormwater Management and Erosion Control

As proposed, stormwater runoff from the site would either sheet off the site into the Forest Avenue closed drainage system or will flow to the existing railroad property to the east. The proposal will result in an overall decrease in impervious surface, resulting in a corresponding decrease in stormwater runoff. The proposal includes minor excavation and the construction of a new building foundation. Erosion control measures consist of silt fencing and a temporary stabilized construction entrance. The applicant has been asked to provide details of proposed erosion control measures in the plans along with descriptions of how these details will be implemented. Dan Goyette, Consulting Engineer to the Department of Public Services has submitted final review comments (Attachment 8-b). Dan has requested revisions to the sewer and storm drain detail and for the applicant to provide erosion control sidewalk and paving details. Planning staff recommends the following condition of approval:

The applicant shall submit final plans addressing review comments submitted by Dan Goyette, Consulting Engineer to the Department of Public Services for review and approval by the Department of Public Services prior to the issuance of a building permit.

8. Landscaping

The applicant proposes to increase the landscaped area of the site from 146 s.f. (1.44%) to 2,027 s.f. (~20%). The site is already developed and has no significant existing vegetation with the exception of a small planter at the southerly end of the site. This planter will be expanded as part of the proposal as a raised block wall planter. The planter consists of 5 trees (paper birch) and mixed understory shrubs, flowers and ornamental grasses. The applicant also proposes to plant daylilies and an arborvitae along the northern wall of the building and to add an Austrian pine next to the dumpster enclosure near the side door. These updates address comments submitted by Jeff Tarling prior to the workshop. Jeff has not had the opportunity to sign off on the final site plan. Planning staff raised the question concerning whether street trees would be required along the Forest Avenue frontage of the development. Jeff Tarling has not yet had the opportunity to comment on this aspect of the proposal. According to the City Technical and Design Standards, street trees are encouraged at a spacing of approximately 25 to 35 feet on center within the public right of way. It is uncertain, however, whether the existing sidewalk width would be adequate to support street trees. This would require a determination from Jeff Tarling. Planning staff recommends the following condition of approval:

The final landscaping plan shall be reviewed and approved by the City Arborist prior to the issuance of a building permit. This review shall include a determination as to whether street trees can be incorporated into the proposal and, if they are to be incorporated, the quantity and species.

VI. STAFF RECCOMENDATION:

Staff recommends that the Planning Board approve the Avenue Auto conditional use and site plan with the proposed waivers and conditions of approval.

VII. MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION:

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 36-08, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for an auto dealership in the B-2 zone **does / does not** meet the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:

- 1. The applicant shall submit final plans with accurate dimensions for all proposed curb cuts and with curbing extending to the edge of all proposed driveways for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*
- 2. The applicant shall contribute \$1,000.00 towards the study and implementation of future transportation improvements at the nearby Woodfords Corner intersection.*
- 3. The applicant to provide a detail of the required curbing for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*
- 4. The final landscaping plan shall be reviewed and approved by the City Arborist prior to the issuance of a building permit. This review shall include a determination as to whether street trees can be incorporated into the proposal and, if they are to be incorporated, the quantity and species.*

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 38-08 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives / does not waive** the requirements of Section III of the Technical and Design Standards and Guidelines to maintain two driveway openings at the site.

SITE PLAN

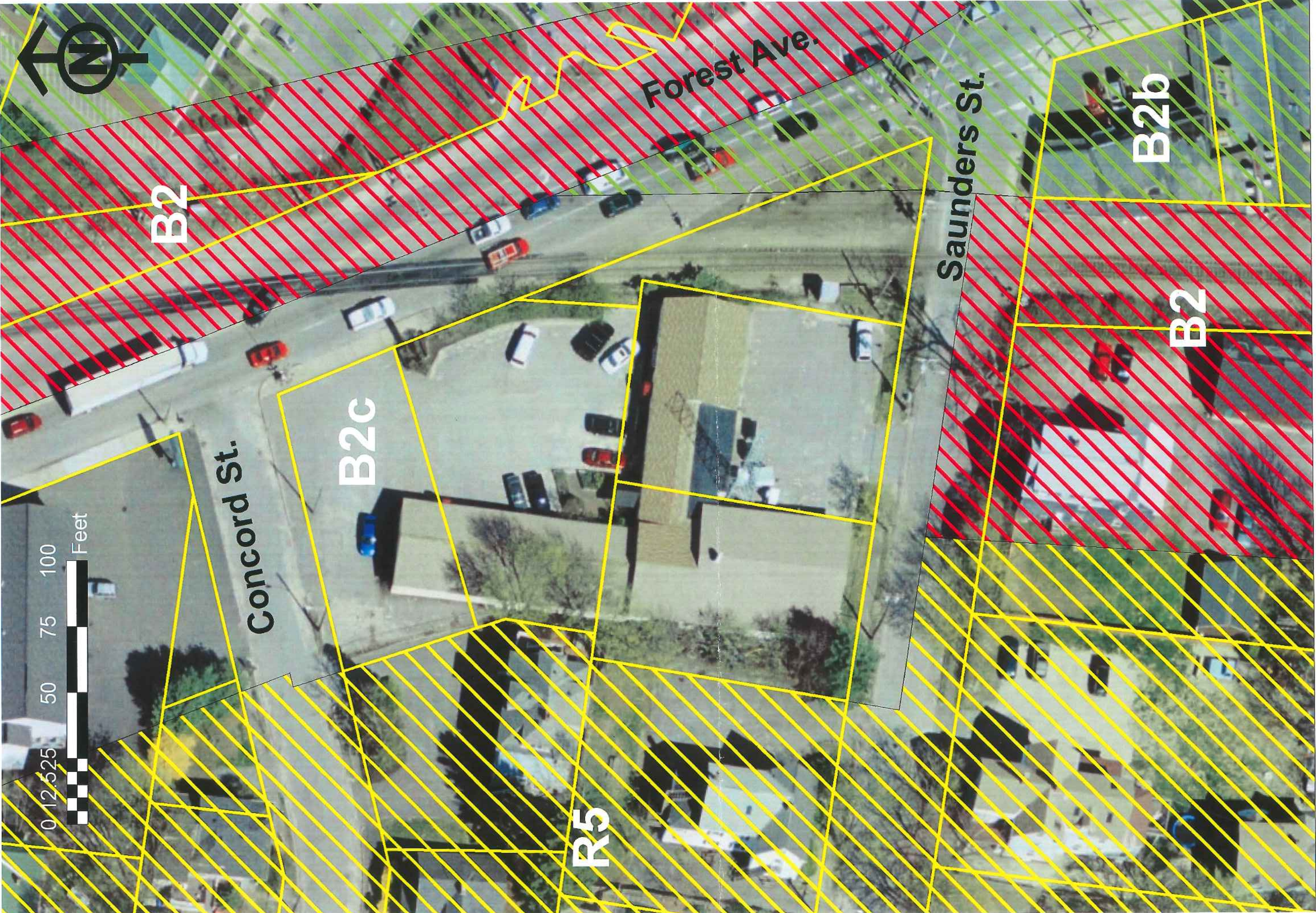
On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 36-08, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

- 1. The applicant shall submit final plans with accurate dimensions for all proposed curb cuts and with curbing extending to the edge of all proposed driveways for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*
- 2. The applicant shall contribute \$1,000.00 towards the study and implementation of future transportation improvements at the nearby Woodfords Corner intersection.*
- 3. The applicant to provide a detail of the required curbing for review and approval by the Planning Authority and the City Transportation Engineer prior to the release of a building permit.*

4. *The applicant shall submit final site plans to show a DERO Bike Hitch or equivalent installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit.*
5. *The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.*
6. *The applicant shall submit final plans addressing review comments submitted by Dan Goyette, Consulting Engineer to the Department of Public Services for review and approval by the Department of Public Services prior to the issuance of a building permit.*
7. *The final landscaping plan shall be reviewed and approved by the City Arborist prior to the issuance of a building permit. This review shall include a determination as to whether street trees can be incorporated into the proposal and, if they are to be incorporated, the quantity and species.*

ATTACHMENTS

1. Application Materials
 - a. Application
 - b. Narrative
 - c. Site Location Map
 - d. USGS Soils Map
 - e. Tax Map 130
 - f. Evidence of Title
 - g. Financial Capacity
 - h. Neighborhood Meeting Documentation
2. Evidence of Capacity
 - a. Letter from Portland Water District – May 12, 2008
 - b. Request for sewer capacity letter- April 30, 2008
3. Correspondence
 - a. Letter from Stephen Bushey, Deluca Hoffman Assoc.- April 30, 2008
 - b. Letter from Stephen Bushey, Deluca Hoffman Assoc.- May 13, 2008
 - c. Letter from Stephen Bushey, Deluca Hoffman Assoc.- June 25, 2008
 - d. Letter from Stephen Bushey, Deluca Hoffman Assoc.- June 26, 2008
4. Images submitted by applicant:
 - a. Existing conditions, abutting property (automobile sales) and of Starbucks Coffee (1080 Forest Ave).
 - b. Examples of cast in place concrete curb installations at Higgins Beach neighborhood and at Dunston Corners development, both in Scarborough.
5. Catalogue cuts- proposed wall-mounted fixtures
6. Memorandum from Marge Schmuckal, Zoning Administrator
7. Memorandum from Tom Errico, Consulting Traffic Engineer
 - a. Preliminary comments dated May 23, 2008
 - b. Final comments dated July 2, 2008
8. Memorandum from Dan Goyette, Consulting Engineer to the Dept. of Public Services
 - a. Preliminary comments dated May 23, 2008
 - b. Final comments dated June 30, 2008
9. Memorandum of approval from Captain Greg Cass, Portland Fire Department
10. Elevation drawings and floor plans
11. Boundary survey and site plans



Vicinity 710 Forest Avenue



SLOW

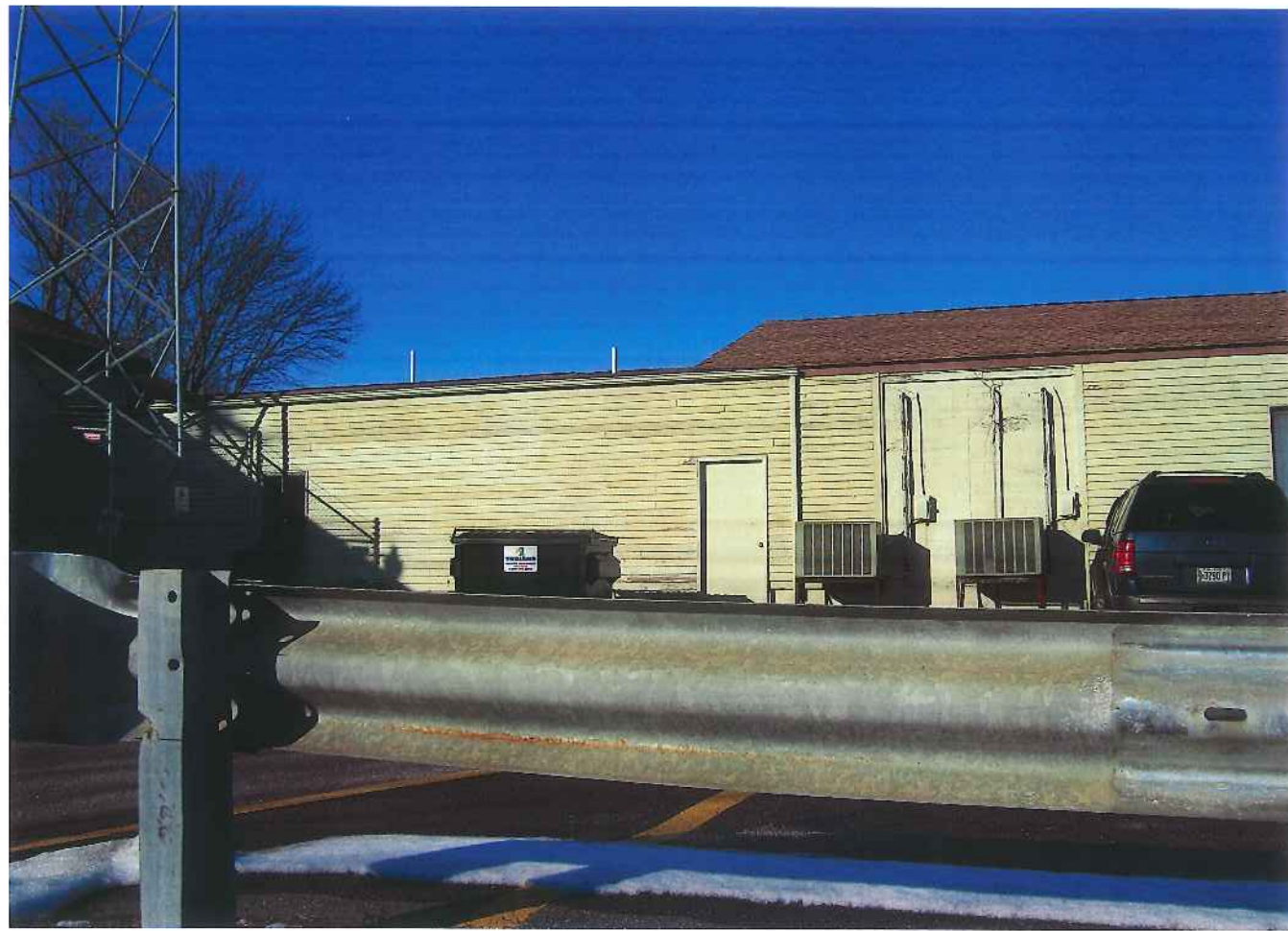
NO PARKING
THIS SIDE
OF STREET

BEHAR









PBM1

710 Forest Ave
Hearing 2.28.2012

① Dean's presentation.

② Bill Walsh

- Referred to survey
- Described proposals in detail incl. planmgs
- Ref this area having existing car sales.
- Ref buffering of ex. residences
- Impacts minor 8-5 M-Sat opening + less than permitted uses
- Traffic Study - 4 ph hr. AM / 6 ph pm.
- Stormwater - no changes goes to ex. catchbasin
- Signage.
- Snow storage - plants can tolerate
 - ack w light + removal may be needed.
- waiver

? from Tim Dean

bay - used for storage ans. yes; req'd by State as part of State license.

③ Public Comments

Don Bolland
40 Saunders

Questions: ✓ lights off at night
✓ Storage outside or inside
✓ service for cars selling or to public for any car

BW confirmed on timer

BW-snow

BW-Per vch's coming in for sale

R. Haines - not here but left note
Site distances snow garage bays? used to store appl. cart
BW ack thup.
BW-no.

Comment: not a Forest Ave address.
concerned will be more commercial
prev. Summit Communication

HEARING 2.28.2012
Jabbar's Automobile Dealership
710 Forest Avenue

Staff presentation

2/28/12

1. The proposal is for a reconfiguration of an existing parking lot and change of use from office/storage to an automobile dealership selling pre-owned cars. It is subject to Planning Board review as an automobile dealership is a conditional use in the B2c zone. The Site Plan element is minor and falls under a Site 1 Site Alteration review.
2. Staff are bringing this direct to a Planning Board hearing in view of the small scale of the project and the comprehensive quality of the application and associated supporting information and plans. Before you is Report #7-12 and one Addendum concerning one of the conditions suggested in the report.
3. ^{we have received} There have been no public comments.
4. The report clarifies that the applicant is proposing to lease and occupy about 7000 sq ft of a larger overall parcel of about 27,200 sq ft that is owned by another party. Of this, 2000 sq ft is within the arm of the existing building that fronts onto Saunders Street and the rest comprises the adjacent existing parking lot and buffer area of about 5000 sq ft, accessible only from Saunders Street via an existing curb cut.
5. The applicant proposes to reconfigure the parking lot to create a 7-car sales display area along the eastern edge fronting the railway and visible from Forest Avenue. The remainder of the parking lot is proposed to be striped for 5 parking spaces and 2 bicycle parking spaces accessible from the drive access. The parking lot would be upgraded to include wheelstops, lighting and a 6 foot wide landscaped buffer along Saunders Street.
6. The conditional use review on page 3 of the report includes a staff assessment of how the proposal addresses the conditional use requirements that refer to signage, circulation and landscaping in addition to the three standard 14-474 standards. One suggested condition is recommended to ensure that the existing second curb cut located further to the west on Saunders Street be limited to service and maintenance purposes and not be used for the automobile dealership.
7. The site plan review starts on page 4 of the report and includes staff confirmation that they consider the proposal complies with the standards. There is one suggested condition to ensure that the snow stored in the snow storage areas nearest to the access drive do not impede sight lines. It should be noted for the record that the applicant has submitted a revised survey that has been reviewed and deemed "excellent" by DPS (copy available) ^{and the condition has been met.}
8. Staff have recommended a waiver of the Technical Standard that limits the total number of driveways for the parcel to two because the applicant is leasing an area that is only accessible by two driveways. The overall parcel has another two driveways from the north that serve the other part of the building, but there is no internal vehicle access between the two parts of the site.
9. The Addendum (pink paper) explains the staff recommendation to strike potential condition number one under Site Plan that required a contribution of \$1000 to the transportation improvements planned for Forest Avenue near this property. This infrastructure contribution was not requested because of any safety or traffic impact of the proposal - but to meet the site plan ordinance requirement for the project to be consistent with City Council approved plans and projects. In this case the project in question has not yet been approved by the Council and will be considered by the Board at a hearing in March. On the second page of the Addendum is a revised motion for the Board to consider that strikes out the requirement for a \$1000 contribution.

Bull Walsh

Important to
Keep annotated at PB
Hearing 2-28-2012



Memorandum
Department of Planning and Urban Development
Planning Division

To: Chair Morrissette and Members of the Portland Planning Board
From: Jean Fraser, Planner
Date: February 28, 2012
Re: **Jabbar's Auto Dealership- Pre-owned automobile dealership**
710 Forest Avenue
ADDENDUM #1 to Planning Board Report #7-12

1. Staff recommends the omission of the first potential conditions listed under SITE PLAN included in the proposed motions in the Hearing Report #7-12. This condition stated:
 - i. *That the applicant shall contribute \$1000.00 to the funds for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study; and*
2. The potential condition was recommended by Tom Errico, Traffic Engineering Reviewer and comprises an infrastructure contribution to an adjacent transportation project, similar to those required on many projects in the past. It was not requested to address a safety or traffic impact associated with the proposed auto dealership.
3. The Site Plan ordinance as adopted in 2010 specifies that projects be consistent with Council approved plans or projects. The current ordinance (14-526) specifies:
 - (c) **Public Infrastructure and Community Safety Standards.**
 1. **Consistency with City Master Plans:**
 - a. All developments shall be designed so as to be consistent with City Council approved master plans and facilities plans and with off-premises infrastructure, including but not limited to sewer and stormwater, streets, trails, pedestrian and bicycle network, environmental management or other public facilities (see Section 15 of the Technical Manual).
4. The Forest Avenue Corridor Study as referenced in Mr Errico's recommendation (and in the potential condition) is not yet approved by the City Council and staff consider that contributions to this project may not be requested at this time. The Forest Avenue plan *Transforming Forest Avenue*, is scheduled for a public hearing with the Planning Board on March 27, 2012.
5. The revised motions for the Planning Board's consideration are listed in full on the next page, with this potential condition struck out.

Annotated at
PB Hearing 2-28-12

2.

PROPOSED motions for the Planning Board's consideration, as revised 2.28.2012

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 7-12, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for Jabbar's Auto Dealership at 710 Forest Avenue (south part) in the B-2c zone **does not** meet the standards of Section 14-474 and the standards of Section 14-183 for the B2c zone, subject to the following conditions:

- i. The rear (westernmost) existing curb cut on Saunders Street shall be used for service/maintenance purposes only and shall not be used for the automobile dealership.

4-0
Monsieur
O'Brien
Hail Dean

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 7-12 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives** ~~does not waive~~ the requirements of Section 1.7.1.8 of the Technical and Design Standards and Guidelines (which allows no more than 2 driveways for ingress and egress purposes to any site) to allow the 4 existing curb cuts for the overall parcel to remain as existing, as only one (1) of these curb cuts (easternmost on Saunders Street) provides ingress and egress to the proposed automobile dealership. The western-most curb cut on Saunders Street shall only be used for service/maintenance access to the rear of the building and shall not be used for the automobile dealership.

4-0 passed.

SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 7-12, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. ~~That the applicant shall contribute \$1000.00 to the funds for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study; and~~
- ii. (new i) That the storage of snow shall not impede sight distance for vehicles exiting the site; and
- iii. (new ii) That the proposed wall mounted sign is not part of the site plan review and requires a separate sign permit under Division 22 of the City's Ordinance.

4-0 passed.

BH- thorough application - seems on mass w/ concern - Town of an CM concern re snow st. Need about shop - buffer crating, etc. think could go further. SW could improve CM would like enhanced.

February 9, 2012
February 22, 2012
February 28, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Final Review Comments: 710 Forest Ave
Jabbar's Auto Sales

This Department has the following final comments.

This Department has no further comments at this time.

1. A stamped survey plan is required. Property corners will need to be set upon approval and before commencing work. Please note that "approximate boundary lines" do not meet City standards
A stamped survey plan has been received. However please label the State Plane Coordinates for the two corners along Saunders Street. A re-submittal by email attachment will suffice.
This condition has now been met.
2. It appears that the site drainage will not be altered. A statement should be added to indicate that.
A statement has not been added and is probably not necessary. The applicant shows no attempt to alter existing grading on the submitted plans. Please disregard this comment.
3. There are also four curb cuts shown for this lot. Today's standards only allow for two.
There are two curb cuts on Saunders Street. The westerly cut does not meet current driveway separation standards. It is obvious that this cut is currently only used to service four HVAC units in the rear of the building. This Department is willing to waive this separation standard on Saunders Street with the understanding that this drive will only be used for HVAC servicing and not for parking cars.
The applicant is requesting a waiver of the number of drive cuts. This department is supportive of a waiver. However no reference has been made that the rear curb cut on Saunders St will not be used for parking vehicles.
4. The sidewalk material policy for this area is concrete. The sidewalk is currently asphalt and in good condition. The granite curb is also in good repair. This department is agreeable to leaving the sidewalk as asphalt.
No comment necessary.

This Department has no further comments at this time.



PLANNING BOARD REPORT PORTLAND, MAINE

Jabbar's Auto Dealership- Pre-owned automobile dealership

Site Plan and Conditional Use Review

Jabbar Essa, Applicant

Project No: 2012-421

CBL: 130-G-7, 8, 12 & 13

Submitted to: Portland Planning Board
Public Hearing Date: February 28, 2012

Prepared by: Jean Fraser, Planner
Date: February 24, 2012
Planning Board Report #7-12

I. INTRODUCTION

Walsh Engineering Associates, Inc, on behalf of Jabbar Essa, has requested Planning Board review of a Conditional Use for an automobile dealership in the B-2c zone and a Level I: Site Alteration site plan for the proposed pre-owned car dealership on a leased site at 710 Forest Avenue. The application relates to the southern part of the parcel, impacting about 7000 sq ft of the overall 27,235 sq ft parcel.

The site is located between Concord Street and Saunders Street on the west side of Forest Avenue, just north of Woodford's Corner. The applicant intends to lease the south part of the site which is located behind the railway tracks with access via Saunders Street (enlarged aerial in [Attachment 5](#)).

The site is located in a B-2c Community Business Zone. Automobile dealerships are listed as a conditional use in the B-2c zone. The proposed development is subject to review under the applicable standards for a Conditional Use in the B2c zone and the City's Site Plan Ordinance.

Staff have recommended this be brought directly to a Planning Board hearing in view of the small scale of the proposed use and exterior improvements and the comprehensive quality of the applications and submissions.

II. PROJECT DATA:

Zone:	B-2c Business
Proposed Use:	Automobile Sales
Previous Use:	Office and Storage
Required Minimum Lot Area:	10,000 sq.ft.
Proposed Lot Area:	27,235 sq.ft.
Total floorspace of existing bldg:	8,438 sq.ft.
Existing Lot Coverage total bldg:	31%
Maximum Allowable Lot Coverage:	80%
Proposed Square Footage of Existing bldg to be leased:	2000 sq.ft. +/-
Proposed square footage of parking area to be leased:	5000 sq.ft. +/-



Site at 710 Forest Ave.
Overall Parcel at 710 Forest Ave. 0 12.5 25 50 Feet
Prepared by Planning Office for City 201209 aerials

Required parking:	not specified in ordinance
Proposed parking:	5 spaces for employees and customers, 7 vehicle display spaces
Required Bicycle Parking:	2 spaces
Proposed bicycle parking:	2 spaces
Existing Driveways:	4 for overall lot; 2 for applicants leased area
Proposed Driveways:	retain as existing (only 2 serve the proposed use)

III. EXISTING CONDITIONS

The overall parcel of 27,235 sq ft is bisected by the existing "T"- shaped multi-use building which has a central "arm" towards Forest Avenue. The existing building configuration prevents internal vehicle access between both sides of the property. The parcel is not owned by the applicant; the applicant proposes to lease the southern quarter of the site (approximately 7000 sq ft) comprising approximately 2000 sq ft of the building nearest to Saunders Street (with garage doors) and the adjacent paved area of approximately 5000 sq ft. (Attachments D and G).



Area of proposal as viewed from Saunders Street – staff photos

This part of the site is accessed via an existing curb cut in Saunders Street, accessible via a signaled intersection with Forest Avenue on the other side of the railway tracks. The rear part of the building (west) and an associated service area abuts the driveway of a residential building in the R-5 zone; the service area (maintenance) has a secondary curb cut access on Saunders Street. The south part of the site faces a residential building within the B-2 zone. To the east are the railway tracks and then Forest Avenue and to the north is the remainder of this parcel.

There are several large trees on the site at the rear of the building on the property line and a mature street tree near the main drive entrance.

IV. PROPOSED DEVELOPMENT

The proposed development is outlined in the applicants cover letters (Attachments A, F and G) and shown in the Plans in Attachment H. The part of the building with the garage doors will be leased for the dealership and the adjacent parking area reconfigured to provide 5 parking spaces for customers and employees, plus 7 spaces for parked cars for sale. The use itself will involve 2 employees and operate from 8am to 5pm Monday through Saturday. Access to the site is via an existing curb cut from Saunders Street, some 125 feet from Forest Avenue.

Physical alterations to the site include restriping for the parking spaces, one wall mounted sign, four new lights and landscaping along the 6 foot wide buffer between the parking area and Saunders Street (see Site Plan in Attachment Hiii).

V. PUBLIC COMMENT

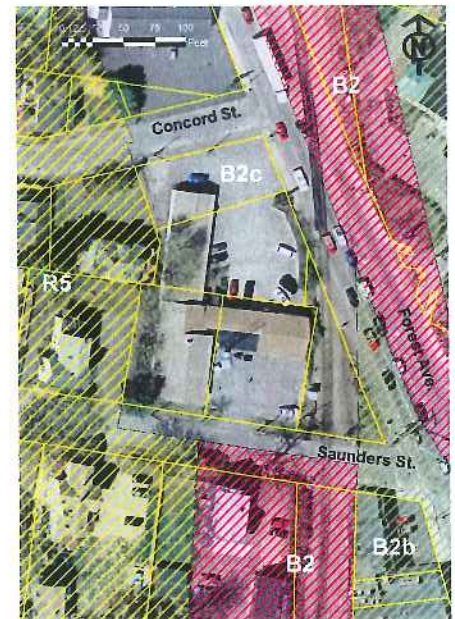
Notice of the application and workshop was sent to 152 area property owners and interested parties; it was also on the City website and advertised in the *Portland Press Herald* on February 20, 2012 and February 21, 2012. To date the Planning Division has not received any public comment. The applicant is not required to hold a neighborhood meeting for this proposal.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The applicant submitted a Letter of Intent confirming he has an option to rent the subject property (Attachment D).

VII. ZONING ASSESSMENT

The site is located in the B-2c Business zone where automobile dealerships are permitted as a Conditional Use. Marge Schmuckal has submitted comments confirming that the proposal meets the requirements of the B-2c zone (see Attachment 3). The comments included a request for the curb guard detail for an existing guardrail along the site fronting Saunders Street, as this is a requirement under the zoning ordinance 14-339. The applicant has provided this detail (Attachment Hiv) and Ms Schmuckal has confirmed it meets the ordinance requirement (Attachment 3).



Vicinity 710 Forest Avenue

Approved by Planning Board on 02/28/2012

VIII. CONDITONAL USE REVIEW (Section 14-183):

Sec. 14-183. Conditional uses identifies auto dealership in the B-2c zone 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 proposal abuts the R5 zone on the west side and the applicant has submitted an application (Attachment C) and an analysis of how the proposal complies with the conditional use standards in Attachment A and F.

Section 14-183 specifies (in relation to automobile dealerships):

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

The requirements taken from the Ordinance 14-183 are in italics below, together with a staff comment in respect 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.*

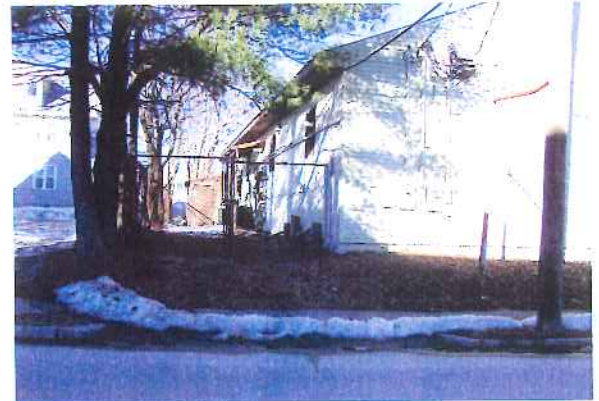
Staff comment: The applicant is proposing a long and narrow building mounted sign which would require a sign permit under the sign ordinance. A potential condition requiring the separate sign review and approval is included in the proposed motion for the Board to consider. The proposed building sign will not 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.*

Staff comment: The applicant proposes to use an existing curb cut that is 125 feet from the nearest intersection (with Forest Avenue) and has acceptable sight lines and visibility. The submitted Traffic Assessment (Attachment E) also confirms that trip rates would be low, at about 10 per day. The entrance is not in proximity to any of the uses listed in the standard and does not pose a threat or potential danger to the safety of the public.

This part of the site has a second curb cut (gated) further to the west which serves the rear of the building but is located immediately adjacent to the residential neighbor's driveway (see photo).

The Traffic Engineering Reviewer, Tom Errico, considers that the curb cuts are acceptable subject to restrictions being placed on the westerly curb cut (in photo) "...so usage is for maintenance purposes only" (Attachment 2). A potential condition of approval is included in the motion for the Board to consider.



Westernmost curb cut from Saunders St.

g.i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual.

Staff comment: The proposals include a 6 foot wide landscaped buffer between the customer parking area and the sidewalk, incorporating 2 trees and many shrubs, including native species. The City Arborist has confirmed the proposed buffer planting is acceptable (Attachment 4).

The following standards apply to 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.*

Staff comment: 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*

Staff comment: The location of the car dealership provides some natural buffering because the cars parked for sale abut the railway property (facing Forest Avenue) and are not near any residential uses (see Site Plan in Attachment Hiii). The Traffic Assessment (Attachment E) and review have indicated that there are no traffic safety issues. Landscaping has been introduced along the Saunders Street frontage that will help screen the customer parking area from the residential use across the street.

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

Staff comment: The impacts of this use are likely to be less than normally occur because of the layout of the site. The hours of operation are stated to be from 8am to 5pm 6 days a week.

IX. DEVELOPMENT REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of Section 14-526- Site Plan. As this is a Level I: Site Alteration Site Plan, not all of the standards are applicable and there are fewer submittal requirements. Staff comments are highlighted in this report.

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The proposal is subject to a level 1: Site Alteration Site Plan and the submission requirements are listed in 14-527 (b). The Site Plan application (Attachment B), narratives and plans have addressed these ordinance requirements and the information is comprehensive. The Department of Public Services recently requested labeling the State Plane Coordinates for two corners on Saunders Street (Attachment 1) and the applicant has submitted a revised survey to staff.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards (1,2 and 4)

Traffic:

The proposal has been reviewed in terms of its impact on the surrounding street systems, access and circulation, loading and servicing, sidewalk and parking.

The overall parcel has 4 curb cuts: two on Concord Street and two on Saunders Street. One curb cut on Saunders Street will serve the area leased and proposed for the automobile dealership and the other curb cut on Saunders provides access to the mechanicals behind the building. The other two curb cuts serve the other part of the building and are blocked from the subject site by the "arm" of the existing building. The applicant has requested a waiver (Attachment F.2) from the Technical Standard limiting the number of driveways since the applicant has no control over the other part of the parcel and the proposed use is not served by the other two curb cuts. The Department of Public Services supports this waiver (Attachment 1).

The proposals identify a new bike hitch and three snow storage areas (See Site Plan and Details in Attachments Hiii and Hiv).

Tom Errico, Traffic Engineering Reviewer, has submitted the following review comments (Attachment 2):

Jean – I have reviewed the revised site plan dated February 17, 2012 and the traffic analysis conducted by Bill Bray, PE and find the project to be acceptable with the following comments.

- I have reviewed the traffic study and the estimated traffic generation expected from the site. I concur with the estimate and the conclusion that the project will not have a significant impact to the transportation system.*
- I find the driveway curb cuts, parking layout, and on-site traffic circulation to be acceptable. I concur that restrictions be placed on the secondary curb cut, so usage is for maintenance purposes only.*
- The City has been collecting monetary contributions for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study. Based upon other previously approved project contribution levels, the applicant shall contribute \$1,000.00.*
- The applicant has identified areas for on-site snow storage. I would note that the storage of snow shall not impede sight distance for vehicles exiting the site.*

Three of the potential conditions of approval address the last three bullet points of these review comments.

Sidewalks:

The Department of Public Services has confirmed (Attachment 1) that the existing sidewalk is currently asphalt and in good condition and does not need to be altered.

Parking:

The ordinance does not specify minimum parking provision for this use. Staff have confirmed that the proposed parking layout and associated railings and curb stops are acceptable (Attachments 2,3 and 4).

Bicycle Parking:

Division 20 of the City Code- Off-Street Parking requires 2 bicycle parking spaces for this proposal, which have been included and meet the City's technical Standards (Attachments Hiii and Hiv).

2. Environmental Quality Standards (1 and 3)

Preservation of Significant Natural Features:

There are no significant natural features on this site, which is largely paved or built. There are several large trees along the rear boundary line that are not impacted by the proposal. The applicant has confirmed that the existing street tree near the parking lot entrance will be preserved during the site alterations (Attachment A.3).

Water quality; Stormwater Management; Erosion control:

The proposals involve minor site alterations that do not change the existing pavement area or drainage. The

3. Public Infrastructure and Community Safety Standards (1)

Consistency with Master Plans:

The DPS have confirmed the proposals are consistent with the sidewalk facilities plans (see above).

4. Site Design Standards (5,6,8,9)

Historic Resources:

The proposed site alterations do not affect any historic resource.

Exterior Lighting:

The proposals include 2 new wall mounted lights and two new pole-mounted site lights around the parking /circulation area, as shown on the Site Plan in Attachment Hiii. The applicant has submitted lighting specifications and photometric information (Attachment Hiv) that demonstrates that the proposed lighting meets the City's Technical Standards. The pole mounted lights will be mounted at 10 feet height as confirmed in Attachment A.4.

Signage and Wayfinding:

The proposals include a new sign on the building which is subject to a separate sign review. A potential condition of approval is included to clarify this requirement.

Zoning Related Design Standards:

There are no design standards that apply to this B2c zone.

X. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the Jabbar's Auto Dealership conditional use and site plan with the proposed waiver and conditions of approval.

XI. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 7-12, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for Jabbar's Auto Dealership at 710 Forest Avenue (south part) in the B-2c zone **does / does not** meet the standards of Section 14-474 and the standards of Section 14-183 for the B2c zone, subject to the following conditions:

- i. The rear (westernmost) existing curb cut on Saunders Street shall be used for service/maintenance purposes only and shall not be used for the automobile dealership.

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 7-12 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives / does not waive** the requirements of Section 1.7.1.8 of the Technical and Design Standards and Guidelines (which allows no more than 2 driveways for ingress and egress purposes to any site) to allow the 4 existing curb cuts for the overall parcel to remain as existing, as only one (1) of these curb cuts (easternmost on Saunders Street) provides ingress and egress to the proposed automobile dealership. The western-most curb cut on Saunders Street shall only be used for service/maintenance access to the rear of the building and shall not be used for the automobile dealership.

SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 7-12, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is / is not in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That the applicant shall contribute \$1000.00 to the funds for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study; and
- ii. That the storage of snow shall not impede sight distance for vehicles exiting the site; and
- iii. That the proposed wall mounted sign is not part of the site plan review and requires a separate sign permit under Division 22 of the City's Ordinance.

ATTACHMENTS

Report attachments

1. Department of Public Services 2.9.2012 and 2.22.2012
2. Tom Errico, Traffic engineering Reviewer, 2.20.2012
3. Zoning Administrator, 2.21.2012
4. City Arborist, 2.23.2012
5. Aerial showing site and parcel

Applicants submittal

- A. Walsh Engineering Associates Inc Cover letter 1.30.2012
- B. Level I: Site Alteration Site Plan Application
- C. Conditional Use Application
- D. Right, title and interest, and authority to representatives
- E. Traffic Assessment 1.23.2012
- F. Walsh Engineering Associates Inc additional information letter 2.17.2012
- G. Walsh Engineering Associates Inc additional information letter 2.22.2012
- H. Plan Set
 - i. Survey (scaled stamped survey submitted and available)
 - ii. L1.0 Existing Conditions
 - iii. L2.0 Site Plan
 - iv. L3.0 Site Details

Attachment 1

February 9, 2012

February 22, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pinco
Dept. of Public Services
RE: Final Review Comments: 710 Forest Ave
Jabbar's Auto Sales

This Department has the following final comments.

This Department has no further comments at this time.

1. A stamped survey plan is required. Property corners will need to be set upon approval and before commencing work. Please note that "approximate boundary lines" do not meet City standards
A stamped survey plan has been received. However please label the State Plane Coordinates for the two corners along Saunders Street. A re-submittal by email attachment will suffice.
2. It appears that the site drainage will not be altered. A statement should be added to indicate that.
A statement has not been added and is probably not necessary. The applicant shows no attempt to alter existing grading on the submitted plans. Please disregard this comment.
3. There are also four curb cuts shown for this lot. Today's standards only allow for two.
There are two curb cuts on Saunders Street. The westerly cut does not meet current driveway separation standards. It is obvious that this cut is currently only used to service four HVAC units in the rear of the building. This Department is willing to waive this separation standard on Saunders Street with the understanding that this drive will only be used for HVAC servicing and not for parking cars.
The applicant is requesting a waiver of the number of drive cuts. This department is supportive of a waiver. However no reference has been made that the rear curb cut on Saunders St will not be used for parking vehicles.
4. The sidewalk material policy for this area is concrete. The sidewalk is currently asphalt and in good condition. The granite curb is also in good repair. This department is agreeable to leaving the sidewalk as asphalt.
No comment necessary.

This Department has no further comments at this time.

Attachment 2

Jean Fraser - 710 Forest Avenue - Jabbars Auto Dealership

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 2/20/2012 4:19 PM
Subject: 710 Forest Avenue - Jabbars Auto Dealership
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, Katherine Earley <KAS@p...>

Jean – I have reviewed the revised site plan dated February 17, 2012 and the traffic analysis conducted by Bill Bray, PE and find the project to be acceptable with the following comments.

- I have reviewed the traffic study and the estimated traffic generation expected from the site. I concur with the estimate and the conclusion that the project will not have a significant impact to the transportation system.
- I find the driveway curb cuts, parking layout, and on-site traffic circulation to be acceptable. I concur that restrictions be placed on the secondary curb cut, so usage is for maintenance purposes only.
- The City has been collecting monetary contributions for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study. Based upon other previously approved project contribution levels, the applicant shall contribute \$1,000.00.
- The applicant has identified areas for on-site snow storage. I would note that the storage of snow shall not impede sight distance for vehicles exiting the site.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

710 Forest Ave. - 130-G-007

Attachment 3

#2012-421 - B-2c Zone

2/21/2012

The proposed change of use from office/warehouse to an automobile dealership is located in a B-2c zone which is allowable as a conditional use appeal to the Planning Board. It is noted that the area of the building and site where this proposed use is located only fronts on one street, Saunders Street. This portion of the property does not front on Forest Avenue. The rail road property is between Forest Avenue and this portion of the lot.

Section 14-339 requires a continuous curb guard for cars parked within ten feet of any street line. The plans do show that a curb guard is currently in place. I did not see any detail of that curb guard.

* see update below

As stated in the application, separate permits will be needed for any new signage.

All B-2c maximum sound limitations shall be met as stated in the Ordinance. Complaints are followed up with requirements for any mitigation is noise violations are confirmed.

My zoning review only encompasses the area of the change of use and not the entire lot. No new paving is proposed. Any current impervious surface overage is legally nonconforming. All other B-2c requirements are being met or are legally nonconforming.

Marge Schmuckal
Zoning Administrator

Page 1 of 1

Jean Fraser - Re: 710 Forest Ave

From: Marge Schmuckal
To: Jean Fraser
Date: 2/22/2012 4:30 PM
Subject: Re: 710 Forest Ave

UPDATE
↓

Thank you,
this meets the requirements of section 14-339.
Marge

>>> Jean Fraser 2/22/2012 3:53 PM >>>
Marge

Thank you for giving me a paper copy; that allowed me to discuss it with the applicant and they have sent the attached cover letter and detail of the existing guardrail.

If you have time to revise your comments that would be great; if not I will explain to the board.

Attachment 4

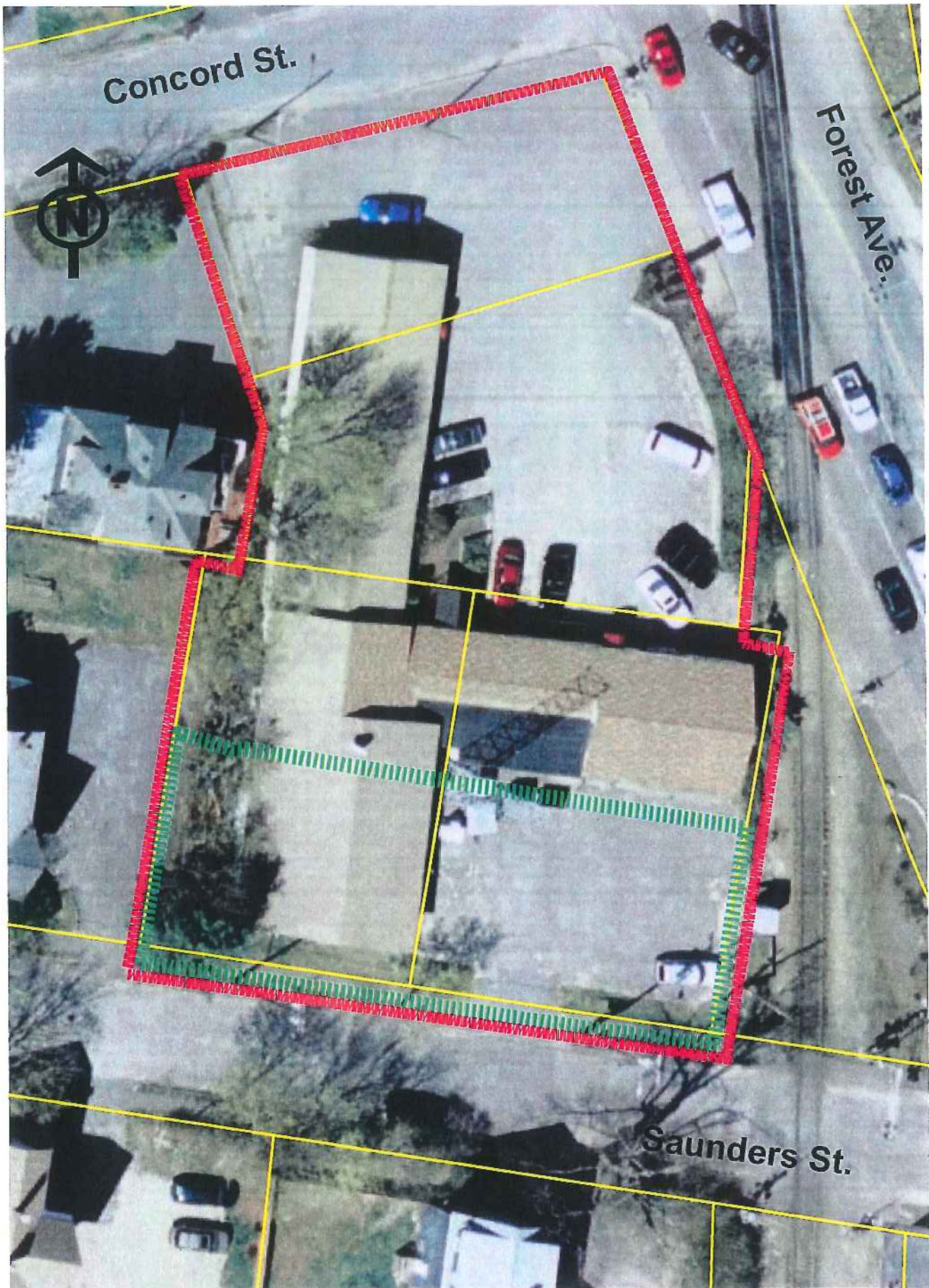
Jean Fraser - Fwd: Re: 710 Forest

From: Jean Fraser
To: Fraser, Jean
Date: 2/23/2012 4:03 PM
Subject: Fwd: Re: 710 Forest

>>> Jeff Tarling 2/23/2012 4:01 PM >>>
Hi Jean -

Concrete wheel stops could be used to address the concerns at 710 Forest Avenue project. Overall, the proposed landscape plan will improve the existing conditions and meet the landscape guidelines. Good use of native plant material noted.

Jeff Tarling
City Arborist



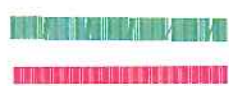
Concord St.

Forest Ave.

Saunders St.

A#5

Site at 710 Forest Ave.
Overall Parcel at 710 Forest Ave.



Prepared by Planning Div. based on City GIS/2006 aerials

Applicant's Submittal



918 Brighton Avenue | Portland, Maine 04102

January 30, 2012

City of Portland Planning Board
c/o Ms. Barbara Barhydt
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Barbara and Members of the Planning Board:

On behalf of Mr. Jabbar Essa, we are pleased to submit the attached Conditional Use and Level I Site Alteration Applications for 710 Forest Avenue. The applicant is seeking to lease a portion of the existing building at 710 Forest Avenue and operate a pre-owned automobile dealership at this location.

Existing Conditions and Existing Zoning

The 27,235 square-foot parcel located at 710 Forest Avenue is identified on the City of Portland Assessor's Map as Tax Map 130, Block G, Lots 7, 8, 12 and 13 (see attached Tax Map 130). The combined parcel is located in the B-2C Community Business Zone.

The R5/B-2C Zone line runs along the parcel west property line and a portion of the south property line. The B-2/B-2C runs along the south property line and a portion of the east property line. These zone line are shown on the attached Existing Conditions Plan. Multi-family residences abut property on the west and south lines. The railroad abuts the east property line.

There is an existing 8,438 s.f. single-story building located on the parcel. Currently, the multi-use building is used as retail, office and storage space. The existing building divides the site and there are two existing parking lots on the site. The north parking lot (which serves the existing office and retail users) has access from Concord Street. The south parking lot (which serves the vacant office and storage space) has access from Saunders Street. The applicant proposes to lease the portion of the building using the south (Saunders Street) parking lot. No changes or improvements are proposed for the north parking lot as part of this application.

Proposed Development

The applicant proposes to lease approximately 5,000 s.f. of the existing building and parcel in order to operate a pre-owned automobile dealership at this location. Per Section 14-183 (a) (5) of the City of Portland Code of Ordinances, automobile dealerships are a

LEVEL I SITE ALTERATION APPLICATION AND REQUIREMENTS

As part of the Condition Use application, a Site Plan application is required. For this project, less than one (a) acre of the site will be stripped, graded, grubbed, filled or excavated; therefore a Level I Site Alteration application is required. Per Section 14-526, Site Alteration Plans are subject to transportation standards, environmental quality standards, public infrastructure and community safety standards and site design standards. Each of these standards is discussed below:

Transportation Standards

The proposed pre-owned car dealership will include seven (7) display cars and five (5) proposed parking spaces for employees and customers. The parking section of the land use ordinance does not require a specific number of spaces for the proposed use (automobile dealership). Based upon the applicant's business plan, the proposed five (5) parking will meet anticipated parking demands.

Access to the parking lot will be from the existing curb cut along Saunders Street. The existing curb cut is 21.3' wide; the applicant seeks a waiver from the technical standard requirement of a 24' wide parking lot access. At 21.3' wide there is sufficient width to provide for 2 cars to pass.

Attached is a copy of the "Traffic Assessment: Proposed 710 Forest Avenue – Used Car Dealership" prepared by William Bray, P.E., dated January 23, 2012. This report concludes that the proposed dealership site can be expected to generate a total of 4 to 6 vehicle trips during the identified peak travel periods of a typical weekday. The report also concluded that sightline measurements recorded at the centerline of the existing site driveway located on Saunders Street is acceptable for a travel speed of 25 mph. Based upon these findings, we believe the proposed development will have negligible impacts to the surrounding street systems.

Environmental Quality Standards

There are no significant natural features found on the site. There is an existing street tree located west of the existing parking lot entrance; this street tree will be preserved during the proposed site alterations.

Per section 14-183 (G) i, a landscape buffer, no less than five feet (5) wide is required and shall be located along the street frontages. The proposed Site Plan shows a proposed six (6) foot wide landscape buffer between the existing parking and Saunders Street. The proposed landscape buffer includes a variety of plantings in accordance with the City of Portland Technical Manual.

Stormwater from the existing 4,150 s.f. parking lot currently drains from the west toward the east across the parking lot. The stormwater discharges onto the abutting property (the railroad). The applicant does not propose any alterations to the parking lot and the existing drainage patterns will not be altered. During the installation of the proposed landscape buffer, erosion control measures will be implemented during construction.

Enclosed you will find one (1) copy of the Condition Use Application, one (1) copy of the Level I Site Alteration application, one (1) copy of full-size Existing Conditions Plan and Proposed Site Plans, one (1) of 11" x 17" set of plans, PDF copies of all application materials and a check for \$300.00. I trust you will find the information sufficient for review. We look forward to working with the Planning Board as part of the review process.

Respectfully,



William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

- Enc. Conditional Use Application
Level I Site Alteration Application
Existing Conditions Plan and Proposed Site Plan
Standard Boundary Survey
Traffic Assessment: Proposed 710 Forest Avenue – Used Car Dealership
Letter of Financial Capacity
Lease Agreement for 710 Forest Avenue
Application fee

- cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar

STANDARDS -- CRITERIA FOR CONDITIONAL USE APPEAL -- Section 14-474

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use.

Upon 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 areas;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

<p>CONTACT INFORMATION:</p>	<p>Applicant's Contact for electronic plans Name: Walsh Engineering Assoc., Inc. e-mail: bill@walsh-eng.com work #: 207-553-9898</p>
<p>Applicant – must be owner, Lessee or Buyer Name: Mr. Jabbar Essa Business Name, if applicable: Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103</p>	<p>Applicant Contact Information Work # 207-615-4369 Home# Cell # 207-615-4369 Fax# e-mail:</p>
<p>Owner – (if different from Applicant) Name: Boulette Realty LLC Address: 380 Warren Avenue City/State: Portland, ME Zip Code: 04103</p>	<p>Owner Contact Information Work # Home# Cell # Fax# e-mail:</p>
<p>Billing Information Name: Mr. Jabbar Essa Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103</p>	<p>Billing Information Work # Cell # Fax# e-mail:</p>

B 4

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 Planning Authority and Code Enforcement'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.

This application is for a Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: <i>William J. Nelson (AGENT)</i>	Date: <i>1/30/12</i>
---	-------------------------

Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	27,245 sq. ft.
Proposed Total Disturbed Area of the Site	0 sq. ft.
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	(existing) 15,164 sq. ft.
• Existing Total Impervious Area	23,602 sq. ft.
• Proposed Total Impervious Area	23,602 sq. ft.
• Proposed Impervious Net Change	0 sq. ft.
PARKING SPACES	
• Existing Number of Parking Spaces (on Lease side)	10
• Proposed Number of Parking Spaces (on Lease side)	5
TOTAL Number of Parking Spaces	5

General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input type="checkbox"/> N/A	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.

B.6

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 - 1. Impact on surrounding street systems,
 - 2. Access and circulation, and
 - 4. Parking
- (b) Environmental quality standards
 - 1. Preservation of significant natural features,
 - 2. Landscaping and landscape preservation, and
 - 3. Water quality, stormwater management and erosion control.
- (c) Public infrastructure and community safety standards.
 - 1. Consistency with city master plans.
- (d) Site design standards
 - 5. Historic resources,
 - 6. Exterior lighting,
 - 8. Signage and wayfinding, and
 - 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



**PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST**



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

- 1. Name, address, telephone number of applicant.
- 2. Name address, telephone number of architect
- 3. Proposed uses of any structures [NFPA and IBC classification]
- 4. Square footage of all structures [total and per story]
- 5. Elevation of all structures
- 6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
- 7. Hydrant locations

C.2

PROJECT NAME: Jabbar's Auto Sales

PROPOSED DEVELOPMENT ADDRESS:
710 Forest Avenue, Portland, Maine

PROJECT DESCRIPTION:
Pre-owned automobile dealership

CHART/BLOCK/LOT: Map 130, Block G, Lots 7,8,12 and 13

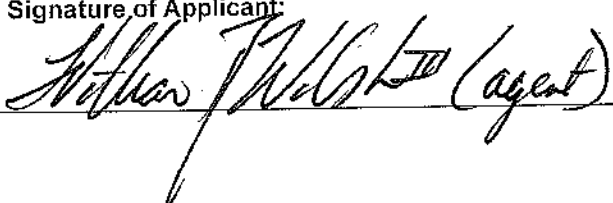
CONTACT INFORMATION:	Applicant's Contact for electronic plans Name: Walsh Engineering Assoc. Inc. e-mail: bill@walsh-eng.com work #: 207-553-9898
Applicant – must be owner, Lessee or Buyer Name: Mr. Jabbar Essa Business Name, if applicable: Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103	Applicant Contact Information Work # 207-615-4369 Home# Cell # Fax# e-mail:
Owner -- (if different from Applicant) Name: Boulette Realty LLC Address: 380 Warren Avenue City/State: Portland, ME Zip Code: 04103	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: William R. Walsh, PE Walsh Engineering Assoc., Inc. Address: 918 Brighton Ave. City/State: Portland, ME Zip Code: 04102	Agent/Representative Contact information Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com
Billing Information Name: Mr. Jabbar Essa Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103	Billing Information Work # 207-615-4369 Cell # Fax# e-mail:

C.4

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521) and the Conditional Use Standards (Section 14-474). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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.

This application is for a Conditional Use review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 1/30/12
--	------------------

The Portland Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

D.2

January 30, 2012

To Whom It May Concern,

By this letter, I, Jabbar Essa authorize Abdulkadir I Abukar to act as the agent for us in the preparation and submission of all Federal, State, and Local Town Permit Applications and relevant documents and correspondence for all necessary permits to complete shoreline stabilization project along the shoreline of our property at 710 Forest Ave, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees; and to provide such other services as are necessary and appropriate in furtherance of aforementioned shoreline stabilization project.

Jabbar Essa, 3 Riverton Dr, Portland ME 04103

Owners Name

Address

William J. Bray, P.E.
235 Bancroft Street
Portland, Maine 04102
Phone (207) 774-3603
trafficsolutions@maine.rr.com

January 23, 2012

Traffic Assessment Proposed 710 Forest Avenue – Used Car Dealership

INTRODUCTION

Jabbar Essa, is proposing to lease and re-develop, as a used car dealership, a 2,000 square foot portion of an existing unoccupied building located at 710 Forest Avenue. The vacant building, with a building design that includes two over-head doors and a small office area, was previously occupied by a communication systems company.

It is anticipated that two employees will operate the proposed dealership; a vehicle mechanic and an office/sales person. An outside vehicle display area of approximately 2,100 square feet will be created with re-design of the existing surface parking area. Access is provided through an existing driveway from Saunders Street located roughly 120 feet south of Forest Avenue (Route 302).

This document estimates the peak hour trip generation of the proposed project during a typical weekday AM and PM peak travel time; reviews existing roadway safety conditions adjacent to the site, and provides an assessment of vehicle sight distance at the proposed driveway intersection with Portland Road.

SITE TRAFFIC

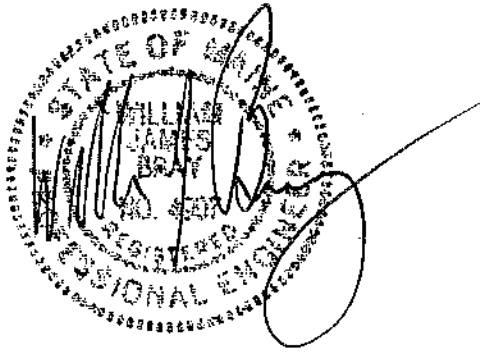
Trip generation for the proposed project was determined based upon trip tables presented in the seventh edition of the Institute of Transportation Engineers (ITE) "TRIP GENERATION" handbook for new car sales. The ITE publication does not provide trip data for a used car sales facility; trip rates for new car sales likely overstates trip generation of the proposed project providing a conservative estimate of trip generation. The following trip rates were used in that effort:

<u>Land-Use Code 841 – New Car Sales</u>	
Weekday Street Peak Hour – AM Peak	= 2.05 trips/1,000sf of floor area
Weekday Street Peak Hour – PM Peak	= 2.64 trips/1,000sf of floor area

Accordingly, the proposed used car dealership will generate 4 trips in the morning peak hour and a total of 6 trips during the afternoon peak hour.

SUMMARY

1. The proposed 710 Forest Avenue Used Auto Dealership site can be expected to generate a total of 4 to 6 vehicle trips during the identified peak travel periods of a typical weekday.
2. MDOT's most recent traffic crash report (2008 through 2010) for the full length of Saunders Street indicated that a total of 26 vehicle crashes have occurred. Twenty-five of the 26 total crashes occurred within the signalized intersection of Forest Avenue, Ocean Avenue, and Saunders Street. The frequency of crashes still is below MaineDOT's criteria for identification of a high crash location.
3. Sightline measurements recorded at the centerline of the existing site driveway located on Saunders Street is acceptable for a travel speed of 25 mph.



Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Crashes	Percent Injury	Annual M Ent-Veh	Crash Rate	Critical Rate	CRF	
12814	0560645 - 0	0503227 POR, NEVENS, SAUNDER ST.	2	0	0	0	0	0	0	0	0.0	0.305	0.00	0.55	0.00	
P16853	0560645 - 0.13	Int of FOREST AV, OCEAN AV, SAUNDER ST	9	25	0	1	0	3	21	16.0	16.0	10,257	0.81	0.98	0.00	
Study Years: 3.00																
NODE TOTALS:				25	0	1	0	3	21	16.0	16.0	10,562	0.79	0.96	0.82	

M. 5

Crash Summary

Section Details

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	K	A	B	C	PD	Crash Report	Crash Date	Crash Mile Point	Injury Degree
12814	16853	187361	0 - 0.13	0560645 - 0	1	0	0	0	0	1	2008-28236	11/10/2008	0.06	PD
Totals:					1	0	0	0	0	1				

E. 7

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Normal	24	20	1	0	0	0	45
Under the Influence	0	0	0	0	0	0	0
Had Been Drinking	1	0	0	0	0	0	1
Had Been Using Drugs	0	0	0	0	0	0	0
Asleep	0	0	0	0	0	0	0
Fatigued	0	0	0	0	0	0	0
ill	0	0	0	0	0	0	0
Handicapped	0	0	0	0	0	0	0
Other	1	1	0	0	0	0	2
Total	26	21	1	0	0	0	48

Crashes by Apparent Contributing Factor And Driver

Apparent Contributing Factor	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Improper Action	8	15	0	0	0	0	23
Failure to Yield Right of Way	1	1	0	0	0	0	2
Illegal Unsafe Speed	0	1	0	0	0	0	1
Following Too Close	4	1	1	0	0	0	6
Disregard Traffic Control Device	1	0	0	0	0	0	1
Driving Left of Center Not Passing	0	0	0	0	0	0	0
Improper Passing, Overtaking	1	0	0	0	0	0	1
Improper Unsafe Lane Change	1	0	0	0	0	0	1
Improper Parking Start, Stop	0	0	0	0	0	0	0
Improper Turn	0	0	0	0	0	0	0
Unsafe Backing	0	0	0	0	0	0	0
No Signal or Improper Signal	0	0	0	0	0	0	0
Impeding Traffic	0	0	0	0	0	0	0
Driver Inattention, Distraction	6	1	0	0	0	0	7
Driver Inexperience	1	0	0	0	0	0	1
Pedestrian Violation Error	0	0	0	0	0	0	0
Physical Impairment	0	0	0	0	0	0	0
Vision Obscured, Windshield Glass	0	0	0	0	0	0	0
Vision Obscured, Sun, Headlights	0	0	0	0	0	0	0
Other Vision Obscurement	0	0	0	0	0	0	0
Other Human Violation Factor	2	2	0	0	0	0	4
Hit and Run	1	2	0	0	0	0	3
Defective Brakes	0	0	0	0	0	0	0
Defective Tire, Tire Failure	0	0	0	0	0	0	0
Defective Lights	0	0	0	0	0	0	0
Defective Suspension	0	0	0	0	0	0	0
Defective Steering	0	0	0	0	0	0	0
Other Vehicle Defect or Factor	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0
Total	26	23	1	0	0	0	50

Driver Age by Unit Type

Age	Driver	Bicycle	SnowMobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	3	0	0	0	0	3
20-24	8	0	0	0	0	8
25-29	5	0	0	0	0	5
30-39	9	0	0	0	0	9
40-49	10	0	0	0	0	10
50-59	6	0	0	0	0	6
60-69	6	0	0	0	0	6
70-79	1	0	0	0	0	1
80-Over	1	0	0	0	0	1
Unknown	1	0	0	0	0	1
Total	50	0	0	0	0	50

E.9

Maine Department of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five Leg Intersection	Driveways	Bridges	Interchanges	Other	Total
Object in Road	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	1	0	5	13	1	0	0	0	0	20
Head-on / Sideswipe	0	0	0	0	0	0	0	0	0	0
Intersection Movement	0	0	1	2	0	0	0	0	0	3
Pedestrians	0	0	0	0	0	0	0	0	0	0
Train	0	0	0	0	0	0	0	0	0	0
Ran Off Road	0	0	2	1	0	0	0	0	0	3
All Other Animal	0	0	0	0	0	0	0	0	0	0
Bike	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Jackknife	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0
Rock Thrown	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0
Total	1	0	8	16	1	0	0	0	0	26

E. 11

Maine Department of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow Slush, Sanded	Wet	Total
Other											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Rain											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Severe Cross Winds											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Sleet, Hail, Freezing Rain											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0

E.13



918 Brighton Ave | Portland, ME 04102

February 17, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Jean:

Thank you for the Planning Division staff's review comments regarding the Condition Use and Level 1 Site Alteration Applications for 710 Forest Avenue. Below we will address each of your comments.

Cover Letter

A portion of the "Proposed Development" narrative was not included in the submission cover letter. The full "Proposed Development" narrative is as follows:

The applicant proposes to lease approximately 5,000 s.f. of the existing building and parcel in order to operate a pre-owned automobile dealership at this location. Per Section 14-183 (a) (5) of the City of Portland Code of Ordinances, automobile dealerships are a permitted Conditional use in the B-2C zone, when approved by the Planning Board with respect to the requirements of Article V (site plan).

The proposed automobile dealership (Jabbar's Auto Sales) will have two full-time employees (one sales person and one mechanic). The proposed facility will operate Monday through Saturday from 8:00 am to 5:00 pm. The applicant proposes to use the existing south parking lot (approximately 4,150 s.f.) to display seven (7) used cars and to serve as parking lot for employees and clients.

Section 14-183 (a), 5: Auto Dealership Condition Use Requirements

- 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.*

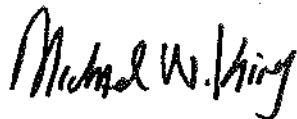
The applicant is proposing one (1) building mounted sign. The sign will be designed in accordance with the standards of Division 22 of the Land Use

710 Forest Avenue
Conditional Use and Level I Site Alteration Applications

page 3

Enclosed you will find electronic copies of the revised site plan and details. Please contact us if you need additional information. We look forward to working with the Planning Board as part of the review process.

Respectfully,



Michael W. King
Walsh Engineering Associates, Inc.

Enc. PDFs of revised drawing L1.0, L2.0 and L3.0

cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar

Att. G.2



918 Brighton Ave | Portland, ME 04102

February 23, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Lease Areas
Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Jean:

As requested, the below information clarifies the proposed lease areas at 710 Forest Avenue.

Building Area Lease:	+/- 2,000 s.f.
<u>Site/Parking Lot Area Lease:</u>	<u>+/- 5,000 s.f.</u>
TOTAL Lease Area:	+/- 7,000 s.f.

Let us know if you need further information regarding this issue. Thanks.

Respectfully,

A handwritten signature in black ink that reads "Michael W. King".

Michael W. King
Walsh Engineering Associates, Inc.

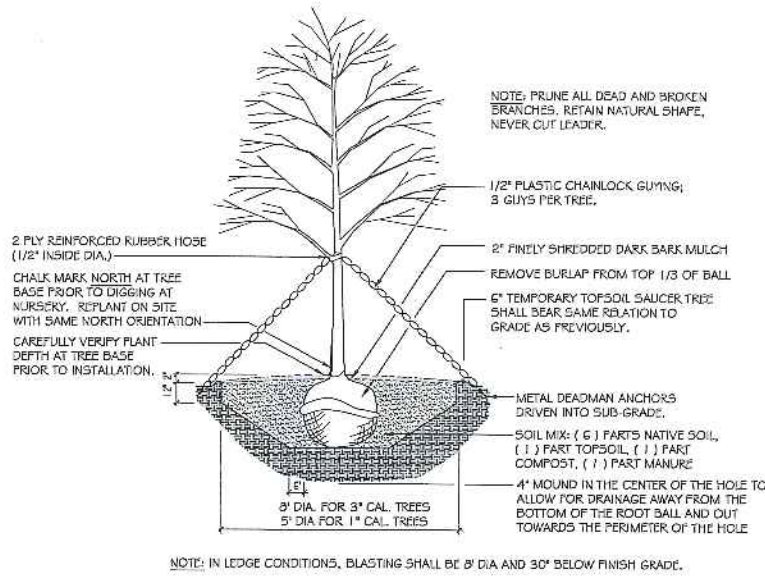
cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar

Civil Engineer:
WALSH
 ENGINEERING ASSOCIATES, INC.
 918 Brighton Ave | Portland, Maine 04102
 ph: 207.553.8898 | www.walsh-eng.com
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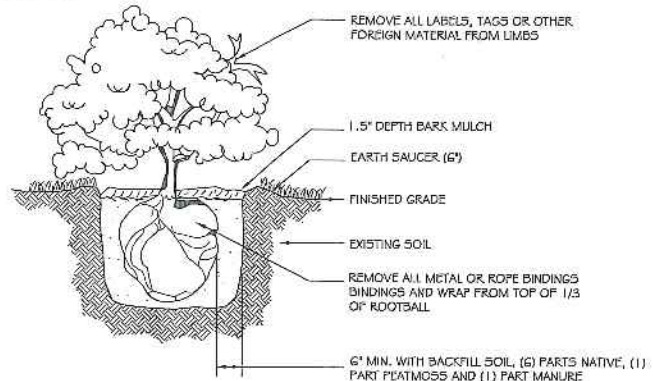
Surveyor:
 James D. Nadeau, LLC
 918 Brighton Avenue
 Portland, Maine 04102
 phone: 207-878-7870

A Plan for
Jabbar's Auto Sales

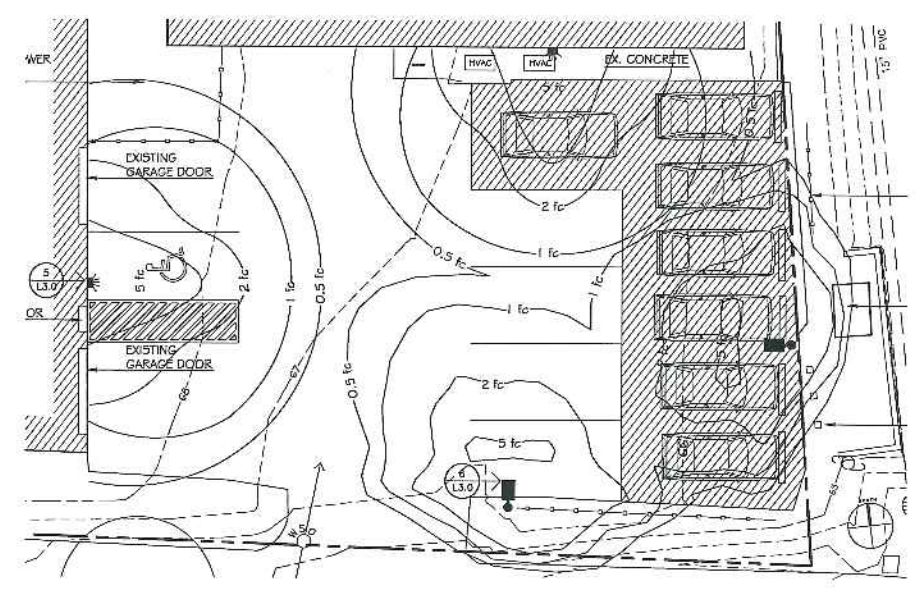
for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103



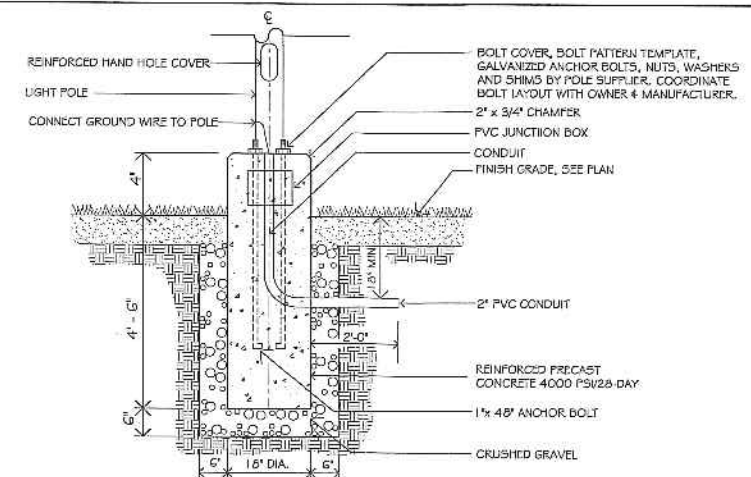
1 DECIDUOUS TREE PLANTING
 L3.0 NOT TO SCALE



2 SHRUB PLANTING INSTALLATION
 L3.0 NOT TO SCALE



3 SITE LIGHTING PHOTOMETRICS PLAN
 L3.0 SCALE: 1" = 10'



NOTES:
 1. SUBMIT SHOP DRAWING FOR APPROVAL PRIOR TO ORDERING
 2. COORDINATE WITH ELECTRICAL SPECIFICATIONS/LIGHT BOLT PATTERN
 3. COLD-GALVANIZE ALL CUTS

4 CONCRETE LIGHT POLE BASE
 L3.0 NOT TO SCALE

Specifications and Notes

Model: 1134

Material: 1 1/2" x 1/4" x 1/4" galvanized steel

Finish: Powder coated

Weight: 11 lbs

Dimensions: 18" x 12" x 12"

Notes: 1. This rack is designed for use with standard bicycles. 2. The rack is made of galvanized steel and is powder coated for protection. 3. The rack is designed to be mounted to a vehicle's hitch. 4. The rack is designed to hold up to 2 bicycles. 5. The rack is designed to be easy to install and remove.

City of Portland, Maine
 TECHNICAL SPECIFICATIONS DIVISION
 BICYCLE RACK SPECIFICATION - BIKE HITCH
 1-33a

4A BIKE HITCH
 L3.0 NOT TO SCALE

WGM WALL-PACK LIGHTING

EXHIBIT 8

Outdoor Lighting

Notes: 1. This fixture is designed for use with standard wall packs. 2. The fixture is made of aluminum and is powder coated for protection. 3. The fixture is designed to be mounted to a wall. 4. The fixture is designed to hold up to 100 watts. 5. The fixture is designed to be easy to install and remove.

City of Portland, Maine
 TECHNICAL SPECIFICATIONS DIVISION
 WALL-PACK CUT SHEET
 1-33b

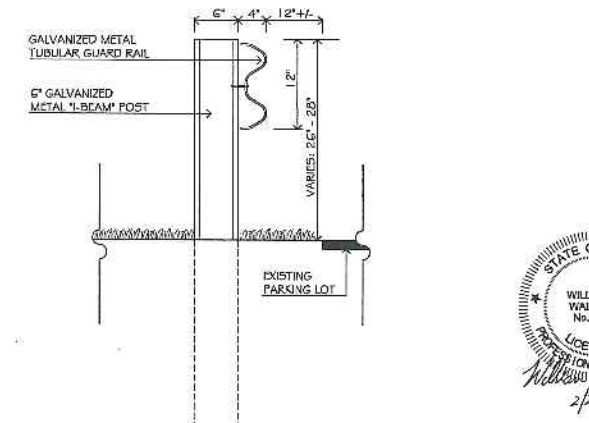
5 WALL-PACK CUT SHEET
 L3.0 NOT TO SCALE



ORDERING INFORMATION

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	100' GALVANIZED METAL TUBULAR GUARD RAIL	1	LINEAL FOOT	10.00	10.00
2	6" GALVANIZED METAL L-BEAM POST	1	POST	12.00	12.00
3	EXISTING GUARDRAIL (ALONG SAUNDERS STREET)	1	LINEAL FOOT	10.00	10.00

6 SITE LIGHTING CUT SHEET
 L3.0 NOT TO SCALE



7 EXISTING GUARDRAIL (ALONG SAUNDERS STREET)
 L3.0 NOT TO SCALE

Rev.	Date	Description	Drawn	Check
1	2.17.12	Per City of Portland Request: Added bike hitch detail	MK	WW
2	2.22.12	Per City of Portland Request: Added guardrail detail	MK	WW

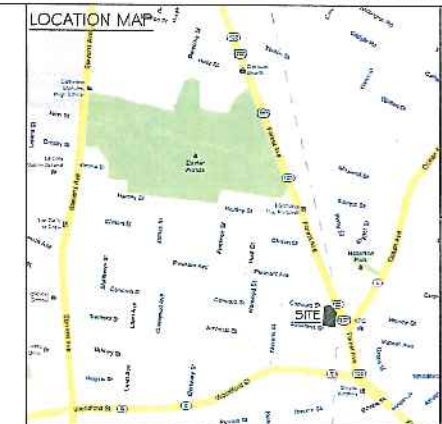
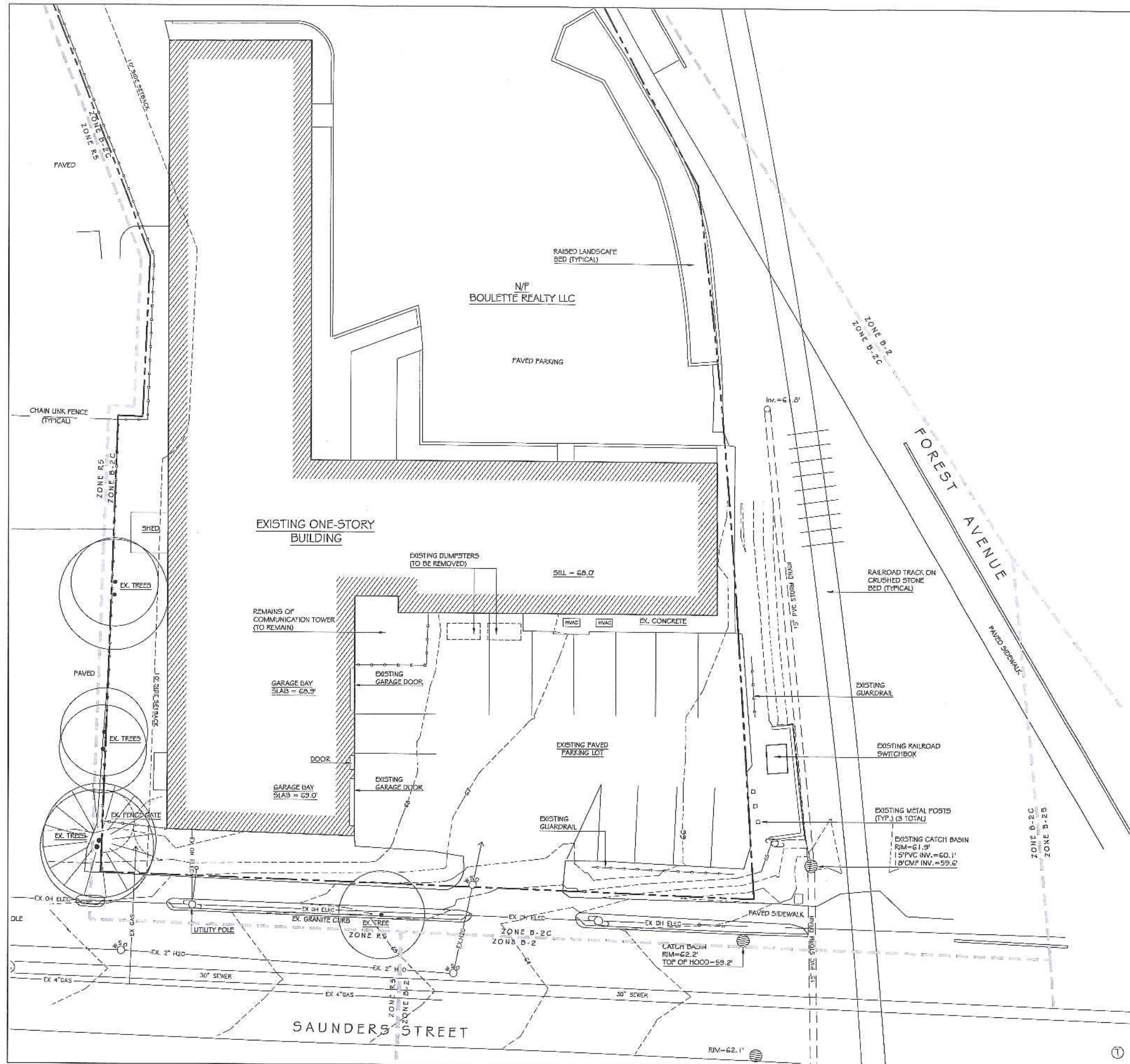
Sheet Title:
Site Details

Job No.: 161
 Date: Jan. 30, 2011
 Scale: As Shown
 Drawn: MK
 Checked: WW

Sheet No.:
L3.0



for hearing



Civil Engineer:
WALSH
 ENGINEERING ASSOCIATES, INC.
 918 Brighton Ave | Portland, Maine 04102
 ph: 207.553.8688 | www.walsh-eng.com
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SURVEYOR:
 James D. Nadeau, LLC
 918 Brighton Avenue
 Portland, Maine 04102
 phone: 207-878-7870

- PLAN REFERENCES:**
1. SURVEY INFORMATION SHOWN HEREON PROVIDED BY JAMES D. NADEAU, LLC, BY WORKSHEET TITLED "WORKSHEET FOR ABDULKADIR ABUKAR, 710 FOREST AVENUE, PORTLAND, MAINE, DATED JANUARY 12, 2012. FIELD WORK PERFORMED BY JAMES D. NADEAU, LLC IN DECEMBER, 2011.
 2. APPROXIMATE BOUNDARY LINES BASED "STANDARD BOUNDARY FOR 710 FOREST AVENUE" PROVIDED BY JAMES D. NADEAU, LLC, 818 BRIGHTON AVENUE, PORTLAND, MAINE, DATED JANUARY 30, 2012.
 3. ELEVATIONS ARE BASED ON NAVD29. BENCHMARK ESTABLISHED WITH GPS STATIC OBSERVATIONS TAKEN DECEMBER 12, 2011.

- SITE DATA**
1. OWNER: BOULETTE REALTY, LLC
 2. TAX MAP 130, BLOCK 6, LOTS 7, 8, 12 AND 13
 3. LOT SIZE: 27,235 S.F. OR 0.625 ACRES
 4. ZONE: B2-C -- COMMUNITY BUSINESS ZONE

B2-C SPACE AND BULK STANDARDS

	REQUIRED	EXISTING
MINIMUM LOT SIZE:	10,000 S.F.	27,235 S.F.
MINIMUM STREET FRONTAGE:	50 FEET	FOREST AVE.: 93 FT. SAUNDERS ST.: 140 FT. CONCORD ST.: 104 FT.
FRONT YARD (OF LEASE AREA):	NONE	10 FEET
REAR YARD (OF LEASE AREA):	10 FEET	NA
SIDE YARD (OF LEASE AREA):	10 FEET	10 FEET
MINIMUM LOT WIDTH:	NONE	213 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET	25 FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	80%	56.6%

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING "DIG SAFE" AND LOCAL UTILITY COMPANIES AT LEAST THREE (3) BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS, PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, IN ACCORDANCE WITH MAINE STATE LAW. "DIG SAFE" TELEPHONE NUMBER IS 1-888-344-7233.
 2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL AND ANY MEANS, METHODS, AND TECHNIQUES EMPLOYED TO PERFORM THE WORK SHOWN ON THE PLANS.
 3. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING ALL SAFETY REGULATIONS (OSHA). ALL WORK SHALL COMPLY WITH THE MOST RECENT EDITION OF THE CITY OF PORTLAND TECHNICAL MANUAL.
 4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
 5. EXISTING VEGETATION SHALL BE PROTECTED IN AREAS WHERE SHOWN ON THE DRAWINGS. PRIOR TO CONSTRUCTION, FENCING OR OTHER PROTECTIVE MEASURES SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPS OR TREES DESIGNATED FOR PRESERVATION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OF CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED. NO VEHICLES MAY DRIVE OR PARK WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
 6. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS SHOWN ON THE DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES" CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

LEGEND

- CONTOURS
- PROPERTY LINE
- BUILDING
- GAS LINE
- SETBACK LINE
- EDGE OF PAVEMENT
- UTILITY POLE
- WATER VALVE
- WATER MAIN
- SANITARY SEWER
- OVERHEAD ELECTRIC

STATE OF MAINE
 WILLIAM R. WALSH, III
 No. 8204
 LICENSED PROFESSIONAL ENGINEER
 2/1/12

GRAPHIC SCALE
 0 5 10 20

A Plan for
Jabbar's Auto Sales
 for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

Rev	Date	Description	Drawn	Check
1	2.17.12	Per City of Portland Engineer's Review (see add page 10)	MK	WW

Sheet Title:
Existing Conditions Plan

Job No.: 161
 Date: Jan. 30, 2011
 Scale: 1" = 10'
 Drawn: MK
 Checked: WW

Sheet No.:
L1.0



Memorandum
Department of Planning and Urban Development
Planning Division

To: Chair Morrissette and Members of the Portland Planning Board
From: Jean Fraser, Planner
Date: February 28, 2012
Re: **Jabbar's Auto Dealership- Pre-owned automobile dealership**
710 Forest Avenue
ADDENDUM #1 to Planning Board Report #7-12

1. Staff recommends the omission of the first potential conditions listed under SITE PLAN included in the proposed motions in the Hearing Report #7-12. This condition stated:
 - i. *That the applicant shall contribute \$1000.00 to the funds for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study; and*
2. The potential condition was recommended by Tom Errico, Traffic Engineering Reviewer and comprises an infrastructure contribution to an adjacent transportation project, similar to those required on many projects in the past. It was not requested to address a safety or traffic impact associated with the proposed auto dealership.
3. The Site Plan ordinance as adopted in 2010 specifies that projects be consistent with Council approved plans or projects. The current ordinance (14-526) specifies:
 - (c) **Public Infrastructure and Community Safety Standards.**
 1. **Consistency with City Master Plans:**
 - a. **All developments shall be designed so as to be consistent with City Council approved master plans and facilities plans and with off-premises infrastructure, including but not limited to sewer and stormwater, streets, trails, pedestrian and bicycle network, environmental management or other public facilities (see Section 15 of the Technical Manual).**
4. The Forest Avenue Corridor Study as referenced in Mr Errico's recommendation (and in the potential condition) is not yet approved by the City Council and staff consider that contributions to this project may not be requested at this time. The Forest Avenue plan *Transforming Forest Avenue*, is scheduled for a public hearing with the Planning Board on March 27, 2012.
5. The revised motions for the Planning Board's consideration are listed in full on the next page, with this potential condition struck out.



PLANNING BOARD REPORT PORTLAND, MAINE

Jabbar's Auto Dealership- Pre-owned automobile dealership

Site Plan and Conditional Use Review

Jabbar Essa, Applicant

Project No: 2012-421

CBL: 130-G-7, 8, 12 & 13

Submitted to: Portland Planning Board
Public Hearing Date: February 28, 2012

Prepared by: Jean Fraser, Planner
Date: February 24, 2012
Planning Board Report #7-12

I. INTRODUCTION

Walsh Engineering Associates, Inc, on behalf of Jabbar Essa, has requested Planning Board review of a Conditional Use for an automobile dealership in the B-2c zone and a Level I: Site Alteration site plan for the proposed pre-owned car dealership on a leased site at 710 Forest Avenue. The application relates to the southern part of the parcel, impacting about 7000 sq ft of the overall 27,235 sq ft parcel.

The site is located between Concord Street and Saunders Street on the west side of Forest Avenue, just north of Woodford's Corner. The applicant intends to lease the south part of the site which is located behind the railway tracks with access via Saunders Street (enlarged aerial in [Attachment 5](#)).

The site is located in a B-2c Community Business Zone. Automobile dealerships are listed as a conditional use in the B-2c zone. The proposed development is subject to review under the applicable standards for a Conditional Use in the B2c zone and the City's Site Plan Ordinance.

Staff have recommended this be brought directly to a Planning Board hearing in view of the small scale of the proposed use and exterior improvements and the comprehensive quality of the applications and submissions.

II. PROJECT DATA:

Zone:	B-2c Business
Proposed Use:	Automobile Sales
Previous Use:	Office and Storage
Required Minimum Lot Area:	10,000 sq.ft.
Proposed Lot Area:	27,235 sq.ft.
Total floorspace of existing bldg:	8,438 sq.ft.
Existing Lot Coverage total bldg:	31%
Maximum Allowable Lot Coverage:	80%
Proposed Square Footage of Existing bldg to be leased:	2000 sq.ft.+/-
Proposed square footage of parking area to be leased:	5000 sq.ft. +/-



Site at 710 Forest Ave. 
Overall Parcel at 710 Forest Ave. 
Prepared by Planning Dept. based on City GIS/2006 aerials
0 12.5 25 50 Feet

Required parking:	not specified in ordinance
Proposed parking:	5 spaces for employees and customers, 7 vehicle display spaces
Required Bicycle Parking:	2 spaces
Proposed bicycle parking:	2 spaces
Existing Driveways:	4 for overall lot; 2 for applicants leased area
Proposed Driveways:	retain as existing (only 2 serve the proposed use)

III. EXISTING CONDITIONS

The overall parcel of 27,235 sq ft is bisected by the existing "T"- shaped multi-use building which has a central "arm" towards Forest Avenue. The existing building configuration prevents internal vehicle access between both sides of the property. The parcel is not owned by the applicant; the applicant proposes to lease the southern quarter of the site (approximately 7000 sq ft) comprising approximately 2000 sq ft of the building nearest to Saunders Street (with garage doors) and the adjacent paved area of approximately 5000 sq ft. (Attachments D and G).



Area of proposal as viewed from Saunders Street – staff photos

This part of the site is accessed via an existing curb cut in Saunders Street, accessible via a signaled intersection with Forest Avenue on the other side of the railway tracks. The rear part of the building (west) and an associated service area abuts the driveway of a residential building in the R-5 zone; the service area (maintenance) has a secondary curb cut access on Saunders Street. The south part of the site faces a residential building within the B-2 zone. To the east are the railway tracks and then Forest Avenue and to the north is the remainder of this parcel.

There are several large trees on the site at the rear of the building on the property line and a mature street tree near the main drive entrance.

IV. PROPOSED DEVELOPMENT

The proposed development is outlined in the applicants cover letters (Attachments A, F and G) and shown in the Plans in Attachment H. The part of the building with the garage doors will be leased for the dealership and the adjacent parking area reconfigured to provide 5 parking spaces for customers and employees, plus 7 spaces for parked cars for sale. The use itself will involve 2 employees and operate from 8am to 5pm Monday through Saturday. Access to the site is via an existing curb cut from Saunders Street, some 125 feet from Forest Avenue.

Physical alterations to the site include restriping for the parking spaces, one wall mounted sign, four new lights and landscaping along the 6 foot wide buffer between the parking area and Saunders Street (see Site Plan in Attachment Hiii).

V. PUBLIC COMMENT

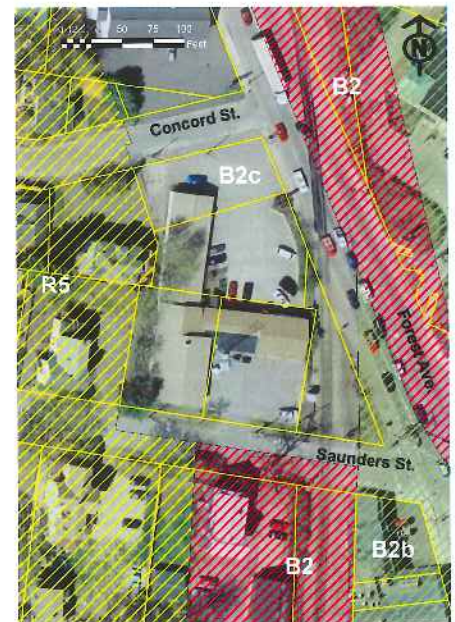
Notice of the application and workshop was sent to 152 area property owners and interested parties; it was also on the City website and advertised in the *Portland Press Herald* on February 20, 2012 and February 21, 2012. To date the Planning Division has not received any public comment. The applicant is not required to hold a neighborhood meeting for this proposal.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The applicant submitted a Letter of Intent confirming he has an option to rent the subject property (Attachment D).

VII. ZONING ASSESSMENT

The site is located in the B-2c Business zone where automobile dealerships are permitted as a Conditional Use. Marge Schmuckal has submitted comments confirming that the proposal meets the requirements of the B-2c zone (see Attachment 3). The comments included a request for the curb guard detail for an existing guardrail along the site fronting Saunders Street, as this is a requirement under the zoning ordinance 14-339. The applicant has provided this detail (Attachment Hiv) and Ms Schmuckal has confirmed it meets the ordinance requirement (Attachment 3).



Vicinity 710 Forest Avenue

VIII. CONDITONAL USE REVIEW (Section 14-183):

Sec. 14-183. Conditional uses identifies auto dealership in the B-2c zone 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 proposal abuts the R5 zone on the west side and the applicant has submitted an application (Attachment C) and an analysis of how the proposal complies with the conditional use standards in Attachment A and F.

Section 14-183 specifies (in relation to automobile dealerships):

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

The requirements taken from the Ordinance 14-183 are in italics below, together with a staff comment in respect 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.*

Staff comment: The applicant is proposing a long and narrow building mounted sign which would require a sign permit under the sign ordinance. A potential condition requiring the separate sign review and approval is included in the proposed motion for the Board to consider. The proposed building sign will not 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.*

Staff comment: The applicant proposes to use an existing curb cut that is 125 feet from the nearest intersection (with Forest Avenue) and has acceptable sight lines and visibility. The submitted Traffic Assessment (Attachment E) also confirms that trip rates would be low, at about 10 per day. The entrance is not in proximity to any of the uses listed in the standard and does not pose a threat or potential danger to the safety of the public.

This part of the site has a second curb cut (gated) further to the west which serves the rear of the building but is located immediately adjacent to the residential neighbor's driveway (see photo).

The Traffic Engineering Reviewer, Tom Errico, considers that the curb cuts are acceptable subject to restrictions being placed on the westerly curb cut (in photo) "...so usage is for maintenance purposes only" (Attachment 2). A potential condition of approval is included in the motion for the Board to consider.



Westernmost curb cut from Saunders St.

g.i. A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual.

Staff comment: The proposals include a 6 foot wide landscaped buffer between the customer parking area and the sidewalk, incorporating 2 trees and many shrubs, including native species. The City Arborist has confirmed the proposed buffer planting is acceptable (Attachment 4).

The following standards apply to 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.*

Staff comment: 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*

Staff comment: The location of the car dealership provides some natural buffering because the cars parked for sale about the railway property (facing Forest Avenue) and are not near any residential uses (see Site Plan in Attachment Hiii). The Traffic Assessment (Attachment E) and review have indicated that there are no traffic safety issues. Landscaping has been introduced along the Saunders Street frontage that will help screen the customer parking area from the residential use across the street.

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

Staff comment: The impacts of this use are likely to be less than normally occur because of the layout of the site. The hours of operation are stated to be from 8am to 5pm 6 days a week.

IX. DEVELOPMENT REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of Section 14-526- Site Plan. As this is a Level I: Site Alteration Site Plan, not all of the standards are applicable and there are fewer submittal requirements. Staff comments are highlighted in this report.

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The proposal is subject to a level I: Site Alteration Site Plan and the submission requirements are listed in 14-527 (b). The Site Plan application (Attachment B), narratives and plans have addressed these ordinance requirements and the information is comprehensive. The Department of Public Services recently requested labeling the State Plane Coordinates for two corners on Saunders Street (Attachment 1) and the applicant has submitted a revised survey to staff.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards (1,2 and 4)

Traffic:

The proposal has been reviewed in terms of its impact on the surrounding street systems, access and circulation, loading and servicing, sidewalk and parking.

The overall parcel has 4 curb cuts: two on Concord Street and two on Saunders Street. One curb cut on Saunders Street will serve the area leased and proposed for the automobile dealership and the other curb cut on Saunders Street provides access to the mechanicals behind the building. The other two curb cuts serve the other part of the building and are blocked from the subject site by the "arm" of the existing building. The applicant has requested a waiver (Attachment F.2) from the Technical Standard limiting the number of driveways since the applicant has no control over the other part of the parcel and the proposed use is not served by the other two curb cuts. The Department of Public Services supports this waiver (Attachment 1).

The proposals identify a new bike hitch and three snow storage areas (See Site Plan and Details in Attachments Hiii and Hiv).

Tom Errico, Traffic Engineering Reviewer, has submitted the following review comments (Attachment 2):

Jean – I have reviewed the revised site plan dated February 17, 2012 and the traffic analysis conducted by Bill Bray, PE and find the project to be acceptable with the following comments.

- I have reviewed the traffic study and the estimated traffic generation expected from the site. I concur with the estimate and the conclusion that the project will not have a significant impact to the transportation system.*
- I find the driveway curb cuts, parking layout, and on-site traffic circulation to be acceptable. I concur that restrictions be placed on the secondary curb cut, so usage is for maintenance purposes only.*
- The City has been collecting monetary contributions for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study. Based upon other previously approved project contribution levels, the applicant shall contribute \$1,000.00.*
- The applicant has identified areas for on-site snow storage. I would note that the storage of snow shall not impede sight distance for vehicles exiting the site.*

Three of the potential conditions of approval address the last three bullet points of these review comments.

Sidewalks:

The Department of Public Services has confirmed (Attachment 1) that the existing sidewalk is currently asphalt and in good condition and does not need to be altered.

Parking:

The ordinance does not specify minimum parking provision for this use. Staff have confirmed that the proposed parking layout and associated railings and curb stops are acceptable (Attachments 2,3 and 4).

Bicycle Parking:

Division 20 of the City Code- Off-Street Parking requires 2 bicycle parking spaces for this proposal, which have been included and meet the City's technical Standards (Attachments Hiii and Hiv).

2. Environmental Quality Standards (1 and 3)

Preservation of Significant Natural Features:

There are no significant natural features on this site, which is largely paved or built. There are several large trees along the rear boundary line that are not impacted by the proposal. The applicant has confirmed that the existing street tree near the parking lot entrance will be preserved during the site alterations (Attachment A.3).

Water quality; Stormwater Management; Erosion control:

The proposals involve minor site alterations that do not change the existing pavement area or drainage. The

3. Public Infrastructure and Community Safety Standards (1)

Consistency with Master Plans:

The DPS have confirmed the proposals are consistent with the sidewalk facilities plans (see above).

4. Site Design Standards (5,6,8,9)

Historic Resources:

The proposed site alterations do not affect any historic resource.

Exterior Lighting:

The proposals include 2 new wall mounted lights and two new pole-mounted site lights around the parking /circulation area, as shown on the Site Plan in Attachment Hiii. The applicant has submitted lighting specifications and photometric information (Attachment Hiv) that demonstrates that the proposed lighting meets the City's Technical Standards. The pole mounted lights will be mounted at 10 feet height as confirmed in Attachment A.4.

Signage and Wayfinding:

The proposals include a new sign on the building which is subject to a separate sign review. A potential condition of approval is included to clarify this requirement.

Zoning Related Design Standards:

There are no design standards that apply to this B2c zone.

X. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the Jabbar's Auto Dealership conditional use and site plan with the proposed waiver and conditions of approval.

XI. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 7-12, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for Jabbar's Auto Dealership at 710 Forest Avenue (south part) in the B-2c zone **does / does not** meet the standard s of Section 14-474 and the standards of Section 14-183 for the B2c zone, subject to the following conditions:

- i. The rear (westernmost) existing curb cut on Saunders Street shall be used for service/maintenance purposes only and shall not be used for the automobile dealership.

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 7-12 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives / does not waive** the requirements of Section 1.7.1.8 of the Technical and Design Standards and Guidelines (which allows no more than 2 driveways for ingress and egress purposes to any site) to allow the 4 existing curb cuts for the overall parcel to remain as existing, as only one (1) of these curb cuts (easternmost on Saunders Street) provides ingress and egress to the proposed automobile dealership. The western-most curb cut on Saunders Street shall only be used for service/maintenance access to the rear of the building and shall not be used for the automobile dealership.

SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 7-12, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That the applicant shall contribute \$1000.00 to the funds for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study; and
- ii. That the storage of snow shall not impede sight distance for vehicles exiting the site; and
- iii. That the proposed wall mounted sign is not part of the site plan review and requires a separate sign permit under Division 22 of the City's Ordinance.

ATTACHMENTS

Report attachments

1. Department of Public Services 2.9.2012 and 2.22.2012
2. Tom Errico, Traffic engineering Reviewer, 2.20.2012
3. Zoning Administrator, 2.21.2012
4. City Arborist, 2.23.2012
5. Aerial showing site and parcel

Applicants submittal

- A. Walsh Engineering Associates Inc Cover letter 1.30.2012
- B. Level I: Site Alteration Site Plan Application
- C. Conditional Use Application
- D. Right, title and interest, and authority to representatives
- E. Traffic Assessment 1.23.2012
- F. Walsh Engineering Associates Inc additional information letter 2.17.2012
- G. Walsh Engineering Associates Inc additional information letter 2.22.2012
- H. Plan Set
 - i. Survey (scaled stamped survey submitted and available)
 - ii. L1.0 Existing Conditions
 - iii. L2.0 Site Plan
 - iv. L3.0 Site Details

Attachment 1

February 9, 2012

February 22, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Final Review Comments: 710 Forest Ave
Jabbar's Auto Sales

This Department has the following final comments.

This Department has no further comments at this time.

1. A stamped survey plan is required. Property corners will need to be set upon approval and before commencing work. Please note that "approximate boundary lines" do not meet City standards.
A stamped survey plan has been received. However please label the State Plane Coordinates for the two corners along Saunders Street. A re-submittal by email attachment will suffice.
2. It appears that the site drainage will not be altered. A statement should be added to indicate that.
A statement has not been added and is probably not necessary. The applicant shows no attempt to alter existing grading on the submitted plans. Please disregard this comment.
3. There are also four curb cuts shown for this lot. Today's standards only allow for two.
There are two curb cuts on Saunders Street. The westerly cut does not meet current driveway separation standards. It is obvious that this cut is currently only used to service four HVAC units in the rear of the building. This Department is willing to waive this separation standard on Saunders Street with the understanding that this drive will only be used for HVAC servicing and not for parking cars.
The applicant is requesting a waiver of the number of drive cuts. This department is supportive of a waiver. However no reference has been made that the rear curb cut on Saunders St will not be used for parking vehicles.
4. The sidewalk material policy for this area is concrete. The sidewalk is currently asphalt and in good condition. The granite curb is also in good repair. This department is agreeable to leaving the sidewalk as asphalt.
No comment necessary.

This Department has no further comments at this time.

Attachment 2

Jean Fraser - 710 Forest Avenue - Jabbars Auto Dealership

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 2/20/2012 4:19 PM
Subject: 710 Forest Avenue - Jabbars Auto Dealership
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, Katherine Earley <KAS@p...

Jean – I have reviewed the revised site plan dated February 17, 2012 and the traffic analysis conducted by Bill Bray, PE and find the project to be acceptable with the following comments.

- I have reviewed the traffic study and the estimated traffic generation expected from the site. I concur with the estimate and the conclusion that the project will not have a significant impact to the transportation system.
- I find the driveway curb cuts, parking layout, and on-site traffic circulation to be acceptable. I concur that restrictions be placed on the secondary curb cut, so usage is for maintenance purposes only.
- The City has been collecting monetary contributions for the implementation of transportation improvements to Woodfords Corner, as documented in the Forest Avenue Corridor Study. Based upon other previously approved project contribution levels, the applicant shall contribute \$1,000.00.
- The applicant has identified areas for on-site snow storage. I would note that the storage of snow shall not impede sight distance for vehicles exiting the site.

If you have any questions or comments, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

710 Forest Ave. - 130-G-007

Attachment 3

#2012-421 - B-2c Zone

2/21/2012

The proposed change of use from office/warehouse to an automobile dealership is located in a B-2c zone which is allowable as a conditional use appeal to the Planning Board. It is noted that the area of the building and site where this proposed use is located only fronts on one street, Saunders Street. This portion of the property does not front on Forest Avenue. The rail road property is between Forest Avenue and this portion of the lot.

Section 14-339 requires a continuous curb guard for cars parked within ten feet of any street line. The plans do show that a curb guard is currently in place. I did not see any detail of that curb guard.

* see update below

As stated in the application, separate permits will be needed for any new signage.

All B-2c maximum sound limitations shall be met as stated in the Ordinance. Complaints are followed up with requirements for any mitigation is noise violations are confirmed.

My zoning review only encompasses the area of the change of use and not the entire lot. No new paving is proposed. Any current impervious surface coverage is legally nonconforming. All other B-2c requirements are being met or are legally nonconforming.

Marge Schmuckal
Zoning Administrator

Page 1 of 1

Jean Fraser - Re: 710 Forest Ave

From: Marge Schmuckal
To: Jean Fraser
Date: 2/22/2012 4:30 PM
Subject: Re: 710 Forest Ave

UPDATE
↓

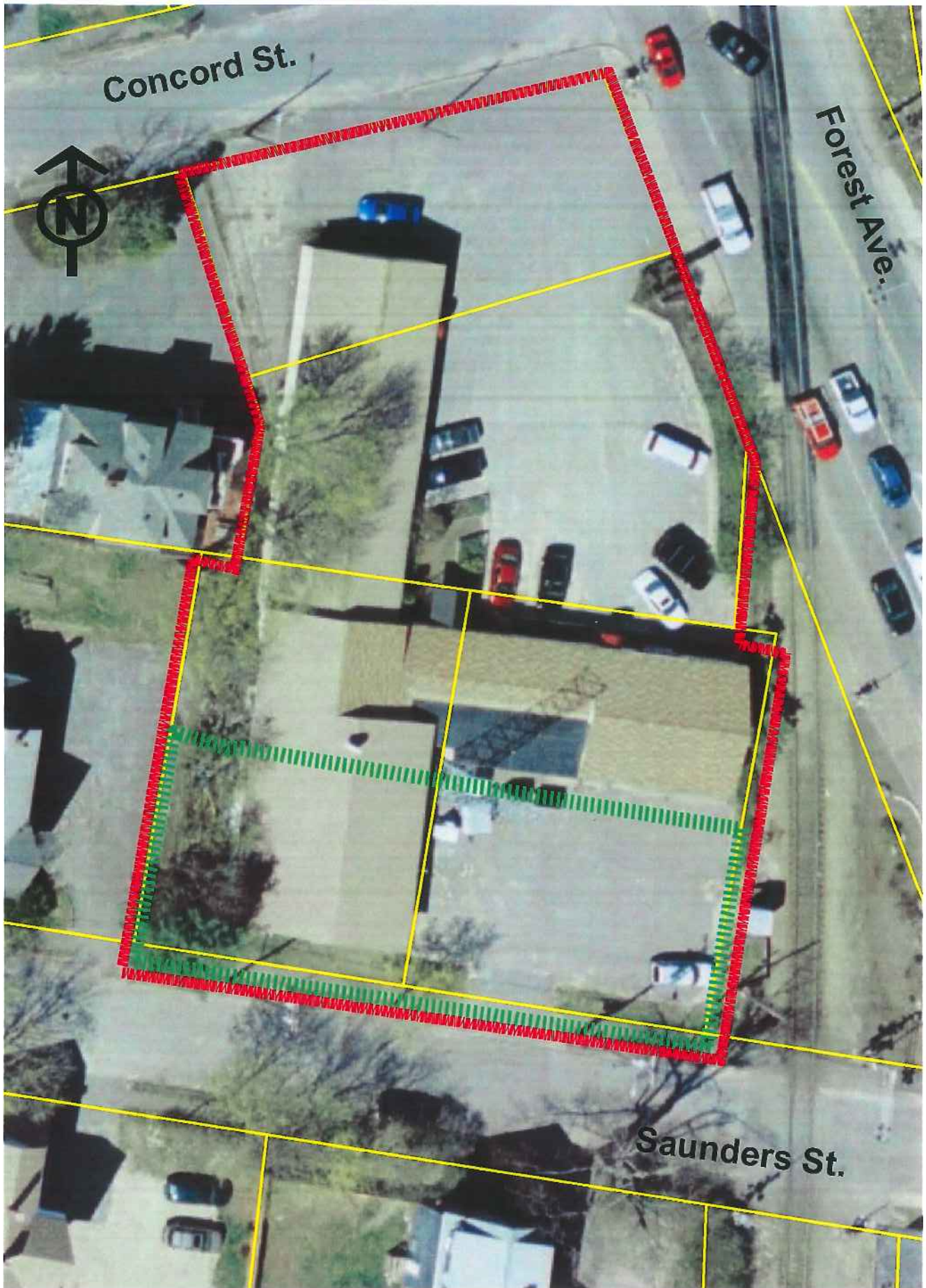
Thank you,
this meets the requirements of section 14-339.
Marge

>>> Jean Fraser 2/22/2012 3:53 PM >>>
Marge

Thank you for giving me a paper copy; that allowed me to discuss it with the applicant and they have sent the attached cover letter and detail of the existing guardrail.

If you have time to revise your comments that would be great; if not I will explain to the board.

A#5



Site at 710 Forest Ave.

Overall Parcel at 710 Forest Ave.



0 12.5 25 50 Feet



Applicant's Submittal



918 Brighton Avenue | Portland, Maine 04102

January 30, 2012

City of Portland Planning Board
c/o Ms. Barbara Barhydt
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Barbara and Members of the Planning Board:

On behalf of Mr. Jabbar Essa, we are pleased to submit the attached Conditional Use and Level I Site Alteration Applications for 710 Forest Avenue. The applicant is seeking to lease a portion of the existing building at 710 Forest Avenue and operate a pre-owned automobile dealership at this location.

Existing Conditions and Existing Zoning

The 27,235 square-foot parcel located at 710 Forest Avenue is identified on the City of Portland Assessor's Map as Tax Map 130, Block G, Lots 7, 8, 12 and 13 (see attached Tax Map 130). The combined parcel is located in the B-2C Community Business Zone.

The R5/B-2C Zone line runs along the parcel west property line and a portion of the south property line. The B-2/B-2C runs along the south property line and a portion of the east property line. These zone line are shown on the attached Existing Conditions Plan. Multi-family residences abut property on the west and south lines. The railroad abuts the east property line.

There is an existing 8,438 s.f. single-story building located on the parcel. Currently, the multi-use building is used as retail, office and storage space. The existing building divides the site and there are two existing parking lots on the site. The north parking lot (which serves the existing office and retail users) has access from Concord Street. The south parking lot (which serves the vacant office and storage space) has access from Saunders Street. The applicant proposes to lease the portion of the building using the south (Saunders Street) parking lot. No changes or improvements are proposed for the north parking lot as part of this application.

Proposed Development

The applicant proposes to lease approximately 5,000 s.f. of the existing building and parcel in order to operate a pre-owned automobile dealership at this location. Per Section 14-183 (a) (5) of the City of Portland Code of Ordinances, automobile dealerships are a

The proposed automobile dealership (Jabbar's Auto Sales) will have two full-time employees (one sales person and one mechanic). The proposed facility will operate Monday through Saturday from 8:00 am to 5:00 pm. The applicant proposes to use the existing south parking lot (approximately 4,150 s.f.) to display seven (7) used cars and to serve as parking lot for employees and clients.

CONDITIONAL USE STANDARDS AND REQUIREMENTS

1. Within the B2-C zone, automobile dealerships require a conditional use approval. The Project as proposed will fit harmoniously into the B2-C zone and will be consistent with uses in the zone and along Forest Avenue. Per Section 14-474 (C) (2) of the City of Portland Code of Ordinances, a conditional use shall be granted by the Planning Board unless the Board determines that:

a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*

The proposed conditional use (automobile dealership) is a common land use along Forest Avenue. For example, Merlin Motors is located at 640 Forest Avenue and Raceway Auto Care is located at 965 Forest Avenue; both are pre-owned automobile dealerships. The proposed conditional is consistent with those uses and does not have unique characteristics nor will it create unique/distinctive effects.

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

The project as proposed will consist of a display area for 7 cars plus 5 parking spaces for customers and employees. The project will be buffered from the residential area to the West and by the existing building to the south. Buffering will be used to soften the visual impact. The use will be consistent with the previous uses on the site and will produce minimal traffic and minimal noise. The small magnitude of the proposed conditional use will pose no adverse impacts on the health, safety and welfare to the public or surrounding areas.

c. *Such impact differs substantially from the impact which would normally occur from such a use in the zone.*

Among the permitted uses that would normally occur in the B-2C Zone are retail stores and restaurants. The traffic impacts and the potential noise levels from any of these uses could be far more significant than the use of a pre-owned automobile sales facility. As well, the operating hours (8-5, Monday through Saturday) are likely to be less than any of the permitted uses within the zone. Therefore, any detrimental impacts are likely to be less than those permitted in the zone.

LEVEL I SITE ALTERATION APPLICATION AND REQUIREMENTS

As part of the Condition Use application, a Site Plan application is required. For this project, less than one (a) acre of the site will be stripped, graded, grubbed, filled or excavated; therefore a Level I Site Alteration application is required. Per Section 14-526, Site Alteration Plans are subject to transportation standards, environmental quality standards, public infrastructure and community safety standards and site design standards. Each of these standards is discussed below:

Transportation Standards

The proposed pre-owned car dealership will include seven (7) display cars and five (5) proposed parking spaces for employees and customers. The parking section of the land use ordinance does not require a specific number of spaces for the proposed use (automobile dealership). Based upon the applicant's business plan, the proposed five (5) parking will meet anticipated parking demands.

Access to the parking lot will be from the existing curb cut along Saunders Street. The existing curb cut is 21.3' wide; the applicant seeks a waiver from the technical standard requirement of a 24' wide parking lot access. At 21.3' wide there is sufficient width to provide for 2 cars to pass.

Attached is a copy of the "Traffic Assessment: Proposed 710 Forest Avenue – Used Car Dealership" prepared by William Bray, P.E., dated January 23, 2012. This report concludes that the proposed dealership site can be expected to generate a total of 4 to 6 vehicle trips during the identified peak travel periods of a typical weekday. The report also concluded that sightline measurements recorded at the centerline of the existing site driveway located on Saunders Street is acceptable for a travel speed of 25 mph. Based upon these findings, we believe the proposed development will have negligible impacts to the surrounding street systems.

Environmental Quality Standards

There are no significant natural features found on the site. There is an existing street tree located west of the existing parking lot entrance; this street tree will be preserved during the proposed site alterations.

Per section 14-183 (G) i, a landscape buffer, no less than five feet (5) wide is required and shall be located along the street frontages. The proposed Site Plan shows a proposed six (6) foot wide landscape buffer between the existing parking and Saunders Street. The proposed landscape buffer includes a variety of plantings in accordance with the City of Portland Technical Manual.

Stormwater from the existing 4,150 s.f. parking lot currently drains from the west toward the east across the parking lot. The stormwater discharges onto the abutting property (the railroad). The applicant does not propose any alterations to the parking lot and the existing drainage patterns will not be altered. During the installation of the proposed landscape buffer, erosion control measures will be implemented during construction.

Public Infrastructure and Community Safety Standards

Existing utilities (water, sanitary sewer, natural gas and overhead electric/telephone) currently access the site and building from Saunders Street. No changes to these utilities are proposed as part of the site alterations.

The proposed site plan is consistent with City public safety standards, Section 3 of the City of Portland Technical Manual, including but not limited to availability and adequacy of water supply and proximity of fire hydrants to structures.

Site Design Standards

Historic Resources: The proposed site alteration does not affect designated landmarks nor is it within designated historic districts or historic landscape districts.

Exterior Lighting: The proposed site plan shows two (2) proposed full cut-off wall-pack light fixtures and two (2) site light fixture (10-ft. mounting height; 70 watt metal halide) with full cut-off shields. Proposed site lighting will not spill onto the abutting residential properties.

Proposed illumination levels are a maximum of 5.0 foot candles and a minimum of 0.2 foot candles in accordance with the exterior lighting standards outlined in Section 12 of the City of Portland Technical Manual.

Signage and Wayfinding: The proposed building mounted sign will be designed in accordance with the standards of Division 22 of the Land Use Ordinance. The proposed sign will be 210 s.f. (1.5 x 140 l.f.) (140 linear of street frontage on Saunders Street.) No wayfinding signs are proposed as part of the site improvements.

Zoning Related Design Standards: There are B-2C Zone related design standards.

Evidence of Financial and Technical Capability

The applicant has retained Walsh Engineering Inc. to provide technical design and permitting services through the conditional use and site plan review process. The applicant proposes to complete the project by self-funding.

Evidence of Right, Title or Interest


Attached is an agreement from Alpine Reality which states their intention to lease the property to the applicant.

Construction cost for the proposed site alterations is estimated to be \$15,000 (inclusive of both building and site costs.) The applicant hopes to commence construction in the spring of 2012 with completion set for May 2012.

710 Forest Avenue
Conditional Use and Level I Site Alteration Applications

Enclosed you will find one (1) copy of the Condition Use Application, one (1) copy of the Level I Site Alteration application, one (1) copy of full-size Existing Conditions Plan and Proposed Site Plans, one (1) of 11" x 17" set of plans, PDF copies of all application materials and a check for \$300.00. I trust you will find the information sufficient for review. We look forward to working with the Planning Board as part of the review process.

Respectfully,



William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

Enc. Conditional Use Application
Level I Site Alteration Application
Existing Conditions Plan and Proposed Site Plan
Standard Boundary Survey
Traffic Assessment: Proposed 710 Forest Avenue – Used Car Dealership
Letter of Financial Capacity
Lease Agreement for 710 Forest Avenue
Application fee

cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar

Effective August 18, 2010



**Level I – Site Alteration
Development Review Application
Portland, Maine**

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level I: Site Alteration site plan.

Level I: Site Alteration Development includes:

- Alteration of a watercourse or wetland as defined in Section 14-47 of the City Code.
- Alteration of a site. The disturbance of land areas of less than one (1) acre that are stripped, graded, grubbed, filled or excavated. The Planning Authority shall exempt from review the loam and seeding of lawns and the cumulative placement of less than fifteen (15) cubic yards of fill on any lot provided such loaming or placement does not alter a drainage course, swale, wetland or redirect water onto adjoining property and does not violate any other provision of the Portland City Code or state or federal law. "Disturbed area" does not include routine maintenance, but does include re-development and new impervious areas.
- The construction of any temporary or permanent parking area, paving of existing unpaved surface parking areas between 1,000 and 7,500 square feet, or creation of other impervious surface areas between 1,000 and 7,500 square feet.
- The rehabilitation or reconstruction, but not new construction, of piers, docks, wharves, bridges, retaining walls, and other structures located within the shoreland zone.
- A site alteration in which vehicle access is proposed from more than one (1) street;

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or (207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

STANDARDS – CRITERIA FOR CONDITIONAL USE APPEAL – Section 14-474

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use.

Upon 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 areas;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

<p>CONTACT INFORMATION:</p>	<p>Applicant's Contact for electronic plans Name: Walsh Engineering Assoc., Inc. e-mail: bill@walsh-eng.com work #: 207-553-9898</p>
<p>Applicant – must be owner, Lessee or Buyer Name: Mr. Jabbar Essa Business Name, if applicable: Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103</p>	<p>Applicant Contact Information Work # 207-615-4369 Home# Cell # 207-615-4369 Fax# e-mail:</p>
<p>Owner – (if different from Applicant) Name: Boulette Realty LLC Address: 380 Warren Avenue City/State: Portland, ME Zip Code: 04103</p>	<p>Owner Contact Information Work # Home# Cell # Fax# e-mail:</p>
<p>Billing Information Name: Mr. Jabbar Essa Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103</p>	<p>Billing Information Work # Cell # Fax# e-mail:</p>

Engineer Name: William R. Walsh, PE Walsh Engineering Assoc., Inc. Address: 918 Brighton Ave. City/State: Portland, ME Zip Code: 04102	Engineer Contact Information Work # 207-553-9898 Cell # 207-650-8855 Fax# e-mail: bill@walsh-eng.com
Surveyor Name: James D. Nadeau, LLC Address: 918 Brighton Ave. Portland, ME 04102 City/State: Zip Code:	Surveyor Contact Information Work # 207-878-7870 Cell # Fax# e-mail: jim@nadeaulandsurveys.com

APPLICATION FEES:

Check all reviews that apply. Payment may be made by Check or Cash addressed to the City of Portland.

Level I Site Alteration Site Plan <input checked="" type="checkbox"/> Application Fee (\$200.00) The City invoices separately for the following: <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.	Fees Paid (office use) —
Performance Guarantee: A performance guarantee is required to cover all public and private site improvements.	Required
Inspection Fee: An inspection fee of 2% of the performance guarantee is due prior to the release of permits	2% of the performance guarantee

Application Check List

Refer to the application checklist for a detailed list of submittal requirements.

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521).

B 4

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 Planning Authority and Code Enforcement'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.

This application is for a Site Plan review only, a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: <i>William J. White (AGENT)</i>	Date: <i>1/30/12</i>
--	-------------------------

Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	27,245 sq. ft.
Proposed Total Disturbed Area of the Site	0 sq. ft.
IMPERVIOUS SURFACE AREA	
• Proposed Total Paved Area	(existing) 15,164 sq. ft.
• Existing Total Impervious Area	23,602 sq. ft.
• Proposed Total Impervious Area	23,602 sq. ft.
• Proposed Impervious Net Change	0 sq. ft.
PARKING SPACES	
• Existing Number of Parking Spaces (on Lease side)	10
• Proposed Number of Parking Spaces (on Lease side)	5
TOTAL Number of Parking Spaces	5

General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input type="checkbox"/> N/A	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.

Site Plans and Boundary Survey Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Site Plan Including the following:
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Identification of and proposed protection measures for any significant natural features on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code.
<input type="checkbox"/> N/A	<input type="checkbox"/>		▪ Details of proposed pier rehabilitation (Shoreland areas only).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed stormwater management and erosion controls.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Total area and limits of proposed land disturbance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing vegetation to be preserved and proposed site landscaping.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed easements or public or private rights of way.

B.6

Site Plan Standards for Review of Level I: Site Alteration

Level I: Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

- (a) Transportation standards:
 1. Impact on surrounding street systems,
 2. Access and circulation, and
 4. Parking
- (b) Environmental quality standards
 1. Preservation of significant natural features,
 2. Landscaping and landscape preservation, and
 3. Water quality, stormwater management and erosion control.
- (c) Public infrastructure and community safety standards.
 1. Consistency with city master plans.
- (d) Site design standards
 5. Historic resources,
 6. Exterior lighting,
 8. Signage and wayfinding, and
 9. Zoning related design standards.

Except as provided in article III, or to conditions imposed under section 14-526(e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto.



PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



A separate drawing[s] shall be provided to the Portland Fire Department for all site plan reviews.

1. Name, address, telephone number of applicant.
2. Name address, telephone number of architect
3. Proposed uses of any structures [NFPA and IBC classification]
4. Square footage of all structures [total and per story]
5. Elevation of all structures
6. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
7. Hydrant locations



Conditional Use Application Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Conditional Use Review. General information pertaining to the thresholds of review for site plans, public noticing procedures and the fee structure is contained in site plan applications and within the Developer's Packet.

(Please submit the Conditional Use Application in addition to an applicable site plan application.)

PROJECT NAME: Jabbar's Auto Sales

CHART/BLOCK/LOT: Map 130, Block G, Lots 7,8,12 and 13

RIGHT, TITLE OR INTEREST: (Please identify the status of the applicant's right, title, or interest in the subject property.)

See attached copy of lease for 710 Forest Avenue.

(Please provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the property. For Example – a deed, option or contract to purchase or least the subject property.)

VICINITY MAP: (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

EXISTING USE: Describe the existing use of the subject property.

Office/warehouse space (currently vacant)

TYPE OF CONDITIONAL USE PROPOSED:

Pre-owned automobile dealership

SITE PLAN: Provide a site plan of the property, showing existing and proposed improvements, which meets the submission requirements of the applicable level of site plan review.

CONDITIONAL USE AUTHORIZED BY: SECTION 14- 183 (a) 5

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission.

C.2

PROJECT NAME: Jabbar's Auto Sales

PROPOSED DEVELOPMENT ADDRESS:
710 Forest Avenue, Portland, Maine

PROJECT DESCRIPTION:
Pre-owned automobile dealership

CHART/BLOCK/LOT: Map 130, Block G, Lots 7,8,12 and 13

CONTACT INFORMATION:	Applicant's Contact for electronic plans Name: Walsh Engineering Assoc. Inc. e-mail: bill@walsh-eng.com work #: 207-553-9898
Applicant – must be owner, Lessee or Buyer Name: Mr. Jabbar Essa Business Name, if applicable: Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103	Applicant Contact Information Work # 207-615-4369 Home# Cell # Fax# e-mail:
Owner – (if different from Applicant) Name: Boulette Realty LLC Address: 380 Warren Avenue City/State: Portland, ME Zip Code: 04103	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: William R. Walsh, PE Walsh Engineering Assoc., Inc. Address: 918 Brighton Ave. City/State: Portland, ME Zip Code: 04102	Agent/Representative Contact information Work # 207-553-9898 Cell # 207-650-8855 e-mail: bill@walsh-eng.com
Billing Information Name: Mr. Jabbar Essa Address: 3 Riverton Drive City/State: Portland, ME Zip Code: 04103	Billing Information Work # 207-615-4369 Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

<p>Conditional Use</p> <p><input type="checkbox"/> Conditional Use \$100</p> <hr/> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review is assessed separately.</p>	
<p>Site Plan Application</p> <p>Please submit a separate application for the applicable site plan review. Fees and charges are listed within the site plan application</p>	<p>Site Plan Application submitted and Fees Paid (office use) _____</p>

APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

The application for a conditional use review must contain the following items:

- a. Conditional Use Application form that is completed and signed.
- b. Cover letter stating the nature of the project.
- c. Evidence of right, title and interest.
- d. Written Submittals that address the conditional use standards of Section 14-474 and any applicable standards of review contained in the zoning code for the specific use.
- e. One set of the paper plans and maps based upon the boundary survey at a scale not less than one (1) inch to fifty (50) feet and containing the information required for the applicable level of site plan review. The plan requirements and submission requirements are listed in the Site Plan Ordinance (Section 14 -527) of the Land Use Code. Refer to the application checklist for a detailed list of submittal requirements.
- f. One set of the plans at 11X17.
- g. The conditional use application fee and all other applicable fees as determined on the site plan application.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521) and the Conditional Use Standards (Section 14-474). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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.

This application is for a Conditional Use review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	Date:
<i>Arthur J. White (agent)</i>	1/30/12

The Portland Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division Fourth Floor, City Hall 389 Congress Street (207) 874-8721 or 874-8719	Office Hours Monday thru Friday 8:00 a.m. – 4:30 p.m.
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Attachment D.1

Letter of Intent

Option to Rent Agreement by and between

ALPINE REALTY
~~380 WARREN AVE.~~
(Owner)
PORTLAND, ME 04103

and

Jabbar Esse, 3 Riverton Dr, Portland, Maine (Renter)

the rental property located at
710 Forest Ave Portland Maine
in the County of Cumberland, State of Maine

under the following terms and conditions:

Lease Term: 3 years (36 months) with first option to renew

Lease rate: \$1800/month

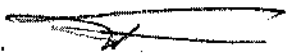
Security: \$1800

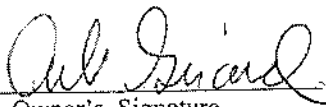
Other Conditions:

1. Renter hereby pays to Owner the sum of \$1000 in consideration for this option, which option payment shall be credited to the first, last or security payment if the option is exercised.
2. This option shall remain in effect for sixty days from the date of option, and thereupon expires unless this option is sooner exercised and secured with a lease agreement.
3. To exercise this option, Renter requests from the Owner:
 - 1) Access to the building for health and safety inspections, contractor reviews and other professional reviews required to assess if the building can be used for Used Car Dealer use.

This agreement to enter into a lease is further subject to Buyer obtaining:

- 1) A satisfactory health and safety inspection for property to be used as a Used Car Dealer
- 2) A Permit received from the City of Portland and from the State of Maine for property to be used as a Used Car Dealer
- 3) An approval for financing not to exceed customary terms within 45 days of agreement; and
- 4) The Closing on Financing not to exceed customary terms within 60 days from date of approval.

From: 
Renter's Signature

Accepted and agreed upon this 29 day of Jan, 2012 
Owner's Signature

January 30, 2012

To Whom It May Concern,

By this letter, I, Jabbar Essa authorize Abdulkadir I Abukar to act as the agent for us in the preparation and submission of all Federal, State, and Local Town Permit Applications and relevant documents and correspondence for all necessary permits to complete shoreline stabilization project along the shoreline of our property at 710 Forest Ave, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees; and to provide such other services as are necessary and appropriate in furtherance of aforementioned shoreline stabilization project.

Jabbar Essa, 3 Riverton Dr, Portland ME 04103

Owners Name

Address

D.3

January 30, 2012

To Whom It May Concern,

By this letter, I, Jabbar Essa authorize Walsh Engineering Associates, Inc. to act as the agent for us in the preparation and submission of all Federal, State, and Local Town Permit Applications and relevant documents and correspondence for all necessary permits to complete shoreline stabilization project along the shoreline of our property at 710 Forest Ave, Portland, Maine; to attend meetings and site visits; to appear before all boards, commissions, and committees; and to provide such other services as are necessary and appropriate in furtherance of aforementioned shoreline stabilization project.

Jabbar Essa, 3 Riverton Dr, Portland ME 04103

Owners Name

Address

William J. Bray, P.E.
235 Bancroft Street
Portland, Maine 04102
Phone (207) 774-3603
trafficsolutions@maine.rr.com

January 23, 2012

Traffic Assessment Proposed 710 Forest Avenue – Used Car Dealership

INTRODUCTION

Jabbar Essa, is proposing to lease and re-develop, as a used car dealership, a 2,000 square foot portion of an existing unoccupied building located at 710 Forest Avenue. The vacant building, with a building design that includes two over-head doors and a small office area, was previously occupied by a communication systems company.

It is anticipated that two employees will operate the proposed dealership; a vehicle mechanic and an office/sales person. An outside vehicle display area of approximately 2,100 square feet will be created with re-design of the existing surface parking area. Access is provided through an existing driveway from Saunders Street located roughly 120 feet south of Forest Avenue (Route 302).

This document estimates the peak hour trip generation of the proposed project during a typical weekday AM and PM peak travel time; reviews existing roadway safety conditions adjacent to the site, and provides an assessment of vehicle sight distance at the proposed driveway intersection with Portland Road.

SITE TRAFFIC

Trip generation for the proposed project was determined based upon trip tables presented in the seventh edition of the Institute of Transportation Engineers (ITE) “**TRIP GENERATION**” handbook for new car sales. The ITE publication does not provide trip data for a used car sales facility; trip rates for new car sales likely overstates trip generation of the proposed project providing a conservative estimate of trip generation. The following trip rates were used in that effort:

Land-Use Code 841 – New Car Sales

Weekday Street Peak Hour – AM Peak	= 2.05 trips/1,000sf of floor area
Weekday Street Peak Hour – PM Peak	= 2.64 trips/1,000sf of floor area

Accordingly, the proposed used car dealership will generate 4 trips in the morning peak hour and a total of 6 trips during the afternoon peak hour.

EXISTING SAFETY CONDITIONS

The Maine Department of Transportation's (MDOT) Accident Records Section provided the latest three-year (2008 through 2010) crash data for the entire length of Saunders Street (Forest Avenue to Nevens Street). MaineDOT's report follows:

2008 through 2010 Accident Records

<u>Location</u>	<u>Total Accidents</u>	<u>Critical Rate Factor</u>
1. Forest Ave., Ocean Ave., and Saunders St.	25	0.83
2. Saunders St. @ Nevens St.	0	0.00
3. Saunders St., Forest Ave. to Nevens St.	1	0.76

The MaineDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- *8 or more accidents*
- *A Critical Rate Factor greater than 1.00*

As the data presented in the table shows, the incidence of traffic crashes for the entire length of Saunders Street is below MaineDOT's criteria for identification of a high crash location.

VEHICLE SIGHT DISTANCE

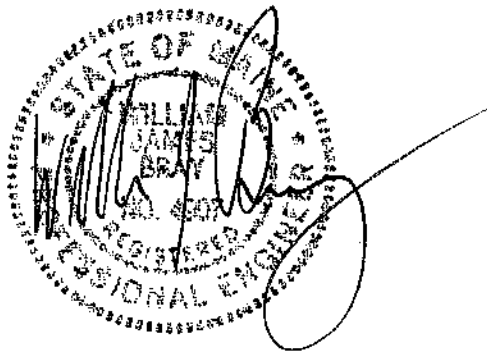
The City of Portland's Technical Standards require, where driveways enter an existing street, that vehicle sight distance conform to standards established by the Maine Department of Transportation as contained in their publication, Chapter 299, Highway Driveway and Entrance Rules. The stated standards are as follows:

Speed Limit	Sight Distance
25 mph	200 feet
30	250
35	305
40	360
45	425
50	495
55	570

Vehicle sightlines were checked at the centerline of the existing site driveway intersection with Saunders Street based upon MaineDOT's sightline measurement guidelines. The speed limit of Saunders Street is assumed to be 25 mph, typical of minor streets in the City of Portland. An existing small tree and utility pole right of the driveway partially restricts sight distance to the right, although a vehicle operator can move vehicle ahead slightly without encroaching into the public street and open the sightline to the Nevens Street intersection. Sight distance to the left is clear to the signalized intersection at Forest Avenue.

SUMMARY

1. The proposed 710 Forest Avenue Used Auto Dealership site can be expected to generate a total of 4 to 6 vehicle trips during the identified peak travel periods of a typical weekday.
2. MDOT's most recent traffic crash report (2008 through 2010) for the full length of Saunders Street indicated that a total of 26 vehicle crashes have occurred. Twenty-five of the 26 total crashes occurred within the signalized intersection of Forest Avenue, Ocean Avenue, and Saunders Street. The frequency of crashes still is below MaineDOT's criteria for identification of a high crash location.
3. Sightline measurements recorded at the centerline of the existing site driveway located on Saunders Street is acceptable for a travel speed of 25 mph.



Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Included 1320 & Driver Report Included

REPORT DESCRIPTION

Saunders St.

REPORT PARAMETERS

Year 2008, Start Month 1 through Year 2010 End Month: 12

Route: 0560645

Start Node: 12814

Start Offset: 0

Exclude First Node

End Node: 16853

End Offset: 0

Exclude Last Node

E 4

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Percent Injury	Annual Ent-Veh	Crash Rate	Critical Rate	CRF
12814	0560645 - 0	0503227 POR, NEVENS, SAUNDER ST.	2	0	0	0	0	0	0	0.0	0.305	0.00	0.55	0.00
P16853	0560645 - 0.13	Int of FOREST AV, OCEAN AV, SAUNDER ST	9	25	0	1	0	3	21	16.0	10,257	0.81	0.98	0.00
NODE TOTALS:				25	0	1	0	3	21	16.0	10,562	0.79	0.96	0.82

Study Years: 3.00

M. 5

Crash Summary

Sections																
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	Injury Crashes			PD	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
						A	B	C								

12814	16853	187361	0 - 0.13	0560645 - 0	0.13	2	1	0	0	0	1	0.0	0.00030	1115.07	1466.47	0.00	
				RD INV 05 60345													
					Statewide Crash Rate: 369.81												

Study Years: 3.00

Section Totals: 0.13 1 0 0 0 0 1 0.0 0.00030 1115.07 1466.48 0.76

Grand Totals: 0.13 26 0 1 0 3 22 15.4 0.00030 28991.81 1758.42 16.49

E.6

Crash Summary

Section Details

Start Node	End Node	Element	Offset Begin - End	Route - MP	Total Crashes	K	A	B	C	PD	Crash Report	Crash Date	Crash Mile Point	Injury Degree
12814	16853	187361	0 - 0.13	0560645 - 0	1	0	0	0	0	1	2008-28236	11/10/2008	0.06	PD

Totals: 1 0 0 0 0 0 1

E. 7

Crash Summary II - Characteristics

Crashes by Day and Hour

Day Of Week	Hour of Day												Un	Tot												
	AM						PM																			
	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11		
SUNDAY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
MONDAY	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	2	0	1	1	0	0	0	6
TUESDAY	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	3
WEDNESDAY	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	1	0	0	0	0	0	0	0	0	3
THURSDAY	0	1	0	0	0	0	0	0	0	0	1	0	1	0	1	0	0	0	1	0	0	0	0	0	0	4
FRIDAY	0	0	0	0	0	0	0	0	0	1	0	0	3	1	0	0	0	0	0	1	0	0	0	0	0	6
SATURDAY	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	3
Totals	0	1	0	0	0	0	0	1	0	1	2	2	1	1	4	3	2	1	3	2	1	1	0	0	0	26

Crashes by Year and Month

Month	2008	2009	2010	Total
JANUARY	0	2	1	3
FEBRUARY	2	0	0	2
MARCH	0	1	1	2
APRIL	1	1	1	3
MAY	1	2	1	4
JUNE	0	1	0	1
JULY	0	2	2	4
AUGUST	0	0	0	0
SEPTEMBER	0	1	0	1
OCTOBER	0	0	1	1
NOVEMBER	1	0	0	1
DECEMBER	1	0	3	4
Total	6	10	10	26

Vehicle Counts by Type

Unit Type	Total	Unit Type	Total
1-2 Door	1	32-3 Axle Tractor with Tandem Axle Semi	0
2-4 Door	25	33-3 Axle Tractor with Tridem Axle Semi	1
3-Convertible	0	35-3 Axle Tractor with Single Axle Semi & 2 Axle Trailer	0
4-Station Wagon	1	36-3 Axle Tractor with Tandem Axle Semi & 2 Axle Trailer	0
5-Van	2	37-5 Axle Semi; Split Trailer Tandem	0
6-Pickup Truck	10	38-6 Axle Semi; Split Trailer Tandem with Center Axle	0
7-SUV	9	39-6 Axle; Standard Trailer Tandem with Center Axle	0
10-Truck Tractor Only (Bobtail)	0	40-4 Axle Single Unit	0
12-School Bus	0	42-4 Axle Tractor with Tandem Axle Semi	0
13-Motor Home	0	50-Any Other Axle Configuration	0
14-Motorcycle	0	60-Other Unit	0
15-Moped	0	70-ATV	0
16-Motor Bike	0	81-2 Axle Bus	0
17-Bicycle	0	82-3 Axle Bus	0
18-Snowmobile	0	98-Farm Vehicles / Tractors	0
20-2 Axle Single Unit with Dual Tires	0	99-Unknown	1
21-2 Axle Tractor with Single Axle Semi	0	Total	50
22-2 Axle Tractor with Tandem Axle Semi	0		
25-2 Axle Tractor with Single Axle Semi & 2 Axle Trailer	0		
30-3 Axle Single Unit	0		
31-3 Axle Tractor with Single Axle Semi	0		

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary II - Characteristics

E. 9

Crashes by Apparent Contributing Factor And Driver

Apparent Contributing Factor	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
No Improper Action	8	15	0	0	0	0	23
Failure to Yield Right of Way	1	1	0	0	0	0	2
Illegal Unsafe Speed	0	1	0	0	0	0	1
Following Too Close	4	1	1	0	0	0	6
Disregard Traffic Control Device	1	0	0	0	0	0	1
Driving Left of Center Not Passing	0	0	0	0	0	0	0
Improper Passing, Overtaking	1	0	0	0	0	0	1
Improper Unsafe Lane Change	1	0	0	0	0	0	1
Improper Parking Start, Stop	0	0	0	0	0	0	0
Improper Turn	0	0	0	0	0	0	0
Unsafe Backing	0	0	0	0	0	0	0
No Signal or Improper Signal	0	0	0	0	0	0	0
Impeding Traffic	0	0	0	0	0	0	0
Driver Inattention, Distraction	6	1	0	0	0	0	7
Driver Inexperience	1	0	0	0	0	0	1
Pedestrian Violation Error	0	0	0	0	0	0	0
Physical Impairment	0	0	0	0	0	0	0
Vision Obscured, Windshield Glass	0	0	0	0	0	0	0
Vision Obscured, Sun, Headlights	0	0	0	0	0	0	0
Other Vision Obscurement	0	0	0	0	0	0	0
Other Human Violation Factor	2	2	0	0	0	0	4
Hit and Run	1	2	0	0	0	0	3
Defective Brakes	0	0	0	0	0	0	0
Defective Tire, Tire Failure	0	0	0	0	0	0	0
Defective Lights	0	0	0	0	0	0	0
Defective Suspension	0	0	0	0	0	0	0
Defective Steering	0	0	0	0	0	0	0
Other Vehicle Defect or Factor	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0
Total	26	23	1	0	0	0	50

Crashes by Apparent Physical Condition And Driver

Apparent Physical Condition	Dr 1	Dr 2	Dr 3	Dr 4	Dr 5	Other	Total
Normal	24	20	1	0	0	0	45
Under the Influence	0	0	0	0	0	0	0
Had Been Drinking	1	0	0	0	0	0	1
Had Been Using Drugs	0	0	0	0	0	0	0
Asleep	0	0	0	0	0	0	0
Fatigued	0	0	0	0	0	0	0
Ill	0	0	0	0	0	0	0
Handicapped	0	0	0	0	0	0	0
Other	1	1	0	0	0	0	2
Total	26	21	1	0	0	0	48

Driver Age by Unit Type

Age	Driver	Bicycle	SnowMobile	Pedestrian	ATV	Total
09-Under	0	0	0	0	0	0
10-14	0	0	0	0	0	0
15-19	3	0	0	0	0	3
20-24	8	0	0	0	0	8
25-29	5	0	0	0	0	5
30-39	9	0	0	0	0	9
40-49	10	0	0	0	0	10
50-59	6	0	0	0	0	6
60-69	6	0	0	0	0	6
70-79	1	0	0	0	0	1
80-Over	1	0	0	0	0	1
Unknown	1	0	0	0	0	1
Total	50	0	0	0	0	50

Crash Summary II - Characteristics

Fixed Object Struck		Total
1-Construction, Barricades Equipment, etc.		0
2-Traffic Signal		0
3-R.R. Crossing Device		0
4-Light Pole		1
5-Utility Pole (Tel. Electrical)		1
6-Sign Structure Post		0
7-Mail Boxes or Posts		0
8-Other Poles, posts or supports		0
9-Fire Hydrant/Parking Meter		0
10-Tree or Shrubbery		0
11-Crash Cushion		0
12-Median Safety Barrier		0
13-Bridge Piers (including protective guard rails)		0
14-Other Guardrails		0
15-Fencing (not median barrier)		0
16-Culvert Headwall		0
17-Embankment, Ditch, Curb		1
18-Building, Wall		0
19-Rock Outcrops or Ledge		0
20-Other		0
21-Gate or Cable		0
22-Pressure Ridge		0
Total		3

Traffic Control Devices		Total
1-Traffic Signals (Stop & Go)		22
2-Traffic Flashing		0
3-Overhead Flashers		0
4-Stop Signs - All Approaches		0
5-Stop Signs - Other		0
6-Yield Sign		0
7-Curve Warning Sign		0
8-Officer, Flagman, School Patrol		0
9-School Bus Stop Arm		0
10-School Zone Sign		0
11-R.R. Crossing Device		0
12-No Passing Zone		0
13-None		4
14-Other		0
Total		26

Road Character		Total
1-Level Straight		22
2-Level Curved		1
3-On Grade Straight		2
4-On Grade Curved		0
5-Top of Hill Straight		0
6-Top of Hill Curved		0
7-Bottom of Hill Straight		1
8-Bottom of Hill Curved		0
9-Other		0
Total		26

Injury Data		
Severity Code	Injury Crashes	Number Of Injuries
K	0	0
A	1	1
B	0	0
C	3	4
PD	22	0
Total	26	5

Light		Total
1-Dawn (Morning)		0
2-Daylight		18
3-Dusk (Evening)		1
4-Dark (Street Lights On)		7
5-Dark (No Street Lights)		0
6-Dark (Street Lights Off)		0
7-Other		0
Total		26

10

Crash Summary II - Characteristics

Crashes by Crash Type and Type of Location

Crash Type	Straight Road	Curved Road	Three Leg Intersection	Four Leg Intersection	Five Leg Intersection	Driveways	Bridges	Interchanges	Other	Total
Object in Road	0	0	0	0	0	0	0	0	0	0
Rear End / Sideswipe	1	0	5	13	1	0	0	0	0	20
Head-on / Sideswipe	0	0	0	0	0	0	0	0	0	0
Intersection Movement	0	0	1	2	0	0	0	0	0	3
Pedestrians	0	0	0	0	0	0	0	0	0	0
Train	0	0	0	0	0	0	0	0	0	0
Ran Off Road	0	0	2	1	0	0	0	0	0	3
All Other Animal	0	0	0	0	0	0	0	0	0	0
Bike	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Jackknife	0	0	0	0	0	0	0	0	0	0
Rollover	0	0	0	0	0	0	0	0	0	0
Fire	0	0	0	0	0	0	0	0	0	0
Submersion	0	0	0	0	0	0	0	0	0	0
Rock Thrown	0	0	0	0	0	0	0	0	0	0
Bear	0	0	0	0	0	0	0	0	0	0
Deer	0	0	0	0	0	0	0	0	0	0
Moose	0	0	0	0	0	0	0	0	0	0
Total	1	0	8	16	1	0	0	0	0	26

E. 11

Crash Summary II - Characteristics

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow, Slush, Sanded	Wet	Total
Blowing Sand or Dust											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Clear											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	4	0	0	0	0	0	0	0	2	6
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	12	0	0	0	0	0	0	0	1	13
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Cloudy											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	1	0	0	0	0	0	0	0	2	3
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Fog, Smog, Smoke											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0

E 12

Crash Summary II - Characteristics

E.13

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow, Slush, Sanded	Wet	Total
Other											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Rain											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Severe Cross Winds											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Sleet, Hail, Freezing Rain											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	0	0	0	0	0	0	0	0
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	0	0	0	0	0	0	0	0	0
Dusk (Evening)	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0

Crash Summary II - Characteristics

E. 14

Crashes by Weather, Light Condition and Road Surface

Weather Light	Debris	Dry	Ice, Packed Snow, Not Sanded	Ice, Packed Snow, Sanded	Muddy	Oily	Other	Snow Slush, Not Sanded	Snow, Slush, Sanded	Wet	Total
Snow											
Dark (No Street Lights)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights Off)	0	0	0	0	0	0	0	0	0	0	0
Dark (Street Lights On)	0	0	0	1	0	0	0	0	0	0	1
Dawn (Morning)	0	0	0	0	0	0	0	0	0	0	0
Daylight	0	0	1	0	0	0	0	1	0	0	2
Dusk (Evening)	0	0	0	0	0	0	0	0	1	0	1
Other	0	0	0	0	0	0	0	0	0	0	0
TOTAL	0	17	1	1	0	0	0	1	1	5	26



918 Brighton Ave | Portland, ME 04102

February 17, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Jean:

Thank you for the Planning Division staff's review comments regarding the Condition Use and Level 1 Site Alteration Applications for 710 Forest Avenue. Below we will address each of your comments.

Cover Letter

A portion of the "Proposed Development" narrative was not included in the submission cover letter. The full "Proposed Development" narrative is as follows:

The applicant proposes to lease approximately 5,000 s.f. of the existing building and parcel in order to operate a pre-owned automobile dealership at this location. Per Section 14-183 (a) (5) of the City of Portland Code of Ordinances, automobile dealerships are a permitted Conditional use in the B-2C zone, when approved by the Planning Board with respect to the requirements of Article V (site plan).

The proposed automobile dealership (Jabbar's Auto Sales) will have two full-time employees (one sales person and one mechanic). The proposed facility will operate Monday through Saturday from 8:00 am to 5:00 pm. The applicant proposes to use the existing south parking lot (approximately 4,150 s.f.) to display seven (7) used cars and to serve as parking lot for employees and clients.

Section 14-183 (a), 5: Auto Dealership Condition Use Requirements

- 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.*

The applicant is proposing one (1) building mounted sign. The sign will be designed in accordance with the standards of Division 22 of the Land Use

Ordinance. The proposed sign will be 210 s.f. (1.5 x 140 l.f.) (140 linear feet of street frontage on Saunders Street.) The proposed sign will not 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.*

The applicant proposed to maintain the existing driveway ingress/egress located on Saunders Street. This existing entrance is located over 125-feet from the Forest Avenue intersection. The anticipated traffic volumes at the driveway entrance will be very low and will pose a threat or potential danger to the safety of the public.

Section 14-156 (2), 4, b, i: Bicycle Parking:

- c. *Development with zero (0) to ten(10) required vehicle parking spaces shall provide at least two (2) bicycle parking spaces*

The attached revised site plan identifies two proposed secure bicycle parking spaces in conformance with Section 1 of the Technical Manual.

Section 14-156 (2), 4, d: Snow Storage

- i. *The site plan shall include areas for snow storage or shall include an acceptable snow removal plan.*

The attached revised site plan identifies three (3) areas for snow storage. The proposed landscape buffer plants have been selected to tolerate the proposed snow loads.

Existing Metal Posts and Guardrail

Along the west property line (at edge of proposed display area), there exists 13 l.f. of metal guardrail as well as three (3) freestanding metal posts and the railroad switchbox. These items are shown on the Existing Conditions Plan (L1.0). These items will remain and will provide a barrier along the west property line.

Number of Driveway / Curb Cuts

Per the City of Portland Technical Manual, Section 1.7.1.8:

No more than two (2) driveways shall be permitted for ingress and egress purposes to any site.

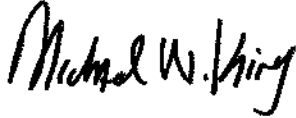
The existing site has four (4) curb cuts and no alterations to these curb cuts are proposed. The applicant seeks a waiver from the permitted number of driveways outlined in Section 1.7.1.8. of the City of Portland Technical Manual.

710 Forest Avenue
Conditional Use and Level I Site Alteration Applications

page 3

Enclosed you will find electronic copies of the revised site plan and details. Please contact us if you need additional information. We look forward to working with the Planning Board as part of the review process.

Respectfully,

A handwritten signature in black ink that reads "Michael W. King". The signature is written in a cursive, slightly slanted style.

Michael W. King
Walsh Engineering Associates, Inc.

Enc. PDFs of revised drawing L1.0, L2.0 and L3.0

cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar



918 Brighton Ave | Portland, ME 04102

February 22, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Jean:

Thank you for your telephone call this afternoon and your follow-up email regarding additional review comments regarding the Condition Use and Level 1 Site Alteration Applications for 710 Forest Avenue. Below we will address each of your comments.

Automobile Display Area Barrier

As request, the attached revised site plan (L2.0) shows the addition of six (6) precast concrete wheel stops for the display cars. The dimensions of the wheel stops are as follows: 6-foot length, 9"-width and 6"-height

Section 14-339: Saunders Street Guardrail

As requested, Sheet L3.0 has been revised to show a detail of the existing guardrail along Saunders Street. The existing guardrail meets the standards outlined in Section 14-339 (minimum 20-inch height).

Survey: Identification of State Plane Coordinates at Lot Corners

We will revise the survey in order to show the State Plane Coordinates at the lot corners. We will submit this document by the end of this week.

Enclosed you will find electronic copies of the revised site plan and details. Please contact us if you need additional information. We look forward to working with the Planning Board as part of the review process.

Respectfully,

A handwritten signature in black ink that reads "Michael W. King". The signature is written in a cursive style.

Michael W. King
Walsh Engineering Associates, Inc.

Enc. PDFs of revised drawings L2.0 and L3.0
cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar

Att. G.2

WALSH
ENGINEERING ASSOCIATES, INC.

918 Brighton Ave | Portland, ME 04102

February 23, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress St
Portland, ME 04102

Please add into
"Applicants Submittal"
710 Forest
at end of 8x11 sheets
(just before plans)

Alteration Applications
Block G, Lots 7, 8, 12 and 13

The proposed lease areas at 710 Forest

2,000 s.f.

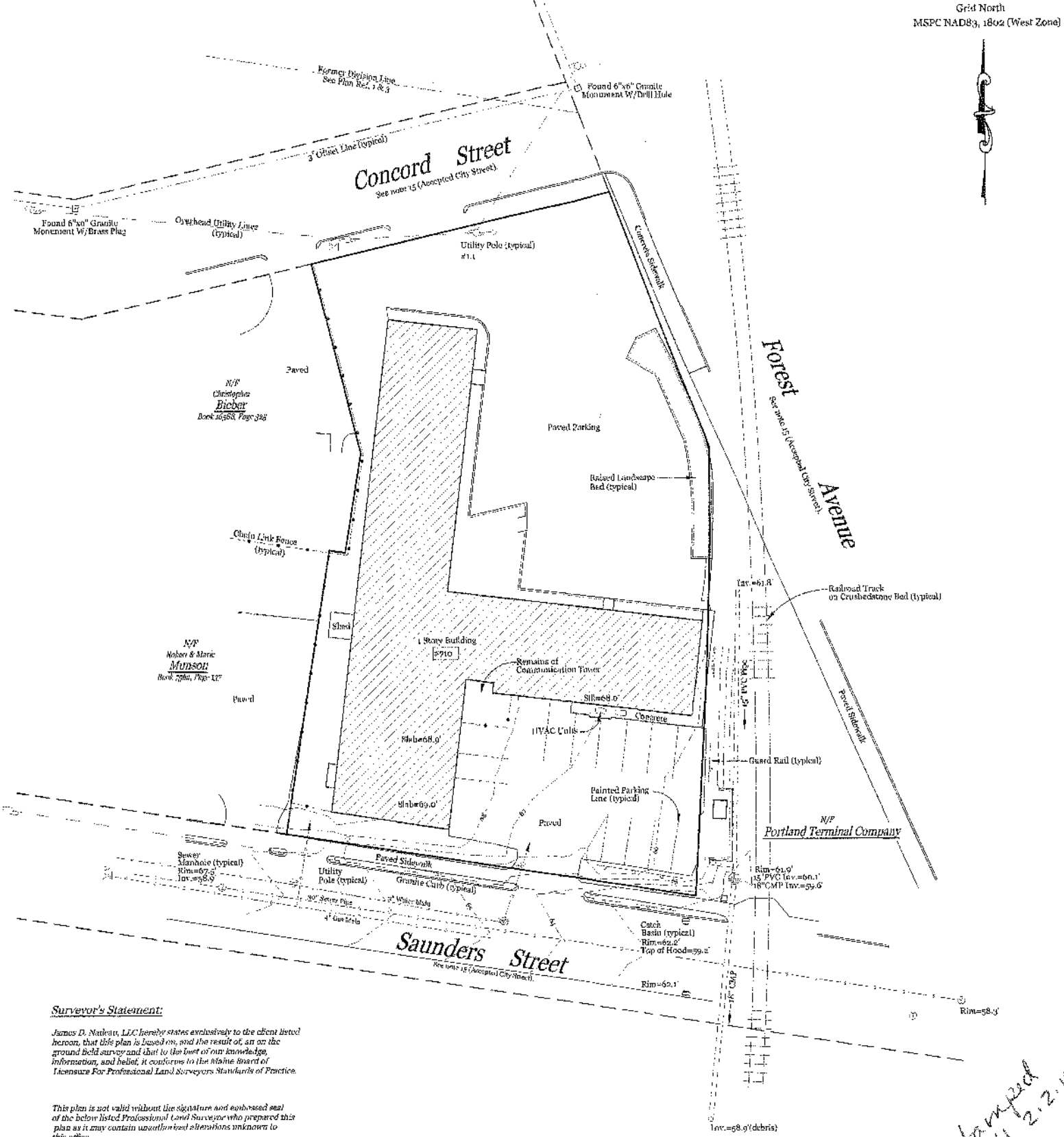
1,000 s.f.

900 s.f.

regarding this issue. Thanks.

Plan References:

1. "Plan Of Survey Made April 19, 1893 For C.A. Chasé", City of Portland file 458/191.
2. "Right Of Way And Track Map, Portland Terminal Company, Sls. 59+82.0 to 105+60.0", dated June 30, 1916, sheet no. VI-A/2.
3. "Plan Of Both P.H. Cuts", dated 1916, by Percy H. Richardson, C.E., recorded May 22, 1916 in CCRD Plan Book 19, Page 42.
4. "Property Plan Land Of Robert M. Chase Portland, Maine", dated June 26, 1987, by Herbert P. Gray, Portland, Maine, recorded July 1, 1987 in CCRD Plan Book 163, Page 65.
5. "Plan Depicting The Results Of A Standard Boundary Survey Made For Lina S. Nash & M. Lynn Bassett Located On The Northeastly Side Of Concord Street, Portland, Maine", dated December 8, 1977, by Nadreau & Lodge, Inc., Professional Land Surveyors.
6. "Plan Depicting The Results Of A Boundary Survey And Division Of Land Made For John D. Puzoski And Jennifer D. Puzoski 40 Saunders Street Portland, Maine", dated December 31, 2001, by Nadreau & Lodge, Inc., Professional Land Surveyors.



General Notes:

1. This plan is not intended to depict limits or extent of fee title ownership. An opinion of title should be rendered by a title attorney.
2. This office reserves the right to be held harmless by all 3rd party claims.
3. This survey does not purport to reflect any of the following:
 - a. encumbrances other than those that are visible or specifically stated in the referenced documents.
 - b. building setback compliance or restrictive covenants.
 - c. zoning or other land use regulations.
 - d. the location of any underground utilities or structures.
4. This office reserves the right to be held harmless for unknown or unobtainable private records which could affect the results of this survey.
5. Reference is made to "Contract For Land Surveying Services" between James D. Nadreau, LLC and the below listed client(s), which shall be considered an integral part of this survey.
6. N/P is an abbreviation for Now or Formerly.
7. All deeds referenced on this plan are recorded at the Cumberland County Registry of Deeds (CCRD).
8. This office does not accept any liability for errors in the Plan References listed herein, excepting Plan Reference 5 & 6.
9. Locus Parcel is shown on the City of Portland Assessor's Map 130, Block G, as Lots 7, 8, 12 & 13, and is listed as 710 Forest Avenue.
10. Area of Locus Parcel is 22,200.00 square feet (22,200.00), more or less, to the lines.
11. The apparent right of way lines depicted on this plan are based on the Plan References listed herein and nomenclature found in the field, and City of Portland Engineering Street Maps.
12. The Locus Parcel does not scale to a Special Flood Hazard Area per FEMA Flood Insurance Rate Map Community Panel Number 230051 0007C, index dated December 8, 1998. The parcel scales in Zone X.
13. All building corner offsets to boundary lines are from cornerboards and not building foundation.
14. Call 1-888-DIGSAFE at least three business days before performing ANY excavation.
15. Per City of Portland Records Vol. 2, Page 175 and Town of Deering Records Page 371, Art. 15 and Page 361, Saunders Street was accepted March 14, 1828 as 42 feet wide. Per City of Portland Records Vol. 2, Page 162 Concord Street (formerly Concord Street) was accepted December 8, 1920 as 44 feet wide. Per City of Portland Records Vol. 2, Page 29, Forest Avenue was relocated December 30, 1879 as 62 feet wide.
16. Vertical Datum is NGVD89. Benchmark established with GPS Static observation taken on December 30, 2011.

Locus Deed Reference:

Arch Wireless Operating Company, Inc.
 c.k.a. Arch Connecticut Valley, Inc.
 to
Boulette Realty, LLC
 dated March 24, 2009 and recorded March 25, 2009 at the Cumberland County Registry of Deeds in Book 21017, Page 17.

PRELIMINARY

Surveyor's Statement:

James D. Nadreau, LLC hereby states exclusively to the client listed herein, that this plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure For Professional Land Surveyors Standards of Practice.

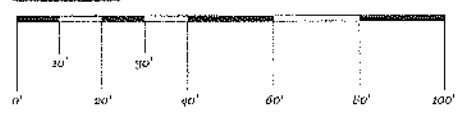
This plan is not valid without the signature and embossed seal of the below listed Professional Land Surveyor who prepared this plan as it may contain unnotified situations unknown to this office.

James D. Nadreau, LLC

James D. Nadreau, P.L.S. #3134 (agent)

Date: _____

Graphic Scale:



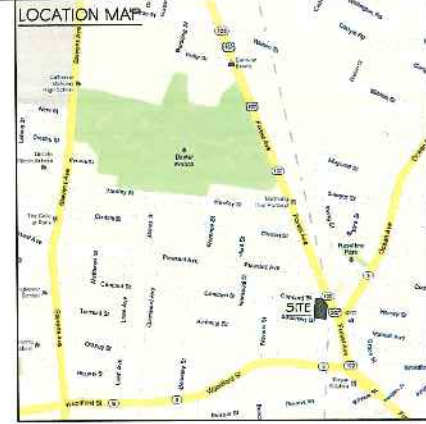
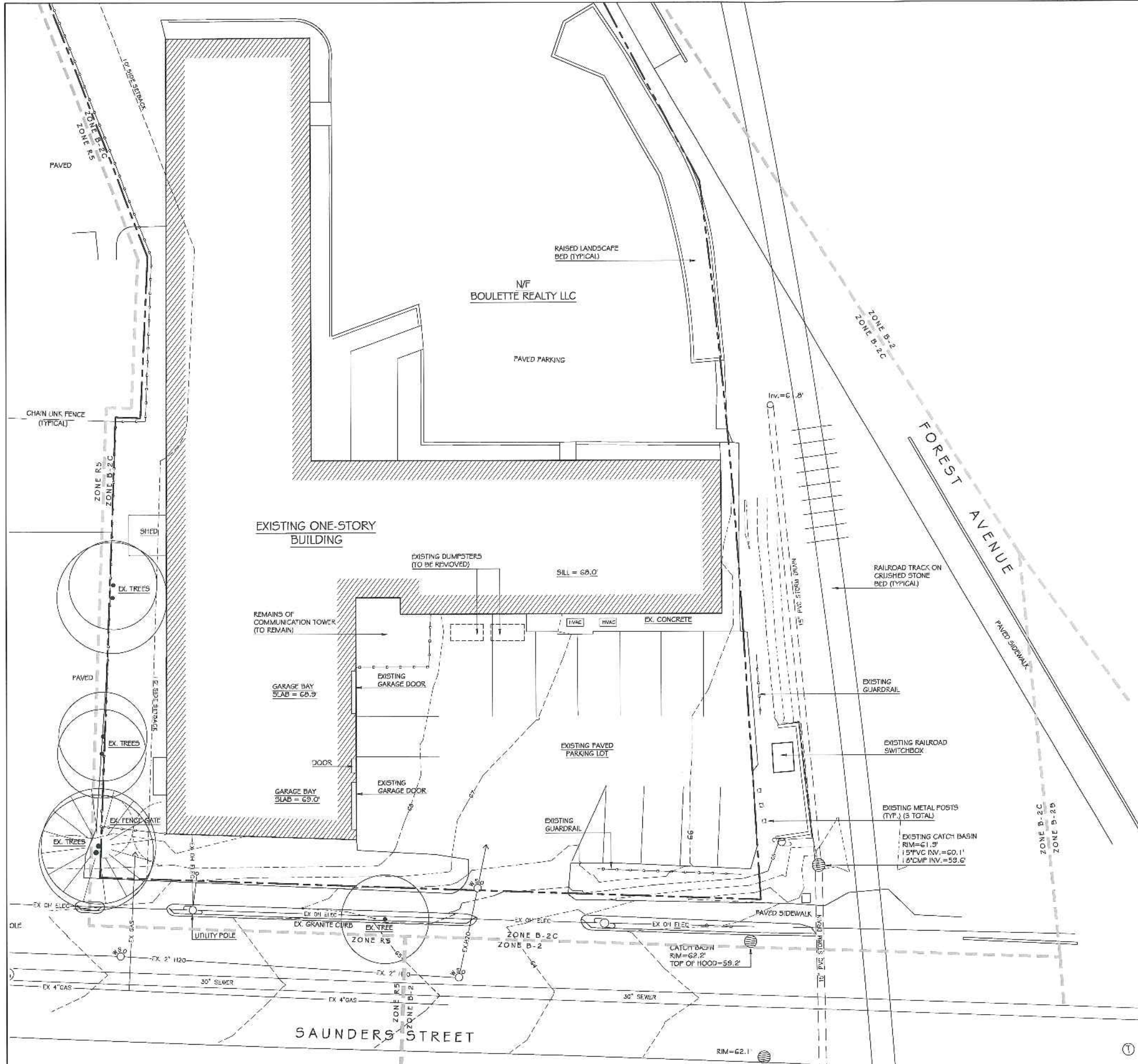
Sealed stamped Survey rec'd 2.2.12.

Plan Depicting The Results Of A Boundary Survey & Partial Topography Survey Made For Jabbar Fessa Southerly Sideline Of Concord Street, Westerly Sideline Of Forest Avenue & Northerly Sideline Of Saunders Street PORTLAND, MAINE

PREPARED BY: **James D. Nadreau, LLC**
 Professional Land Surveyors
 Certified Professional Managers

618 BRIGHTON AVENUE
 PORTLAND, ME 04107
 TEL: (207) 878-8800
 FAX: (207) 878-9800

RECORD OWNER: Boulette Realty, LLC 710 Forest Avenue Portland, Maine 04107	DRAWN BY: NLC	PLAN DATE: 1/30/2012
CHECKED BY: JDN/TVB	SURVEY DATE: Dec 2011/Jan 2012	
INSTR: Topcon GPT 3013W & Topcon Hiper 11 GPS	SCALE: 1" = 20'	
FIELD BOOK: PB 397 K Topcon Ranger	JOB NO: 211206B	SHEET NO: 1 of 1



Civil Engineer
WALSH
 ENGINEERING ASSOCIATES, INC.
 918 Brighton Ave | Portland, Maine 04102
 ph: 207-553-9888 | www.walsh-eng.com
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Surveyor:
 James D. Nadeau, LLC
 918 Brighton Avenue
 Portland, Maine 04102
 phone: 207-878-7870

- PLAN REFERENCES:**
1. SURVEY INFORMATION SHOWN HEREON PROVIDED BY JAMES D. NADEAU, LLC, BY WORKSHEET TITLED "WORKSHEET FOR ABDULKADIR ABUKAR, 710 FOREST AVENUE, PORTLAND, MAINE", DATED JANUARY 12, 2012. FIELD WORK PERFORMED BY JAMES D. NADEAU, LLC IN DECEMBER, 2011.
 2. APPROXIMATE BOUNDARY LINES BASED "STANDARD BOUNDARY FOR 710 FOREST AVENUE" PROVIDED BY JAMES D. NADEAU, LLC, 918 BRIGHTON AVENUE, PORTLAND, MAINE, DATED JANUARY 30, 2012.
 3. ELEVATIONS ARE BASED ON NAVD83. BENCHMARK ESTABLISHED WITH GPS STATIC OBSERVATIONS TAKEN DECEMBER 12, 2011.

- SITE DATA**
1. OWNER: BOULETTE REALTY, LLC
 2. TAX MAP 130, BLOCK 6, LOTS 7, 8, 12 AND 13
 3. LOT SIZE: 27,235 S.F. OR 0.625 ACRES
 4. ZONE: B2-C -- COMMUNITY BUSINESS ZONE

B2-C SPACE AND BULK STANDARDS

	REQUIRED	EXISTING
MINIMUM LOT SIZE:	10,000 S.F.	27,235 S.F.
MINIMUM STREET FRONTAGE:	50 FEET	FOREST AVE.: 93 FT. SAUNDERS ST.: 140 FT. CONCORD ST.: 104 FT.
FRONT YARD (OF LEASE AREA):	NONE	10 FEET
REAR YARD (OF LEASE AREA):	10 FEET	NA
SIDE YARD (OF LEASE AREA):	10 FEET	10 FEET
MINIMUM LOT WIDTH:	NONE	213 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET	25 FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	80%	86.6%

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING "DIG SAFE" AND LOCAL UTILITY COMPANIES AT LEAST THREE (3) BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS, PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, IN ACCORDANCE WITH MAINE STATE LAW. "DIG SAFE" TELEPHONE NUMBER IS 1-888-344-7233.
 2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL AND ANY MEANS, METHODS, AND TECHNIQUES EMPLOYED TO PERFORM THE WORK SHOWN ON THE PLANS.
 3. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING ALL SAFETY REGULATIONS (OSHA). ALL WORK SHALL COMPLY WITH THE MOST RECENT EDITION OF THE CITY OF PORTLAND TECHNICAL MANUAL.
 4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
 5. EXISTING VEGETATION SHALL BE PROTECTED IN AREAS WHERE SHOWN ON THE DRAWINGS. PRIOR TO CONSTRUCTION, FENCING OR OTHER PROTECTIVE MEASURES SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPS OR TREES DESIGNATED FOR PRESERVATION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OF CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED. NO VEHICLES MAY DRIVE OR PARK WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
 6. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS SHOWN ON THE DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES" CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

LEGEND

- CONTOURS
- PROPERTY LINE
- BUILDING
- GAS LINE
- SETBACK LINE
- EDGE OF PAVEMENT
- UTILITY POLE
- WATER VALVE
- WATER MAIN
- SANITARY SEWER
- OVERHEAD ELECTRIC

STATE OF MAINE
 WILLIAM R. WALSH, III
 No. 8204
 LICENSED PROFESSIONAL ENGINEER
 2/7/12

GRAPHIC SCALE
 0 5 10 20'

North

Rev.	Date	Description	Drawn	Check
1	2.17.12	Per City of Portland Review Revised notes and plot size	MK	WW

Sheet Title:
Existing Conditions Plan

Job No.: 161
 Date: Jan. 30, 2011
 Scale: 1" = 10'
 Drawn: MK
 Checked: WW

Sheet No.:
L1.0

A Plan for
Jabbar's Auto Sales
 for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING "DIG SAFE" AND LOCAL UTILITY COMPANIES AT LEAST THREE (3) BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS, PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, IN ACCORDANCE WITH MAINE STATE LAW. "DIG SAFE" TELEPHONE NUMBER IS 1-888-344-7233.
2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL AND ANY MEANS, METHODS, AND TECHNIQUES EMPLOYED TO PERFORM THE WORK SHOWN ON THE PLANS.
3. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING ALL SAFETY REGULATIONS (OSHA). ALL WORK SHALL COMPLY WITH THE MOST RECENT EDITION OF THE CITY OF PORTLAND TECHNICAL MANUAL.
4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
5. EXISTING VEGETATION SHALL BE PROTECTED IN AREAS WHERE SHOWN ON THE DRAWINGS. PRIOR TO CONSTRUCTION, FENCING OR OTHER PROTECTIVE MEASURES SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPS OR TREES DESIGNATED FOR PRESERVATION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OF CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED. NO VEHICLES MAY DRIVE OR PARK WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
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7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES" CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

PLANTING NOTES:

1. THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE THE WORK SHOWN ON THE PLAN.
2. ANY SUBSTITUTION OF SPECIFIED PLANT MATERIAL SHALL BE APPROVED BY THE OWNER AND/OR OWNER'S REPRESENTATIVE.
3. ALL TREE AND SHRUB LOCATIONS SHALL BE STAKED OR MARKED BY CONTRACTOR AND APPROVED BY THE OWNER AND OWNER'S REPRESENTATIVE IN THE FIELD PRIOR TO PLANTING. CONTRACTOR MUST GIVE A MINIMUM 3 DAY NOTICE BETWEEN STAKING AND PLANTING.
4. THE LANDSCAPE CONTRACTOR IS ADVISED OF THE EXISTENCE OF UNDERGROUND UTILITIES, THE LOCATION OF WHICH SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY EXCAVATION OPERATIONS. SHOULD THE LOCATION OF PROPOSED PLANTINGS CONFLICT WITH ANY OF SAID UTILITIES, ADJUST PLANT LOCATIONS ACCORDINGLY AFTER CONSULTATION WITH OWNER AND/OR OWNER'S REPRESENTATIVE.
5. THE CONTRACTOR SHALL REPLACE OR REPAIR TO ORIGINAL CONDITION ANY AND ALL UTILITIES, PAVING, CURBING, ETC., DAMAGED AS A RESULT OF THEIR OPERATIONS AT NO ADDITIONAL COST TO THE OWNER.
6. MULCH PLANTING BEDS AND TREE PITS WITH 3" FINELY SHREDDED AND AGED PINE BARK MULCH OR AS SPECIFIED ON THE PLAN.
7. ALL DISTURBED LAWN AREAS TO BE LOAMED AND SEEDED AS NECESSARY AT NO ADDITIONAL COST TO OWNER.
8. PLANT MATERIALS SHALL BE GUARANTEED FOR ONE (1) YEAR AFTER PLANTING. ANY DEAD, UNSIGHTLY, OR UNHEALTHY PLANTS SHALL BE REPLACED IN KIND AT NO COST TO THE OWNER.
9. CHALK MARK NORTH AT TREE BASE PRIOR TO DIGGING AT NURSERY, REPLANT ON SITE WITH SAME NORTH ORIENTATION FOR ALL TREES.
10. A PRECONSTRUCTION MEETING SHALL BE HELD PRIOR TO LANDSCAPE CONTRACTOR BEGINNING CONSTRUCTION OR ORDERING PLANT MATERIALS.

PLANTING SCHEDULE

QUANT.	COMMON NAME	BOTANIC NAME	SIZE	NATIVE	NOTES
TREES					
2	SPRING SNOW CRABAPPLE	MALUS 'SPRING SNOW'	6" HT.	NO	SINGLE STEM
SHRUBS					
10	BEACH PLUM	PRUNUS MARITIMA	#2	YES	
15	HYDRANGEA ENDLESS SUMMER	HYDRANGEA MACROPHYLLA	#2	NO	
15	BEARBERRY	ARCTOSTAPHYLOS UVA-URSI	#2	YES	
6	WILTON JUNIPER	JUNIPERUS WILTONI	#2	YES	
PERENNIALS					
30	DAYLILY 'LEMON LILY'	HEMEROCALLIS 'LEMON LILY'	#1		

B2-C SPACE AND BULK STANDARDS

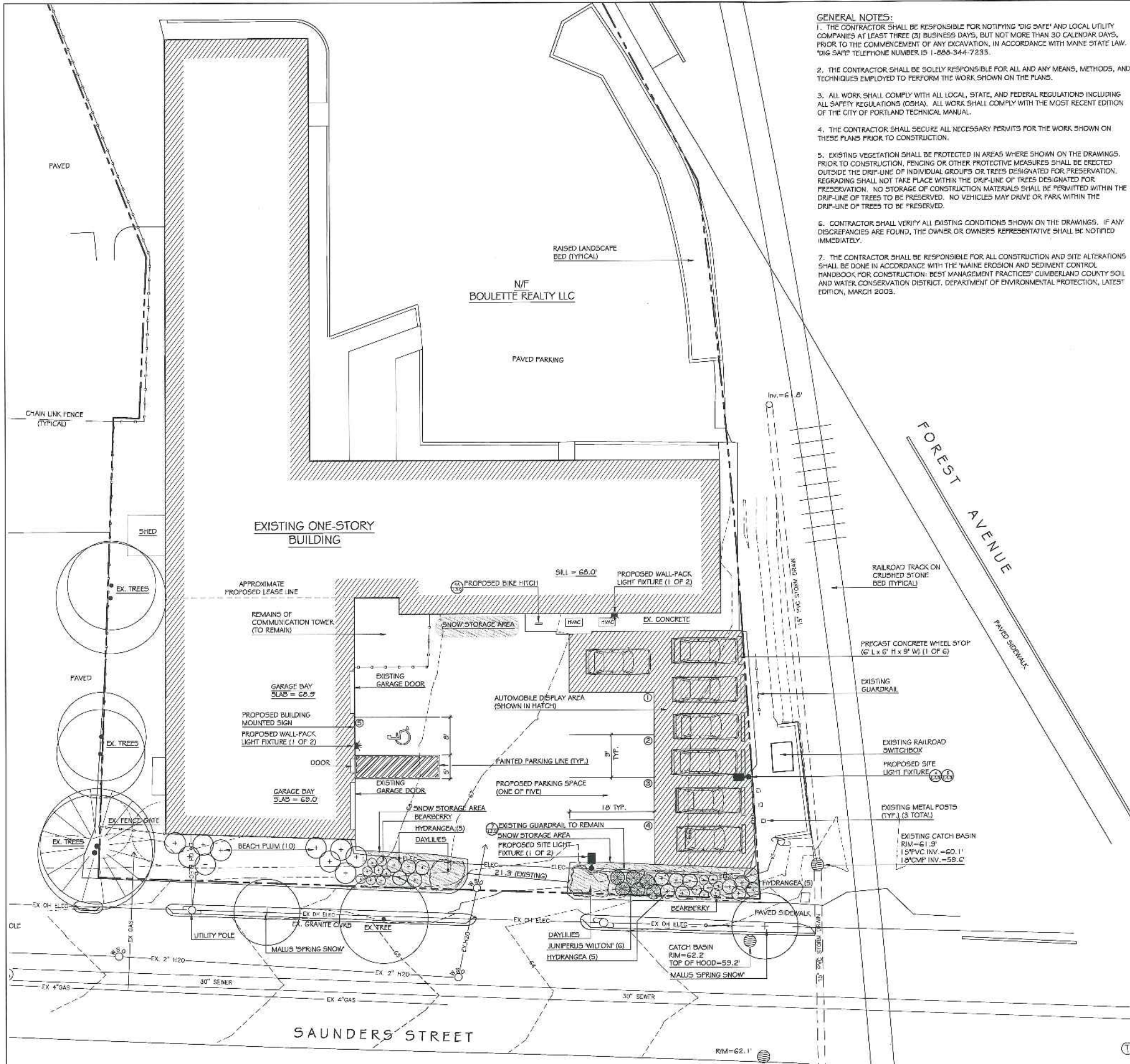
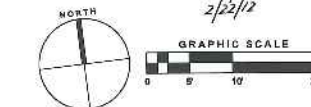
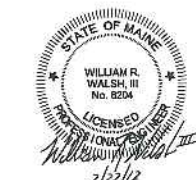
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE:	10,000 S.F.	27,235 S.F.	27,235 S.F.
MINIMUM STREET FRONTAGE:	50 FEET	FOREST AVE.: 93 FT. SAUNDERS ST.: 114 FT. CONCORD ST.: 104 FT.	FOREST AVE.: 93 FT. SAUNDERS ST.: 114 FT. CONCORD ST.: 104 FT.
FRONT YARD (OF LEASE AREA):	NONE	10 FEET	10 FEET
REAR YARD (OF LEASE AREA):	NONE	NA	NA
SIDE YARD (OF LEASE AREA):	10 FEET	10 FEET	10 FEET
MINIMUM LOT WIDTH:	NONE	213 FEET	213 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET	25 FEET	25 FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	80%	86.6%	86.6%

APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

NAME: _____ DATE: _____

LEGEND

- CONTOURS
- PROPERTY LINE
- BUILDING
- GAS LINE
- SETBACK LINE
- EDGE OF PAVEMENT
- UTILITY POLE
- WATER VALVE
- WATER MAIN
- SANITARY SEWER
- OVERHEAD ELECTRIC
- PROP. DISPLAY AREA
- PROP. SECONDARY ELECTRIC
- PROP. WALL PACK LIGHT
- PROP. SITE LIGHT FIXTURE
- PROP. BOLLARD
- PROP. SNOW STORAGE



Civil Engineer:
WALSH
ENGINEERING ASSOCIATES, INC.
918 Brighton Ave | Portland, Maine 04102
ph: 207.553.8888 | www.walsh-eng.com
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Surveyor:
James D. Nadeau, LLC
818 Brighton Avenue
Portland, Maine 04102
phone: 207-878-7870

A Plan for
Jabbar's Auto Sales
for
Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

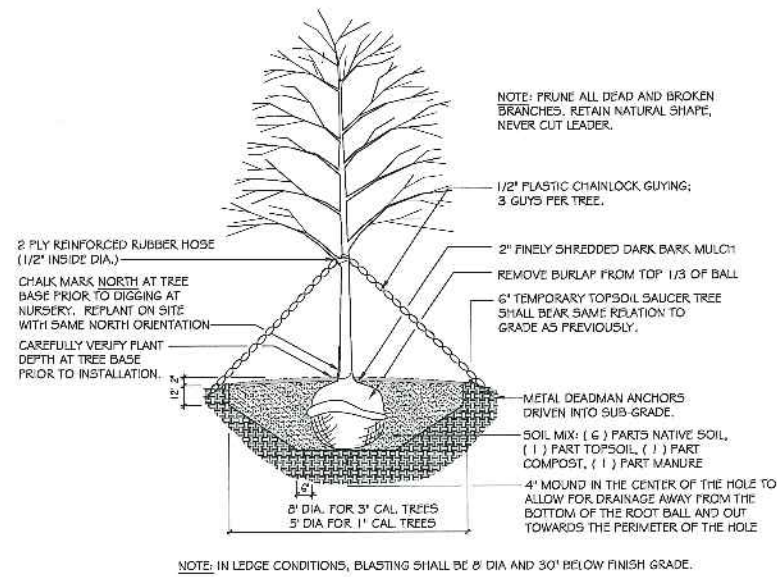
Rev	Date	Description	Drawn	Check
1	2.17.12	Per City of Portland Request: Added site notes, as per drawing	MK	WW
2	2.22.12	Per City of Portland Request: Added site notes, as per drawing	MK	WW

Sheet Title:
Site Plan

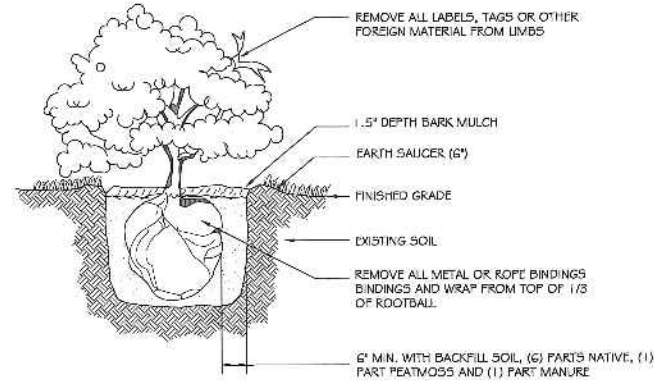
Job No.: 161 Sheet No.:
Date: Jan. 30, 2011
Scale: 1" = 10'
Drawn: MK
Checked: WW

L2.0

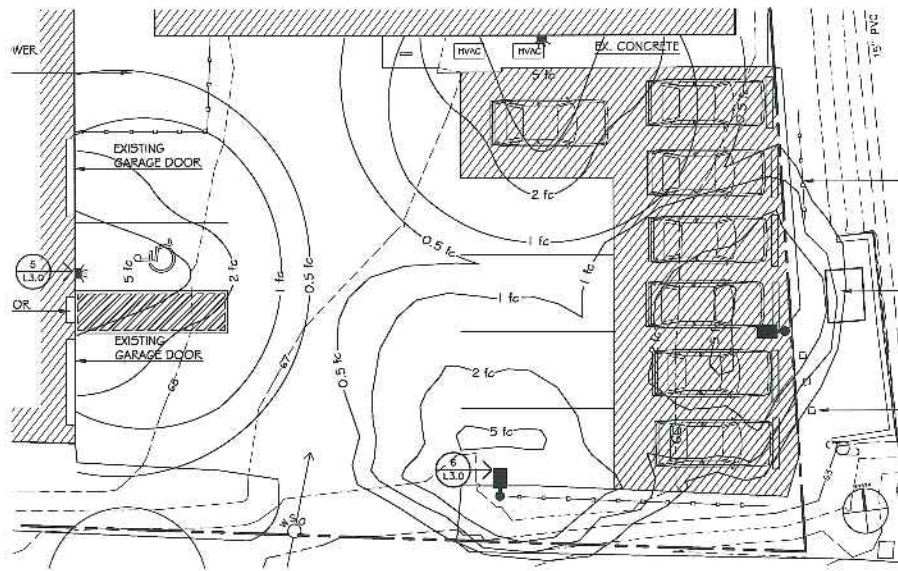
for hearing



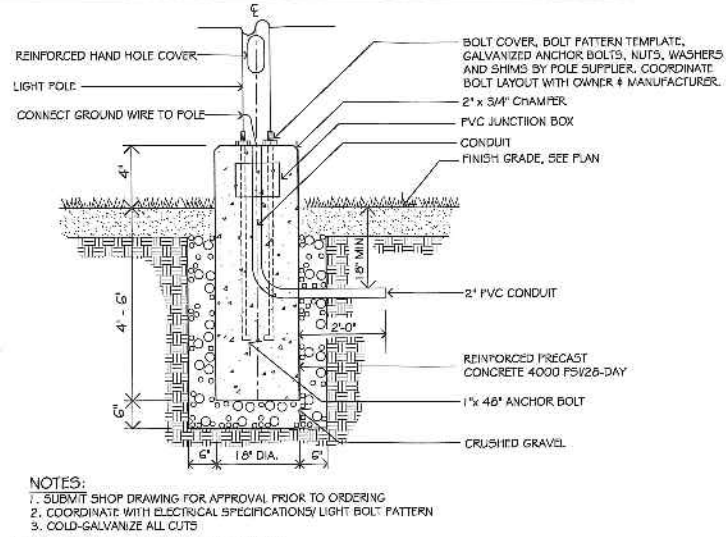
1 DECIDUOUS TREE PLANTING
L3.0 NOT TO SCALE



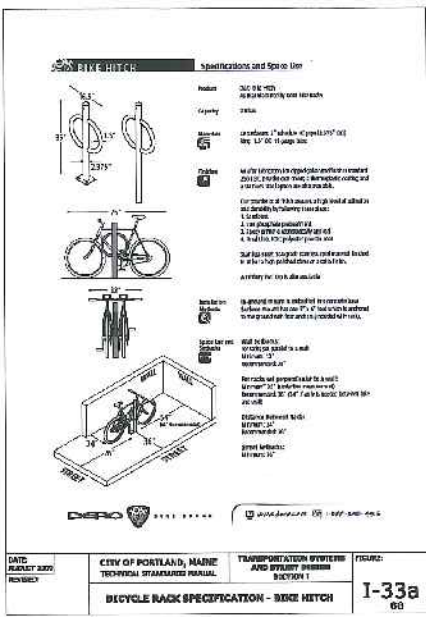
2 SHRUB PLANTING INSTALLATION
L3.0 NOT TO SCALE



3 SITE LIGHTING PHOTOMETRICS PLAN
L3.0 SCALE: 1" = 10'



4 CONCRETE LIGHT POLE BASE
L3.0 NOT TO SCALE



4A BIKE HITCH
L3.0 NOT TO SCALE



5 WALL-PACK CUT SHEET
L3.0 NOT TO SCALE

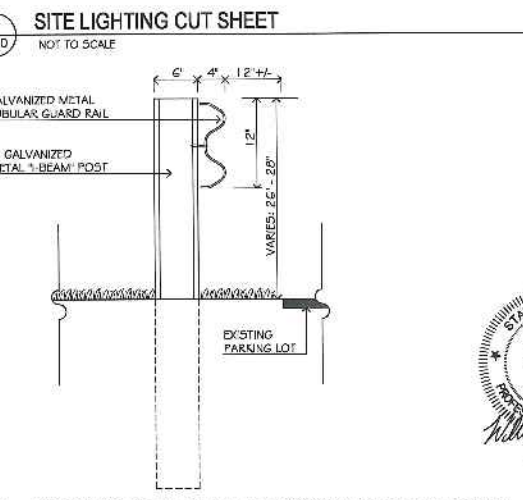


ORDERING INFORMATION

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
101	10' x 10' x 10' Area Light	1	1000.00	1000.00
102	10' x 10' x 10' Area Light	1	1000.00	1000.00
103	10' x 10' x 10' Area Light	1	1000.00	1000.00

EXISTING GUARDRAIL (ALONG SAUNDERS STREET)

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
104	Galvanized Metal Tubular Guardrail	100	10.00	1000.00
105	6" Galvanized Metal Beam Post	100	10.00	1000.00



7 EXISTING GUARDRAIL (ALONG SAUNDERS STREET)
L3.0 NOT TO SCALE

Civil Engineer:
WALSH
 ENGINEERING ASSOCIATES, INC.
 918 Brighton Ave | Portland, Maine 04102
 ph: 207.553.8998 | www.walsh-eng.com
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Surveyor:
 James D. Nadeau, LLC
 918 Brighton Avenue
 Portland, Maine 04102
 phone: 207-878-7870

A Plan for
Jabbar's Auto Sales
 for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

Rev. Date Description
 1 2.17.12 Per City of Portland Review: Added site light detail
 2 2.22.12 Per City of Portland Review: Added guardrail detail

Drawn: MK WW
 Checked: WW

Job No.: 101 Sheet No.:
 Date: Jan. 30, 2011
 Scale: As Shown
 Drawn: MK
 Checked: WW

L3.0



for hearing

PBR1

CITY OF PORTLAND, MAINE
PLANNING BOARD

Carol Morrissette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
Joe Lewis
David Silk

March 1st, 2012

Jabba Essa
3 Riverton Drive
Portland, ME 04103

William R. Walsh, PE
Walsh Engineering Assoc Inc.
918 Brighton Ave.
Portland ME 04102

Project Name:	Jabbar's Auto Dealership	Project ID:	2012-421
Address:	710 Forest Avenue	CBL:	130-G-7, 8, 12 & 13
Applicant:	Jabbar Essa		
Planner:	Jean Fraser		

Dear Mr Essa and Mr Walsh:

On February 28th, 2012, the Planning Board considered the proposed change of use and site alterations for an Auto Dealership selling pre-owned cars at 710 Forest Avenue. The Planning Board reviewed the proposals for conformance with the standards of the Conditional Use and Site Plan Ordinances. The Planning Board voted 4-0 (Lewis and Silk absent) to approve the applications with the following waiver and conditions as presented below.

CONDITIONAL USE

The Planning Board voted 4-0 (Lewis and Silk absent) that the proposed conditional use for Jabbar's Auto Dealership at 710 Forest Avenue (south part) in the B-2c zone is in conformance with the standards of Sections 14-474 and 14-183 of the Land Use Code, subject to the following condition:

- i. The rear (westernmost) existing curb cut on Saunders Street shall be used for service/maintenance purposes only and shall not be used for the automobile dealership.

WAIVER

The Planning Board voted 4-0 (Lewis and Silk absent) to waive the Technical Standard, Section 1.7.1.8 of the Technical and Design Standards and Guidelines (which allows no more than 2 driveways for ingress and egress purposes to any site) to allow the 4 existing curb cuts for the overall parcel to remain as existing, as only one (1) of these curb cuts (easternmost on Saunders Street) provides ingress and egress to the proposed automobile dealership. The western-most curb cut on Saunders Street shall only be used for service/maintenance access to the rear of the building and shall not be used for the automobile dealership.

SITE PLAN REVIEW

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

- i. That the storage of snow shall not impede sight distance for vehicles exiting the site; and
- ii. That the proposed wall mounted sign is not part of the site plan review and requires a separate sign permit under Division 22 of the City's Ordinance.

The approval is based on the applications, plans, reports and other information submitted by the applicant, findings and recommendations related to conditional use and site plan standards and other regulations as contained in the Planning Board Report # 7-12 for application 2012-421 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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. (If applicable)

7. **Department of Public Services Permits** 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.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser, Planner at (207) 874- 8728.

Sincerely,


 Carol Morrissette, Chair
 Portland Planning Board 

Attachments:

1. Planning Board Report #7-12
2. Performance Guarantee Packet

Electronic Distribution:

cc: Greg Mitchell, Interim Director of Planning and Urban Development
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner/Senior Planner
 Philip DiPiero, Development Review Coordinator, Planning
 Margo Schmuckal, Zoning Administrator, Inspections Division
 Tammy Munson, Inspection Division Director
 Lanie Dobson, Administration, Inspections Division
 Gayle Guertin, Administration, Inspections Division
 Michael Bobinsky, Public Services Director
 Katherine Earley, Engineering Services Manager, Public Services
 Bill Clark, Project Engineer, Public Services
 David Margolis-Pineo, Deputy City Engineer, Public Services
 Doug Roncarati, Stormwater Coordinator, Public Services
 Greg Vining, Associate Engineer, Public Services
 Michelle Sweeney, Associate Engineer
 John Low, Associate Engineer, Public Services
 Matt Doughty, Field Inspection Coordinator, Public Services
 Mike Farmer, Project Engineer, Public Services
 Jane Ward, Administration, Public Services
 Jeff Tarling, City Arborist, Public Services
 Captain Chris Pirone, Fire Department
 Thomas Errico, P.E., TY Lin Associates
 David Senus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department
 Approval Letter File

Jean Fraser - 710 Forest Avenue

From: Jean Fraser
To: iidow20@hotmail.com
Date: 3/16/2012 11:26 AM
Subject: 710 Forest Avenue
CC: Michael King; Walsh, William
Attachments: Forest Avenue - 710 (Jabbar Auto Dealership) #2012-421 2-28-12.pdf

Abdul

The contact for the performance guarantee is Phil diPierro in the Planning Division (4th floor) 874 8632 or PD@portlandmaine.gov.

Please find attached the approval letter that went out last week.

It clarifies that no work should start on site until the building permit is issued and please also note that under the standard conditions there are some "site plan" items that need to be completed before the building permit would be issued.

There is a provision in the site plan ordinance for allowing work to take place prior to the issuance of the building permit- the provision is listed below. If you want to request permission from the Director of Planning, please address the letter to:

Alex Jaegerman, Director of Planning
Planning and Urban Development Department
City of Portland
389 Congress Street, 4th floor
Portland ME 04101

and copy to me so that I can follow up.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

EXTRACT FROM SITE PLAN ORDINANCE (UNDER SITE PLAN):

No alterations shall be made to a site with a pending or approved site plan application until:

- a. The performance guarantee has been posted and final site plans have been submitted to the

Planning Authority.

- b. Written permission has been received from the Director of Planning and Urban Development or his/her designee. Such permission shall be granted only after submission of a written request describing the proposed scope of work to be conducted on the site and the planning authority concludes that the request is reasonable, time is imperative and the work will not compromise any aspect of the ensuing review process. All such work shall be done in compliance with information provided with the site plan application including, but not limited to, an erosion control plan. Such written permission shall not be required if the only work proposed is the digging of test pits.



918 Brighton Ave | Portland, ME 04102
Phone 207.553-9898 | www.walsh-eng.com

TRANSMITTAL

Date: February 28, 2018 **Project Number:** 161
Project: 710 Forest Avenue
To: Jean Fraser, City of Portland Planning Department
From: Michael King, Walsh Engineering Associates, Inc.
Copy: File

Enc:

- 1 (one) set of 24" x 36" drawings
- 1 (one) set of 11" x 17" drawings

Mailed
 Delivered

Fax

Number _____
No. of Pages (including cover) _____

WALSH
ENGINEERING ASSOCIATES, INC.

918 Brighton Avenue | Portland, Maine 04102

March 16, 2012

City of Portland Planning Board
c/o Ms. Jean Fraser
Portland City Hall
389 Congress Street
Portland, Maine 04101

**RE: Performance Guarantee Cost Estimate
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Jean:

As requested, attached are seven (7) copies of the recently approved site drawings for 710 Forest Avenue. Also attached is the Performance Guarantee Cost Estimate, including a Landscaping Cost Breakdown.

Let us know if you need further information regarding this issue. Thank you.

Respectfully,



William R. Walsh, III, PE
Walsh Engineering Associates, Inc.

cc. Mr. Jabbar Essa
Mr. Abdulkadir Abukar

rec'd
3.19.12
JF

1 copy of all given Phil
1 copy plan (unobamped)
given to Marge

6.	SITE LIGHTING	_____	_____	_____	2	\$1,500	\$3,000.00
	Electrical Conduit	_____	_____	_____	105 l.f.	\$20	\$2,100.00
7.	EROSION CONTROL						
	Silt Fence	_____	_____	_____	_____	_____	_____
	Check Dams	_____	_____	_____	_____	_____	_____
	Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
	Level Lip Spreader	_____	_____	_____	_____	_____	_____
	Slope Stabilization	_____	_____	_____	_____	_____	_____
	Geotextile/Const. Entrance	_____	_____	_____	_____	_____	_____
	Hay Bale Barriers	_____	_____	_____	_____	_____	_____
	Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8.	RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9.	LANDSCAPING	_____	_____	\$900.00	_____	_____	\$3,525.00
	(See attached breakdown of plant materials, quantities and unit costs)						
10.	MISCELLANEOUS	_____	_____	_____	_____	_____	_____
	TOTAL:			\$900.00			\$9,225.00
	GRAND TOTAL:			\$10,125.00			

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

Jabbar's Auto Sales
710 Forest Avenue, Portland, Maine

Landscaping Cost Breakdown

Prepared by Walsh Engineering Associates, Inc.
March 16, 2012

Plant Type	Quantity	Unit Cost	Public Subtotal	Private Subtotal
Spring Snow Crabapple	2	\$450	\$900	
Beach Plum	10	\$75		\$750
Hydrangea "Endless Summer"	15	\$75		\$1125
Bearberry	15	\$50		\$750
Wilton Juniper	6	\$50		\$300
Daylily "Lemon Lily"	30	\$20		\$600
		TOTAL	\$900	\$3,525

6.	SITE LIGHTING	_____	_____	_____	2	\$1,500	\$3,000.00
	Electrical Conduit	_____	_____	_____	105 l.f.	\$20	\$2,100.00
7.	EROSION CONTROL						
	Silt Fence	_____	_____	_____	_____	_____	_____
	Check Dams	_____	_____	_____	_____	_____	_____
	Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
	Level Lip Spreader	_____	_____	_____	_____	_____	_____
	Slope Stabilization	_____	_____	_____	_____	_____	_____
	Geotextile/Const. Entrance	_____	_____	_____	_____	_____	_____
	Hay Bale Barriers	_____	_____	_____	_____	_____	_____
	Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8.	RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9.	LANDSCAPING	_____	_____	\$900.00	_____	_____	\$3,525.00
	(See attached breakdown of plant materials, quantities and unit costs)						
10.	MISCELLANEOUS	_____	_____	_____	_____	_____	_____
	TOTAL:			\$900.00			\$9,225.00
GRAND TOTAL:				\$10,125.00			

INSPECTION FEE (to be filled out by the City)

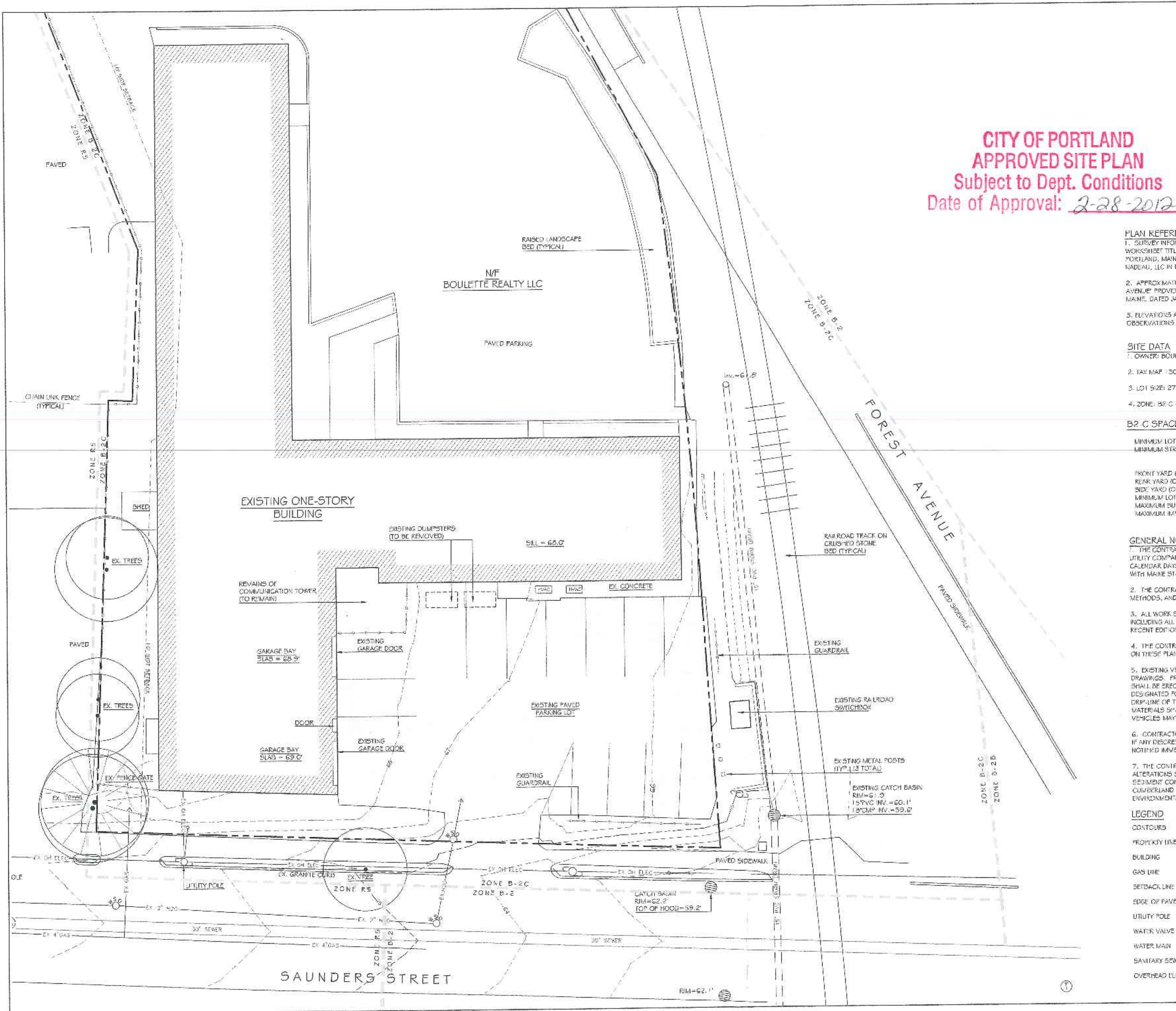
		<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A:	2.0% of totals:	_____	_____	_____
	<u>or</u>			
B:	Alternative Assessment:	_____	_____	_____
	Assessed by:	_____	_____	_____
		(name)	(name)	

Jabbar's Auto Sales
710 Forest Avenue, Portland, Maine

Landscaping Cost Breakdown

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March 16, 2012

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		TOTAL	\$900	\$3,525



Civil Engineer:
WALSH
 ENGINEERING ASSOCIATES, INC.
 616 Brighton Ave | Portland, Maine 04102
 ph: 207.553.8888 | www.walsh-eng.com
 Copyright, © 2012

Surveyor:
 James D. Nadeau, LLC
 918 Brighton Avenue
 Portland, Maine 04102
 phone: 207-878-7870

CITY OF PORTLAND
APPROVED SITE PLAN
 Subject to Dept. Conditions
 Date of Approval: 2-28-2012

PLAN REFERENCES:
 1. SURVEY INFORMATION SHOWN HEREON PROVIDED BY JAMES D. NADEAU, LLC BY WORKSHEET TITLED "WORKSHEET FOR ABDULKADIR ABUKAR, 710 FOREST AVENUE, PORTLAND, MAINE," DATED JANUARY 12, 2012. FIELD WORK PERFORMED BY JAMES D. NADEAU, LLC IN DECEMBER, 2011.
 2. APPROXIMATE BOUNDARY LINES BASED "STANDARD BOUNDARY FOR 710 FOREST AVENUE" PROVIDED BY JAMES D. NADEAU, LLC, 918 BRIGHTON AVENUE, PORTLAND, MAINE, DATED JANUARY 30, 2012.
 3. ELEVATIONS ARE BASED ON NAVD83. BENCHMARK ESTABLISHED WITH GPS STATIC OBSERVATIONS TAKEN DECEMBER 12, 2011.

SITE DATA
 1. OWNER: BOULETTE REALTY, LLC
 2. TAX MAP 130, BLOCK G, LOTS 7, 8, 12 AND 13
 3. LOT SIZE: 27,235 S.F. OR 0.625 ACRES
 4. ZONE: B2-C -- COMMUNITY BUSINESS ZONE

B2-C SPACE AND BULK STANDARDS

	REQUIRED	EXISTING
MINIMUM LOT SIZE:	10,000 S.F.	27,235 S.F.
MINIMUM STREET FRONTAGE:	50 FEET	FOREST AVE: 95 FT. SAUNDERS ST: 140 FT. CONCORD ST: 104 FT.
FRONT YARD (OF LEASE AREA):	NONE	10 FEET
REAR YARD (OF LEASE AREA):	NONE	10 FEET
SIDE YARD (OF LEASE AREA):	NONE	10 FEET
MINIMUM LOT WIDTH:	NONE	213 FEET
MAXIMUM BUILDING HEIGHT:	45 FEET	25 FEET
MAXIMUM IMPERVIOUS SURFACE RATIO:	30%	26.6%

GENERAL NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING "DIG SAFE" AND LOCAL UTILITY COMPANIES AT LEAST THREE (3) BUSINESS DAYS, BUT NOT MORE THAN 30 CALENDAR DAYS, PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION, IN ACCORDANCE WITH MAINE STATE LAW. "DIG SAFE" TELEPHONE NUMBER IS 1-888-344-7233.
 2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL AND ANY MEANS, METHODS, AND TECHNIQUES EMPLOYED TO PERFORM THE WORK SHOWN ON THE PLANS.
 3. ALL WORK SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS INCLUDING ALL SAFETY REGULATIONS (OSHA). ALL WORK SHALL COMPLY WITH THE MOST RECENT EDITION OF THE CITY OF PORTLAND TECHNICAL MANUAL.
 4. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THE WORK SHOWN ON THESE PLANS PRIOR TO CONSTRUCTION.
 5. EXISTING VEGETATION SHALL BE PROTECTED IN AREAS WHERE SHOWN ON THE DRAWINGS. PRIOR TO CONSTRUCTION, FENCING OR OTHER PROTECTIVE MEASURES SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPS OR TREES DESIGNATED FOR PRESERVATION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OF CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED. NO VEHICLES MAY DRIVE OR PARK WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
 6. CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS SHOWN ON THE DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE OWNER OR OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES" QUAMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT, DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

LEGEND

- CONTOURS
- PROPERTY LINE
- BUILDING
- GAS LINE
- SETBACK LINE
- EDGE OF PAVEMENT
- UTILITY POLE
- WATER VALVE
- WATER MAIN
- SANITARY SEWER
- OVERHEAD ELECTRIC

STATE OF MAINE
 WILLIAM R. WALSH III
 No. 8204
 LICENSED PROFESSIONAL ENGINEER
 2/11/12

GRAPHIC SCALE
 0 5 10 30'

Rev.	Date	Description	Drawn	Check
1	2.17.12	City of Portland Planning	MK	WW

Sheet Title:
Existing Conditions Plan

Job No.: 161
 Date: Jan. 30, 2011
 Scale: 1" = 10'
 Drawn: MK
 Checked: WW

Sheet No.: **L1.0**

A Plan for
Jabbar's Auto Sales
 for
 Jabbar Essa, 710 Forest Avenue, Portland, Maine 04103

Plan References:

- "Plan Of Survey Made April 19, 1893 For C.A. Chase", City of Portland file 492/191.
- "Right Of Way And Track Map, Portland Terminal Company, Sta. 52+80.0 to 505+60.0", dated June 30, 1916, sheet no. VI-A/2.
- "Plan Of Seth P.H. Carr", dated 1916, by Percy L. Richardson, C.E., recorded May 25, 1916 in CCRD Plan Book 13, Page 42.
- "Property Plan Land Of Robert M. Close Portland, Maine", dated June 29, 1987, by Herbert P. Gray, Portland, Maine, recorded July 1, 1987 in CCRD Plan Book 163, Page 65.
- "Plan Depicting The Results Of A Standard Boundary Survey Made For Linn S. Nash & M. Lynn Bissell Located On The Northerly Side Of Concord Street, Portland, Maine", dated December 8, 1997, by Nadcau & Lodge, Inc., Professional Land Surveyors.
- "Plan Depicting The Results Of A Boundary Survey And Division Of Land Made For John D. Pasquale And Jennifer D. Pasquale 40 Saunders Street Portland, Maine", dated December 31, 2001, by Nadcau & Lodge, Inc., Professional Land Surveyors.

Locus Deed Reference:

Delta Realty Co., Inc.
 To
Delta Realty, LLC
 dated November 11, 2011 and recorded November 14, 2011 at the Cumberland County Registry of Deeds in Book 21017, Page 47.

General Notes:

- This plan is not intended to depict limits or extent of fee title ownership. An opinion of title should be rendered by a title attorney.
- This office reserves the right to be held harmless by all 3rd party claims.
- This survey does not purport to reflect any of the following:
 - assessments other than those that are visible or specifically stated in the referenced documents.
 - building setback compliance or restrictive covenants.
 - zoning or other land use regulations.
 - the location of any underground utilities or structures.
- This office reserves the right to be held harmless for unknown or unobtainable private records which could affect the results of this survey.
- Reference is made to "Contract For Land Surveying Services" between James D. Nadeau, LLC and the below listed client(s), which shall be considered an integral part of this survey.
- N/F is an abbreviation for Now or Formerly.
- All deeds referenced on this plan are recorded at the Cumberland County Registry of Deeds (CCRD).
- This office does not accept any liability for errors in the Plan References listed hereon, except Plan References 5 & 6.
- Locus Parcel is shown on the City of Portland Assessor's Map 130, Block G, as Lots 7, 8, 12 & 13, and is listed as 710 Forest Avenue.
- Area of Locus Parcel is 27,291 square feet (0.63 acre).
- The apparent right of way lines depicted on this plan are based on the Plan References listed hereon and monumentation found in the field, and City of Portland Engineering Street Notes.
- The Locus Parcel does not scale in a Special Flood Hazard Area per FEMA Flood Insurance Rate Map Community-Flood Number 230051 0007C, index dated December 8, 1998. The parcel scales in Zone X.
- All building corner offsets to boundary lines are from cornerboards and not building foundation, unless noted.
- Call 1-888-DIGSAFE at least three business days before performing ANY excavation.
- Per City of Portland Records Vol. 2, Page 175 and Town of Deering Records Page 379, Art. 13 and Page 381, Saunders Street was accepted March 14, 1891 as 42 feet wide. Per City of Portland Records Vol. 2, Page 160 Concord Street (formerly Concord Road) was accepted December 6, 1920 as 40 feet wide. Per City of Portland Engineering Street Notes Forest Avenue is 62 feet wide.
- Vertical Datum is NGVD29. Benchmark established with GPS Static observations taken on December 30, 2011.
- The underground utilities shown have been located from field survey information and existing drawings. This office makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The underground utilities shown are approximate location and are located as accurately as possible from information available. This office has not physically located the underground utilities.
- The location of the Portland Terminal Company right of way is reproduced per Plan Reference 4.
- Per CCRD Book 2326, Page 276, dated November 14, 1956, right to continue to use and maintain water and sewer line until June 1, 1987 which appears to still exist per markings on pavement.

Surveyor's Statement:

James D. Nadeau, LLC hereby states exclusively to the client listed hereon, that this plan is based on, and the result of, an on the ground field survey and that to the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure For Professional Land Surveyors Standards of Practice.

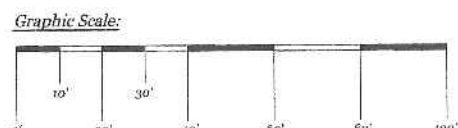
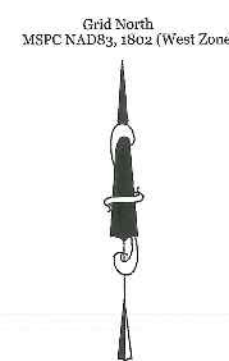
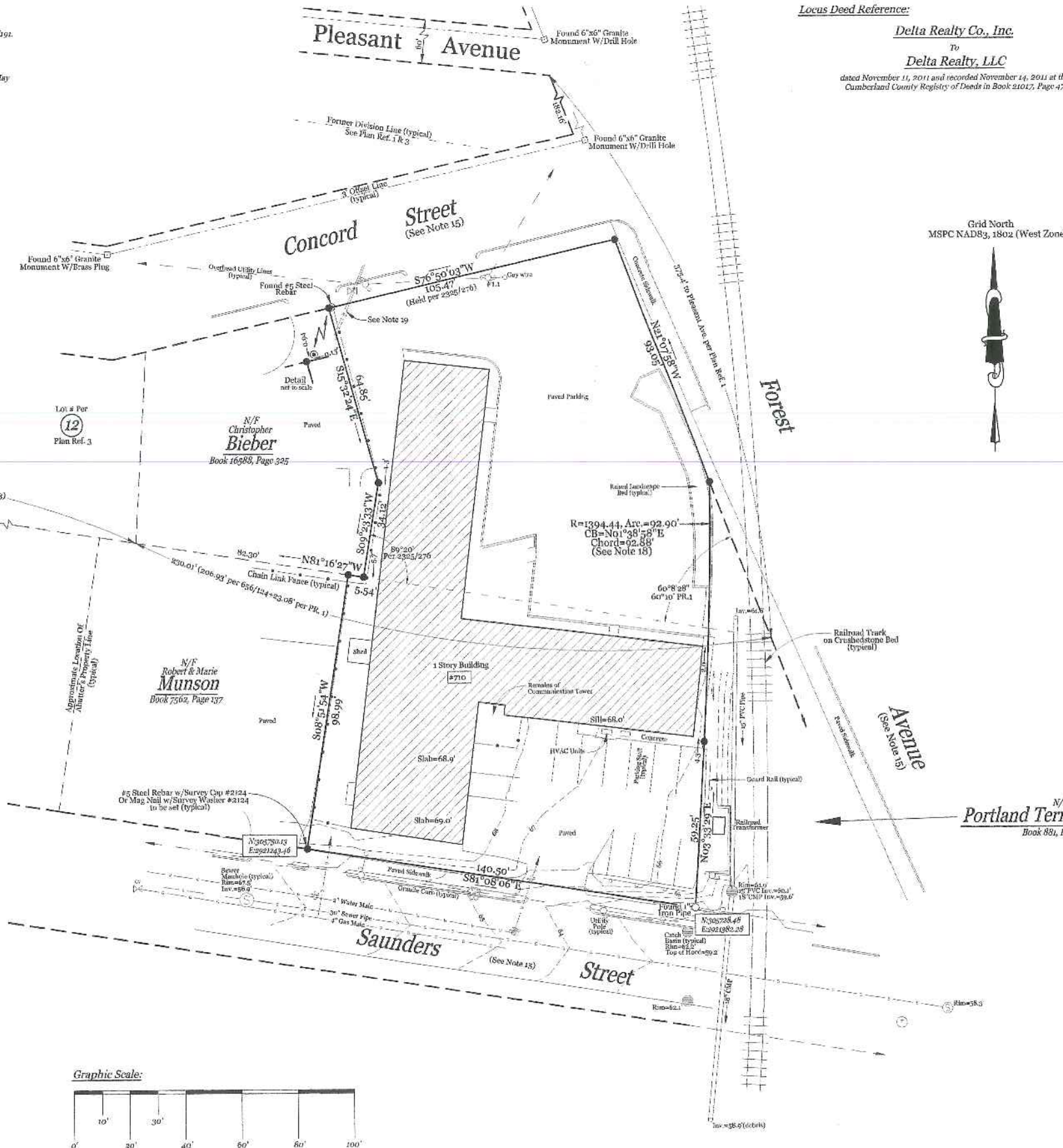
This plan is not valid without the signature and embossed seal of the below listed Professional Land Surveyor who prepared this plan as it may contain unauthorized alterations unknown to this office.

James D. Nadeau, LLC

James D. Nadeau, P.L.S. #2124 (agent) Date: _____

Approved By The City Of Portland Planning Board:

Name: _____ Date: _____



CITY OF PORTLAND APPROVED SITE PLAN
 Subject to Dept. Conditions
 Date of Approval: 2-28-2012

Revised February 25, 2012 - Add Maine State Plane Coordinates per City comments & update owner of record.

Plan Depicting The Results Of A Boundary Survey & Partial Topography Survey Made For
Jabbar Essa
 Southerly Sideline Of Concord Street, Westerly Sideline Of Forest Avenue & Northerly Sideline Of Saunders Street
 Portland, Maine

PREPARED BY:
James D. Nadeau, LLC
 Professional Land Surveyors

918 BRIGHTON AVENUE
 PORTLAND, ME 04102
 PH: (207) 878-7870
 FAX: (207) 878-7871

Certified Floodplain Managers

RECORD OWNER:	DRAWN BY:	MUC	PLAN DATE:	01/31/2012	
Delta Realty, LLC 380 Warren Avenue Portland, Maine 04102	CHECKED BY:	JDN/TPB	SURVEY DATE:	Dec. 2011/Jan. 2012	
	INSTR:	Topcon GPT-3002W & Topcon Hyper II GPS	SCALE:	1" = 20'	
FIELD BOOK:	PN 307 & Topcon Ranger	ADJNS:	2111266881	SHEET No:	1 of 1

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
Joe Lewis
David Silk

March 1st, 2012

Jabba Essa
3 Riverton Drive
Portland, ME 04103

William R. Walsh, PE
Walsh Engineering Assoc Inc.
918 Brighton Ave.
Portland ME 04102

Project Name:	Jabbar's Auto Dealership	Project ID:	2012-421
Address:	710 Forest Avenue	CBL:	130-G-7, 8, 12 & 13
Applicant:	Jabbar Essa		
Planner:	Jean Fraser		

Dear Mr Essa and Mr Walsh:

On February 28th, 2012, the Planning Board considered the proposed change of use and site alterations for an Auto Dealership selling pre-owned cars at 710 Forest Avenue. The Planning Board reviewed the proposals for conformance with the standards of the Conditional Use and Site Plan Ordinances. The Planning Board voted 4-0 (Lewis and Silk absent) to approve the applications with the following waiver and conditions as presented below.

CONDITIONAL USE

The Planning Board voted 4-0 (Lewis and Silk absent) that the proposed conditional use for Jabbar's Auto Dealership at 710 Forest Avenue (south part) in the B-2c zone is in conformance with the standards of Sections 14-474 and 14-183 of the Land Use Code, subject to the following condition:

- i. The rear (westernmost) existing curb cut on Saunders Street shall be used for service/maintenance purposes only and shall not be used for the automobile dealership.

WAIVER

The Planning Board voted 4-0 (Lewis and Silk absent) to waive the Technical Standard, Section 1.7.1.8 of the Technical and Design Standards and Guidelines (which allows no more than 2 driveways for ingress and egress purposes to any site) to allow the 4 existing curb cuts for the overall parcel to remain as existing, as only one (1) of these curb cuts (easternmost on Saunders Street) provides ingress and egress to the proposed automobile dealership. The western-most curb cut on Saunders Street shall only be used for service/maintenance access to the rear of the building and shall not be used for the automobile dealership.

SITE PLAN REVIEW

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

- i. That the storage of snow shall not impede sight distance for vehicles exiting the site; and
- ii. That the proposed wall mounted sign is not part of the site plan review and requires a separate sign permit under Division 22 of the City's Ordinance.

The approval is based on the applications, plans, reports and other information submitted by the applicant, findings and recommendations related to conditional use and site plan standards and other regulations as contained in the Planning Board Report # 7-12 for application 2012-421 which is attached.

STANDARD CONDITIONS OF APPROVAL

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



1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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. (If applicable)

7. **Department of Public Services Permits** 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.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser, Planner at (207) 874- 8728.

Sincerely,


 Carol Morrissette, Chair
 Portland Planning Board 

Attachments:

1. Planning Board Report #7-12
2. Performance Guarantee Packet

Electronic Distribution:

cc: Greg Mitchell, Interim Director of Planning and Urban Development
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner/Senior Planner
 Philip DiPiero, Development Review Coordinator, Planning
 Marge Schmuckal, Zoning Administrator, Inspections Division
 Tammy Munson, Inspection Division Director
 Lannie Dobson, Administration, Inspections Division
 Gayle Guertin, Administration, Inspections Division
 Michael Bobinsky, Public Services Director
 Katherine Earley, Engineering Services Manager, Public Services
 Bill Clark, Project Engineer, Public Services
 David Margolis-Pineo, Deputy City Engineer, Public Services
 Doug Roncarati, Stormwater Coordinator, Public Services
 Greg Vining, Associate Engineer, Public Services
 Michelle Sweeney, Associate Engineer
 John Low, Associate Engineer, Public Services
 Matt Doughty, Field Inspection Coordinator, Public Services
 Mike Farmer, Project Engineer, Public Services
 Jane Ward, Administration, Public Services
 Jeff Tarling, City Arborist, Public Services
 Captain Chris Pirone, Fire Department
 Thomas Errico, P.E., TY Lin Associates
 David Senus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department
 Approval Letter File