

City of Portland  
 Development Review Application  
 Planning Division Transmittal Form

**Application Number:** 2013-044

**Application Date:** 02/13/2013

**CBL:** 137 C001001

**Application Type:** PB Conditional Use

**Project Name:**

**Address:** 783 FOREST AVE

**Project Description:** Conditional use for used Automobile dealership

**Zoning:** B2

**Other Required Reviews:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Traffic Movement | <input type="checkbox"/> 14-403 Streets | <input type="checkbox"/> Housing Replacement   |
| <input type="checkbox"/> Storm Water      | # Units _____                           | <input type="checkbox"/> Historic Preservation |
| <input type="checkbox"/> Subdivision      | <input type="checkbox"/> Flood Plain    | <input type="checkbox"/> Other:                |
| # Lots _____                              | <input type="checkbox"/> Shoreland      |  |
| <input type="checkbox"/> Site Location    | <input type="checkbox"/> Design Review  |  |
| # Unit _____                              |   |  |

**Distribution List:**

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

**Comments needed by 2/21/2013**

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Stuart O'Brien, Chair  
Timothy Dean, Vice Chair  
Elizabeth Boepple  
Sean Dundon  
Bill Hall  
Carol Morrisette  
Jack Soley

July 7<sup>th</sup>, 2014

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

Robert T. Greenlaw, PLS  
134 Portland Ave.  
Old Orchard Beach, ME 04064

Project Name: **Auto Dealership selling pre-owned cars**  
Project ID: #2014-025 & #2013-044 CBL: 130-C-001  
Address: 783 Forest Avenue  
Applicant: Changiz Fard  
Planner: Jean Fraser

Dear Mr Fard and Mr Greenlaw:

On June 24<sup>th</sup>, 2014, the Planning Board considered the proposed change of use and site alterations for an Auto Dealership selling pre-owned cars at 783 Forest Avenue. The Planning Board reviewed the proposals for conformance with the standards of the Conditional Use and Site Plan Ordinances.

The approval is based upon the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on June 24, 2014 for application #2013-044 and 2014-025 (attached), and the testimony presented at the Planning Board hearing. The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) to approve the application with the following waivers and conditions as presented below:

### WAIVER

1. The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) to waive the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

### CONDITIONAL USE

The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) that the proposed conditional use for an Auto Dealership at 783 Forest Avenue in the B-2 zone does meet the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:



- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the “Improvements Plan” (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8) ; and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved “Improvements Plan” are completed to the satisfaction of the Planning Authority.

#### **SITE PLAN**

The Planning Board voted 4-0 (Hall and Soley absent; O’Brien abstaining) that the proposed site plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and
- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and

- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting" and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.

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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (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 any 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.

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,



Stuart O'Brien, Chair  
Portland Planning Board

Attachments:

1. City Technical Standards: *Site Lighting* (extract including 12.2.8 and "cut-off" type requirements)
2. Peer Engineer, Dave Senus of Woodard & Curran, comments dated 5.30.2014
3. Planning Board Report for the public hearing on June 24, 2014
4. Performance Guarantee Packet

**Electronic Distribution:**

cc:

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, 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  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

**Extract from City of Portland Technical Manual Section 12- Site Lighting as adopted 7.19.2010****12.2. STANDARDS**

12.2.1. Unless otherwise specified below, exterior lighting shall conform to the recommendations put forth in Lighting for Exterior Environments RP-33-99, or its successor, published by the Illuminating Engineering Society of North America (IESNA). Proposed uses that demonstrate a need to exceed the specific site lighting limits shown below for safe and reasonable exercise of the proposed use must provide a professionally produced lighting plan which adheres to the current Illuminating Engineering Society of North America (IESNA) recommendations for the proposed use.

12.2.2. Uniformity: As measured in foot candles at grade, maximum to minimum illumination levels shall not exceed a ratio of twenty (20) to one (1.)

12.2.3. Illumination Levels: Minimum, Maximum, and Average illumination levels for areas intended to be lighted, as measured at grade, shall be:

<b>Minimum</b>	0.2 foot candles (fc)
<b>Maximum</b>	5.0 foot candles (fc)
<b>Average</b>	1.25 foot candles (fc)

12.2.4. Wattage: No fixture shall exceed 250 watts, except in industrial areas.

12.2.5. Light Trespass: The maximum illumination level at a property line shall not exceed 0.1 foot candle, as measured at grade, except where abutting industrial, or other non-sensitive uses. All residential uses and natural resource protection areas are to be considered sensitive to light trespass. In certain instances where a proposed development is adjacent to a sensitive use, house-side shielding may be necessary to comply with this standard.

12.2.6. Luminaire Types: All fixtures, including pole mounted and wall mounted luminaires, shall be a "cut-off" type where lenses, refractors or lamp sources do not extend below the surface of the fixture housing and no direct light shall be directed at or above the horizontal plane. Sites which are part of an historic district or require specific decorative lighting fixtures as means to achieve compatibility within an existing architectural context may propose non-cutoff fixtures providing that they have built in reflectors to mitigate uplighting and that photometrics fall within IESNA guidelines. Low pressure sodium bulbs are prohibited.

12.2.7. Fixture Height: Fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, except in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space.

12.2.8. Lighting Curfew: For non-residential uses, lighting in vehicle parking areas containing twenty (20) or more parking spaces shall be reduced to 50% of permitted levels from one hour after the business closing to one hour before business opening. If lighting levels are already below 50% of permitted levels, no curfew adjustment is required. Motion sensor activated lighting shall be permitted during closed hours to activate additional lighting above the 50% permitted, for the purposes of public safety.



**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, "Thomas.Errico@tylin.com" <Thomas.Errico@tylin.com>, "Barbara Barhydt (bab@portlandmaine.gov)" <bab@portlandmaine.gov>  
**Date:** 5/30/2014 10:16 AM  
**Subject:** RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)

Hi Jean:

The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.

Thanks,  
Dave

David Senus, PE (Maine), Project Manager  
Woodard & Curran, Inc.  
41 Hutchins Drive  
Portland, ME 04102  
Phone: (800) 426-4262 x3241  
Cell: (207) 210-7035  
Fax: (207) 774-6635



# PORTLAND MAINE

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## Planning & Urban Development Department

Jeff Levine, AICP, Director

## Planning Division

Alexander Jaegerman, FAICP, Director

### MEMORANDUM

**TO:** Changiz Fard and Robert Greenlaw, PLS

**FROM:** Barbara Barhydt, Development Review Services Manager

**DATE:** March 6, 2013

**SUBJECT:** **783 Forest Avenue**, Conditional Use Application and Site Plan Application

Thank you for your recent application for development review under the City of Portland's Land Use Code for a conditional use review of a car dealership and a Level I Site Alteration application. The Conditional Use Application was received on February 13, 2013 and the Site Plan Application was received on February 25, 2013.

The application is incomplete, so the application cannot be reviewed under the City's Land Use regulations until a complete application is submitted. While, the site plan checklist submitted on behalf of the applicant has a number of items checked off as included in the application, the following items were not found in the actual submission:

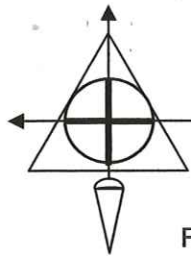
1. Application fee for site plan review;
2. Written Description of Project;
3. Written response to all conditional use standards;
4. Evidence of right, title and interest;
5. Assessment of Zoning Compliance;
6. Evidence of financial and technical capacity;
7. Copies of required state and/or federal permits; and
8. A digital submission (CD or DVD) containing each plan sheet as a separate file and all of the documents.

Please refer to the City's Land Use Code ([www.portlandmaine.gov/planning/planning.asp](http://www.portlandmaine.gov/planning/planning.asp)) for the applicable Site Plan and Conditional Use regulations, as your proposal will need to address all of the standards contained in these sections.

Thank you for your consideration of this matter.

#### Electronic Distribution:

Cc: Jeff Levine, Director, Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Marge Schmuckal, Zoning Administrator  
File



## ROBERT T. GREENLAW, PLS

February 12, 2013

City of Portland  
Planning and Urban Development Department  
Planning Division  
389 Congress Street  
Portland Maine 04101

Conditional Use Appeal for an Automobile Dealership at 783 Forest Ave

As a representative of the lessee of 783 Forest Avenue, Changiz Fard, I would like to ask the planning department and or Planning Board to grant our request to authorize a conditional use of the above address to operate as an Automobile Dealership.

Listed as a conditional use in section 14-183 of the zoning ordinance for the B-2 zone this property will continue to serve the neighborhood as it has since 1968. Originally a Citgo Gas Station, this property has always been associated with automobiles in some way.

Most recently C. N. Brown owned the property and used it as an oil delivery location.

The site will remain as it has with two entrances/exits that are not within 30 feet of intersection No entrance or exit for vehicles is 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 proposed conditional use is actually a traditional use along Forest Avenue. There are currently two used car dealers along Forest Avenue. This property is suited for the proposed use as there enough space to park at least 10 automobiles while still meeting the design guidelines of creating a 5 foot wide planted buffer in front of the property.

The parking lot is paved and in fair condition with the City of Portland concrete sidewalks providing safe passage for pedestrians.

To the north and south of the property are commercial buildings with the railroad to rear of the property. Commercial properties are directly across the street with two residences to the south of the commercial uses.

No sign is planned for the property at this time. There are two abandoned sign bases that are still in place but these will not be used at this time.

No mechanic work will take place on the parcel with very limited auto detailing taking place.

We look forward to working with the planning staff in developing this conditional use.

Sincerely,

Robert T. Greenlaw PLS

*updated  
5-22-14*

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
[Bobgreenlaw@myfairpoint.net](mailto:Bobgreenlaw@myfairpoint.net)  
207-749-9471





# 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:** 783 Forest Avenue

**CHART/BLOCK/LOT:** 137 C 001

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

"Marco"

Changiz Fard is the lessee of 783 Forest Ave. Stephen E. Mardigan is the owner

(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.

The property was previously used as an office for CN Brown Oil. It also had oil delivery trucks parked there when not in use. Before that it was a gas station. The tanks have been removed.

**TYPE OF CONDITIONAL USE PROPOSED:**

Used automobile dealer.

**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

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

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

Address the following criteria in your written application and any applicable conditional use standards  
Dept. of Planning and Urban Development ~ Portland City Hall ~ 389 Congress St. ~ Portland, ME 04101 ~ ph (207)874-8721 or 874-8719





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; and
- d. Zone Related Criteria

**CONTACT INFORMATION:**

<b>Applicant's Contact for electronic plans</b>	
Name: Robert T. Greenlaw PLS e-mail: Bobgreenlaw@myfairpoint.net work #: 207-749-9471	
<b>Applicant – must be owner, Lessee or Buyer</b>	<b>Applicant Contact Information</b>
Name: Changiz Fard	Work #
Business Name, if applicable:	Home#
Address: 684 Baxter Blvd	Cell # 207-650-1100 Fax#
City/State : Portland Zip Code: 04103	e-mail:
<b>Owner – (if different from Applicant)</b>	<b>Owner Contact Information</b>
Name: Stephen E. Mardigan	Work #
Address: 460 Baxter Blvd	Home#
City/State : Portland Zip Code: 04103	Cell # 207-831-8762 Fax#
	e-mail:
<b>Billing Information</b>	<b>Billing Information</b>
Name: Changiz Fard	Work #
Address: 684 Baxter Blvd	Cell # 207-650-1100 Fax#
City/State : Portland Zip Code: 04103	e-mail:

## **APPLICATION FEES:**

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

\_\_\_ Conditional Use \$100.00

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)
- Planning Review (\$40.00 hour)
- Legal Review (\$75.00 hour)

Third party review is assessed separately.

### **Site Plan Application**

Please submit a separate application for the applicable site plan review. Fees and charges are listed within the site plan application

## **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.**

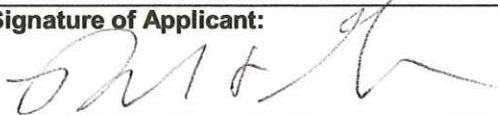
**The application for a conditional use review must contain the following items:**

- 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](http://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.**

<b>Signature of Applicant:</b> 	<b>Date:</b> 02/13/13
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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.

# ROBERT T. GREENLAW PLS

## Transmittal

Send to: CITY OF PORTLAND	From: Bob GREENLAW
Attention: PLANNING DEPT	Date: 2/25/13
Office Location:	Project Name: 783 FOREST AVE
Fax Number:	Project Location: u u

- Urgent
- Reply ASAP
- Please comment
- Please Review
- For your Information

Total pages, including cover:

### Comments:

PLEASE FIND A LEVEL 1 SITE PLAN APPLICATION AND 1 SET OF PLANS FOR THE ABOVE PROJECT. THIS IS TO ADD REQUESTED INFORMATION TO THE CONDITIONAL USE APPLICATION CONCERNING THE PROPOSED AUTO DEALER LOCATION.

THANK YOU

ROBERT T. GREENLAW PLS





## 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 sq. ft., or creation of other impervious surface areas between 1,000 and 7,500 sq. ft..
- 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.

PROJECT NAME: 783 FOREST AVENUE

PROPOSED DEVELOPMENT ADDRESS:  
783 FOREST AVENUE

PROJECT DESCRIPTION:  
CONDITIONAL USE OF THE ABOVE ADDRESS LOCATED  
IN THE B2 ZONE. PROPOSED USE: AUTO DEALERSHIP

CHART/BLOCK/LOT: 137-C-001

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or Buyer</b> Name: <u>CHANGIZ FARD</u> Business Name, if applicable: <u>N/A</u> Address: <u>684 <del>EDGE</del> BAXTER BLVD</u> City/State: <u>PORTLAND</u> Zip Code: <u>04103</u>	<b>Applicant Contact Information</b> Work # Home# Cell # <u>207-650-1100</u> Fax# e-mail:
<b>Owner – (if different from Applicant)</b> Name: <u>STEPHON E. MARDIGAN</u> Address: <u>460 BAXTER BLVD</u> City/State: <u>PORTLAND</u> Zip Code: <u>04103</u>	<b>Owner Contact Information</b> Work # Home# Cell # <u>207-831-8762</u> Fax# e-mail:
<b>Agent/ Representative</b> Name: <u>ROBERT T. GREENLAW PLS</u> Address: <u>134 PORTLAND AVE</u> City/State: <u>OLD ORCHARD BEACH</u> Zip Code: <u>04064</u>	<b>Agent/Representative Contact information</b> Work # Cell # <u>207-749-9471</u> e-mail: <u>BobGREENLAW@myfairpoint. NET</u>
<b>Billing Information</b> Name: <u>CHANGIZ FARD</u> Address: <u>684 BAXTER BLVD</u> City/State: <u>PORTLAND</u> Zip Code: <u>04103</u>	<b>Billing Information</b> Work # Cell # <u>207-650-1100</u> Fax# e-mail:

<b>Engineer</b> Name: <u>H/A</u> Address: City/State :                      Zip Code:	<b>Engineer Contact Information</b> Work # <u>H/A</u> Cell #                                      Fax# e-mail:
<b>Surveyor</b> Name: <u>ROBERT T. GREENLAW PLS</u> Address: <u>134 PORTLAND AVE</u> City/State : <u>O.O. B</u> Zip Code: <u>04064</u>	<b>Surveyor Contact Information</b> Work # Cell # <u>749-9471</u> Fax# e-mail:

**APPLICATION FEES:**

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

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



**Application Submittal**

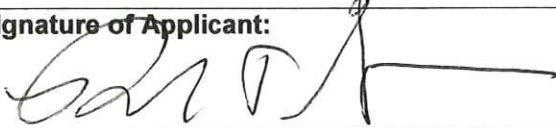
Refer to the application checklist (page 5) for a detailed list of submittal requirements.

All site plans and written application materials must be submitted in digital format. Each plan shall be submitted as a separate file and named as noted on page \_\_\_?. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), 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).

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 Site Plan review only. A Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.**

<b>Signature of Applicant:</b> 	<b>Date:</b> 02/25/13
---	--------------------------

**PROJECT DATA**

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

<b>Total Area of Site</b>	12111.3	sq. ft.
<b>Proposed Total Disturbed Area of the Site</b>	150	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)		
<b>Impervious Surface Area</b>		
Impervious Area (Existing)	10408.7	sq. ft.
Impervious Area (Proposed)	10258.7	sq. ft.
<b>Parking Spaces</b>		
Parking Spaces (Existing)	11	
Parking Spaces (Proposed)	11	
Handicapped Spaces (Proposed)	1	



## General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1	Completed application form.
<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input 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 type="checkbox"/>	<input type="checkbox"/>	1	<b>Site Plan Including the following:</b>
<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 checked="" type="checkbox"/>	<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.

**Reminder: All items submitted must be submitted in digital format in addition to the paper copies referenced above on page 4.**

# 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.



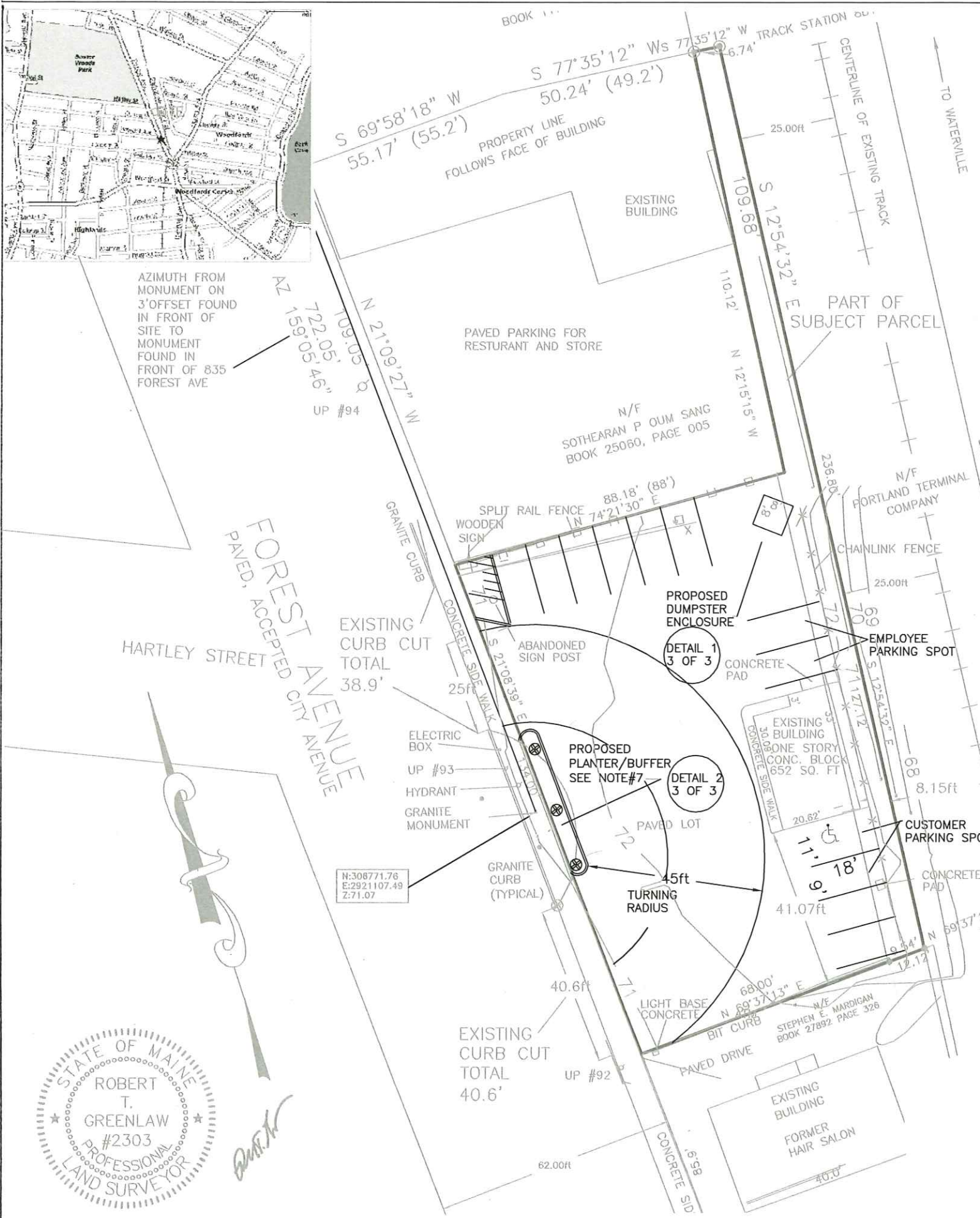
## PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



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





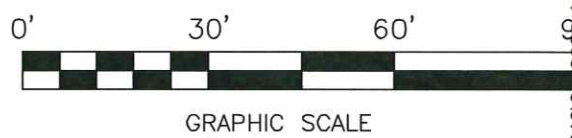
**GENERAL NOTES:**

1. RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- a.) ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
2. BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT OF THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006.  
THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE.  
IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
3. AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:  
a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.  
b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27  
c.) CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
5. ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
REAR - 10 FT  
SIDE - NONE
6. EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
7. PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. NAMELY 1 2-1/2" STREET TREE NOT MORE THAN 15' FEET APART.

**LEGEND**

- Capped 5/8" Rebar Found
- Iron Pipe or Solid Pin Found
- ◁ Survey Instrument Point
- Abutter Line
- Property Line
- Street Line
- (50.00') Distance from reference plan or deed.
- N/F Now Or Formerly
- Overhead Utility
- Utility Pole
- Edge of traveled way
- Set Back Line
- ♿ Handicap Parking Spot
- 72 Existing Contour Line
- Detail 1 3 Of 3 Detail # Shown on Sheet 3 of 3

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING  
134 PORTLAND AVENUE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 BOBGREENLAW@MYFAIRPOINT.NET



REVISED 02-25-2013: VARIOUS EDITS FOR CLARITY  
REVISED 02-04-2013: ADDED SITE FEATURES

**PROPOSED AUTO DEALER  
LOCATION**  
**783 FOREST AVE. PORTLAND, ME.**  
  
FOR  
CHANGIZ FARD

SCALE: 1" = 30'    DATE OF SURVEY: OCTOBER 18, 2013  
BACK BAY FILE# 2006090    SHEET 1 OF 6

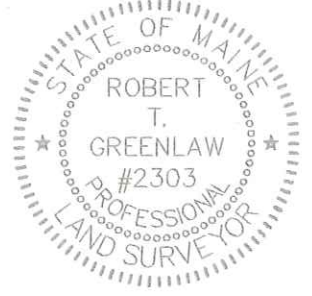
**SURVEYORS STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.

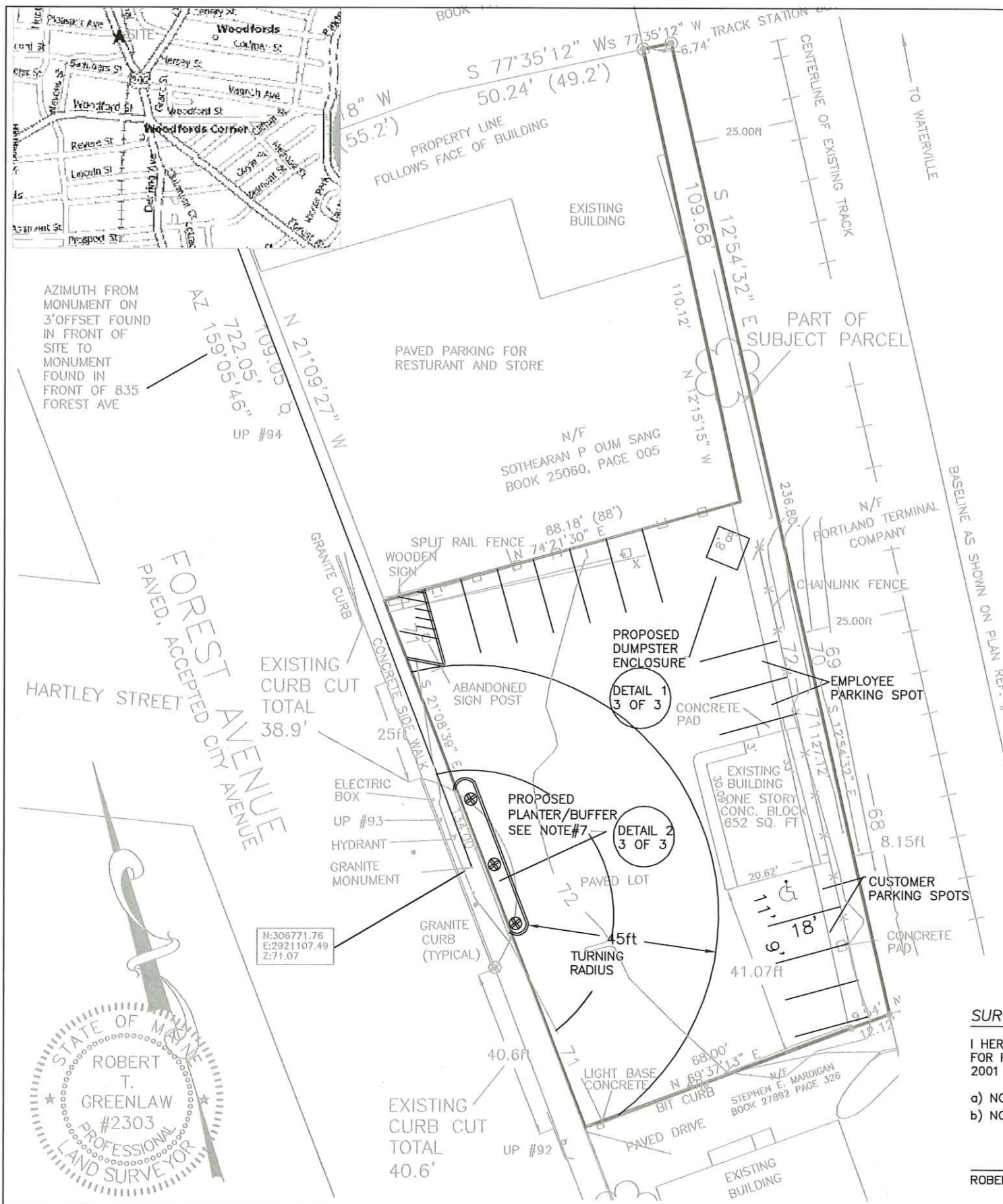
DATE: FEBRUARY 5, 2013

ROBERT T. GREENLAW P.L.S. #2303



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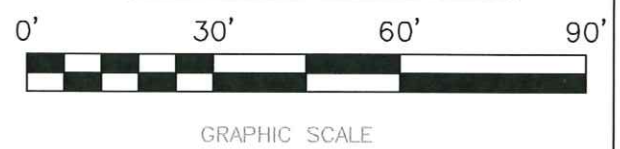




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SIDE - NONE
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  - PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. NAMELY 1 2-1/2" STREET TREE NOT MORE THAN 15' FEET APART.
  - AS NOTED IN THE N.F.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STRUCTURE WITH CINDER BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN RUBBER.
    - FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY INFRONT OF THE SUBJECT PARCEL.

- LEGEND
- Capped 5/8" Rebar Found
  - Iron Pipe or Solid Pin Found
  - △ Survey Instrument Point
  - Abutter Line
  - Property Line
  - Street Line
  - (50.00') Distance from reference plan or deed.
  - N/F Now Or Formerly
  - Overhead Utility
  - Utility Pole
  - Edge of traveled way
  - Set Back Line
  - ♿ Handicap Parking Spot
  - 72— Existing Contour Line

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING  
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OLD ORCHARD BEACH, MAINE  
207-749-9471 BOBGREENLAW@MYFAIRPOINT.NET



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- NO PROPERTY CORNERS SET.

DATE: FEBRUARY 25, 2013

ROBERT T. GREENLAW P.L.S. #2303

PLAN FOR THE PORTLAND FIRE DEPARTMENT

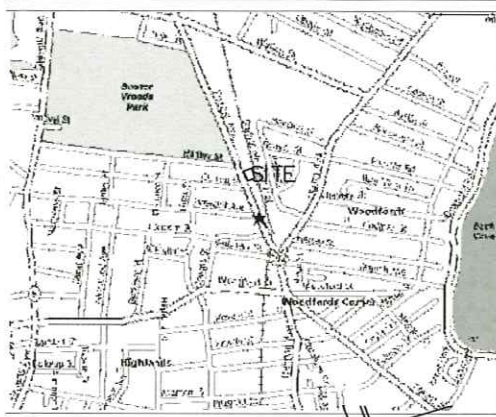
PROPOSED AUTO DEALER  
LOCATION  
783 FOREST AVE. PORTLAND, ME.  
FOR  
CHANGIZ FARD

SCALE: 1" = 30'      DATE OF SURVEY: FEBRUARY 25, 2013

BACK BAY FILE# 2006090      SHEET 2 OF 3





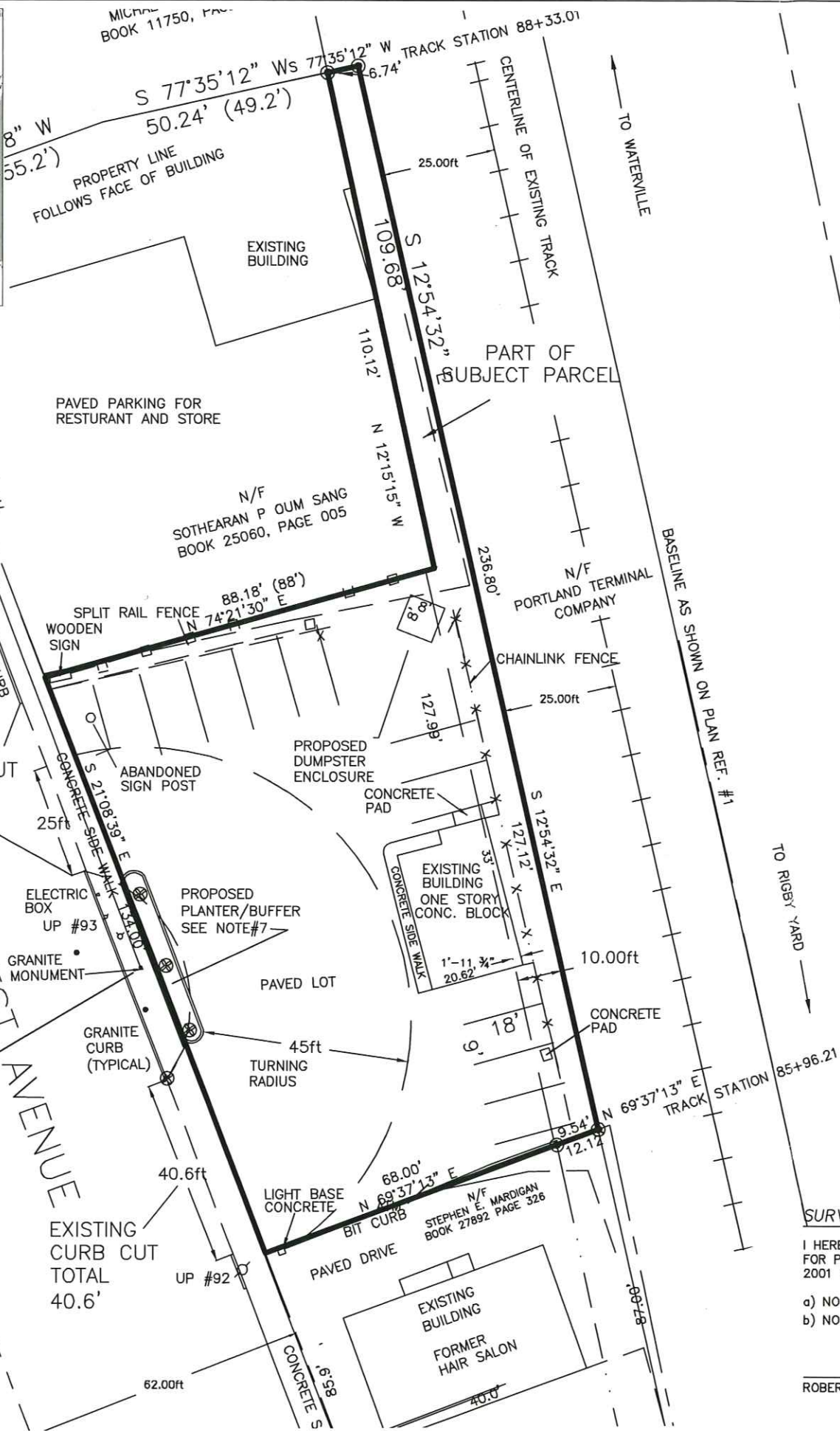


AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

NZ 159°05'46"

N 21°09'27" W

UP #94



GENERAL NOTES:

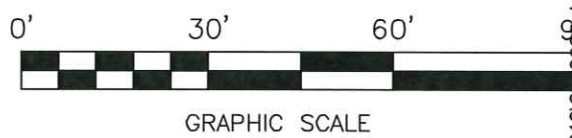
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*Robert T. Greenlaw*

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DATE: FEBRUARY 5, 2013

ROBERT T. GREENLAW P.L.S. #2303

REVISED 02-04-2013: ADDED SITE FEATURES

PROPOSED AUTO DEALER LOCATION  
783 FOREST AVE. PORTLAND, ME.

FOR  
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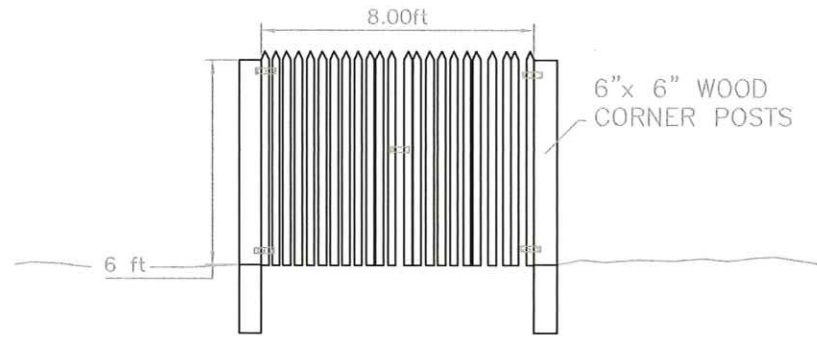
SCALE: 1"= 30' DATE OF SURVEY: OCTOBER 18, 2012

BACK BAY FILE# 2006090

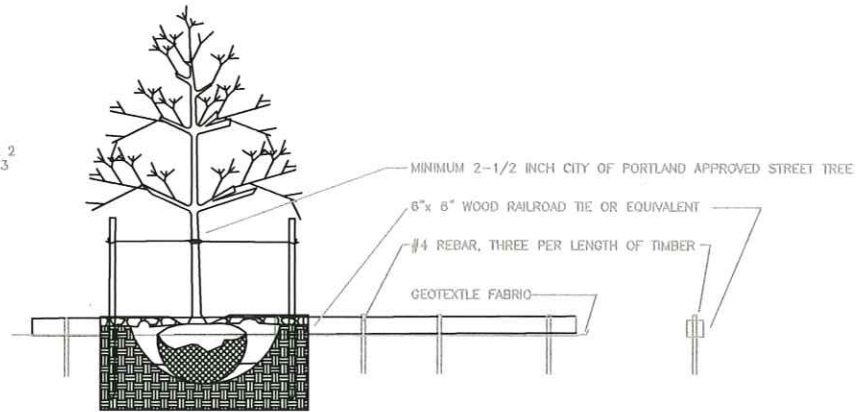
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DETAIL 1  
3 OF 3

DUMPSTER  
ENCLOSURE  
8FT X 8FT WOOD  
PICKETS



DETAIL 2  
3 OF 3



DETAIL SHEET  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
A PROPOSED AUTOMOBILE DEALER

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013  
PRINT DATE: 02/25/2013  
SHEET: 3 OF 3

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING  
134 PORTLAND AVE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWER: 2013 NO: 005



2013-044  
2014-025  
rec'd 4-29-14  
along w/ blank level # appl.

TRUSTEE'S DEED

**GERALD GROSS, in his capacity as Successor Trustee of the J.G. REALTY TRUST dated February 1, 1973 with any amendments thereto,**

of 17489 Via Capri, Boca Raton, FL 33496

for consideration paid, grants to

**STEPHEN E. MARDIGAN**


of 460 Baxter Blvd., Portland, ME 04103, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS hand and seal this 9th day of May, 2006.

WITNESS

  
\_\_\_\_\_

  
\_\_\_\_\_

Gerald Gross, Successor Trustee of the  
J.G. Realty Trust dated February 1, 1973  
With any amendments thereto

State of Maine  
Cumberland, ss.

May 9, 2006

Personally appeared before me the above-named Gerald Gross, Successor Trustee of the J.G. Realty Trust and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the J.G. Realty Trust dated February 1, 1973, with any amendments thereto.

Before me,

  
\_\_\_\_\_

James A. Hopkinson, Attorney-at-Law

MAINE REAL ESTATE TAX PAID

EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on Forest Avenue in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning on the easterly side of Forest Avenue, at the southerly sideline of a parcel of land conveyed by Frederick E. Leighton to E.P. Jillson by deed recorded in Cumberland County Registry of Deeds, Book 874, Page 450; thence easterly 88 feet to the right of way of the Portland Terminal Co.; thence southerly along the westerly boundary of said Terminal Co., right of way 128 feet to land conveyed to Clifford S. Libby, et al.; thence westerly by said Libby land 68 feet to the easterly sideline of Forest Avenue; thence northerly along said sideline of Forest Avenue 134 feet to the point of beginning.

For title reference see Deed given by Gergro Realty Corp. of Maine to Laura A. MacMullin, Trustee of the J.G. Realty Trust, dated February 1, 1973 and recorded in the Cumberland County Registry of Deeds in Book 3359, Page 122.

H-MARDIGAN.ST.FA  
G:\CLIENTS\M\Mardigan\783.789Forest\ExhibitA.DOC

Received  
Recorded Register of Deeds  
May 10, 2006 09:50:50A  
Cumberland County  
John E O'Brien

After Recording Return to:  
Hopkinson, Abbondanza & Backer  
511 Congress Street, Ste. 801  
Portland, Maine 04101  
(207) 772-5845

3/27/14

## MODIFIED GROSS LEASE

785 Forest Avenue, Portland, Maine

This LEASE AGREEMENT (the "Lease") is made as of July 12, 2011 between **Stephen E. Mardigan** ("Landlord"), and **Changiz(aka Marco) Fard** ("Tenant").

Landlord hereby agrees to lease to Tenant and Tenant hereby agrees to hire from Landlord, subject to all of the terms and conditions hereinafter set forth, a portion of the land and building at 785 Forest Ave, Portland, Maine (the "Leased Premises").

### BASIC LEASE TERMS

1. **Building:** 785 Forest Ave, Portland, Maine.
2. **Leased Premises and Leased Premises Areas:** Rentable Area of the Leased Premises: 660 square feet. See attached.
3. **Initial Base Rent:** Initial Rent Monthly Installments: \$2,000.00 through June 30, 2012. Beginning July 1, 2012 monthly rent will go up to \$2,500.00.
4. **Initial Term:** One (1) Year, commencing on July 1, 2011. Plus one (1) year renewal at \$2,500 per month.
5. **Tenant Responsibilities:** Tenant is responsible for all repairs and maintenance (including snow plowing and removal) on the property and building. Tenant is responsible for all utilities servicing the property.
6. **Tenant Insurance:** Tenant is required to carry liability insurance naming the Landlord as additional insured and must show proof of insurance prior to any work commencing on the property.
7. **Rent Commencement Date:** July 12, 2011. Rent will be due on the first of the month starting on August 1, 2011.
8. **Late Fee:** \$200 late fee will be assessed after the 3<sup>rd</sup> of the month.
9. **Termination:** If the rent is not paid by the 10<sup>th</sup> of the month, this agreement is terminated and the Tenant shall immediately vacate.
10. **Permitted Uses:** Used car sales and related business.
11. **Landlord's Work:** None. The Leased Premises are provided "AS IS." Tenant acknowledges that Tenant may be required to make additional improvements to the Leased Premises to make it usable for its purposes, and that the Rent reflects the "AS IS" nature of the Leased Premises and the limited nature of the Landlord's Work. Landlord is not responsible for any permitting or worked required by the State or City of Portland pertaining to the licensing or use of property for auto sales.



**12. Addresses for Notices:**

Landlord:  
460 Baxter Boulevard  
Portland, ME 04103  
Attn: Stephen E. Mardigan

Tenant:  
684 Baxter Boulevard  
Portland, ME 04103  
Attn: Changiz Fard

13. All payments payable under this Lease will be picked up by the Landlord on the 1<sup>st</sup> of every month.

IN WITNESS WHEREOF, the parties hereto have executed this Lease, consisting of the foregoing provisions incorporated herein by this reference, as of the date first above written.

"Landlord"

**Stephen E. Mardigan**

By: 

Stephen E. Mardigan

"Tenant"

**Changiz Fard**

By: 

Changiz Fard

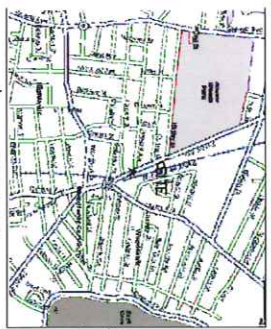


To the planning office my name is  
Chang-z C. Lard. I am applicant  
for the car ownership at 783  
Forest Ave. I agree tabling planning  
board hearing from June 10 to June 24

Thank you. Chang-z. Lard

6-5-2014





Revised/  
 updated  
 ready for  
 review 5/29/14

**SURVEYOR'S STATEMENT:**  
 I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSED SURVEYORS STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:  
 a) NO WRITTEN REPORT  
 b) NO PROPERTY CORNERS SET.

ROBERT T. GREENLAW P.L.S. #2303  
 DATE: MAY 19, 2014



- GENERAL NOTES:**
- RECORD OWNER OF PARCEL: STEPHEN E. MARGOLAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
  - ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
  - BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT OF THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006.
  - THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. ITS COORDINATES ARE NORTH 307446.28, EAST 292028.49.86.
  - AREA OF PARCEL: 12111.3 SQ. FT., 0.28 ACRES
  - REFERENCE IS MADE TO THE FOLLOWING PLANS:  
 a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.  
 b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
  - OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C--LOT 1.
  - 2-ZONE - SETBACKS: FRONT - NONE  
 REAR - 10 FT  
 SIDE - NONE
  - 9'X19' SPACES. 1'-11"-19' HANDICAP SPACE.  
 LOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.  
 CITY OF PORTLAND ORDINANCES: NAMELY 1 2-1/2"
  - 10' WIDE BUFFER SHALL CONTAIN PLANTINGS THAT MORE THAN 15' FEET APART.

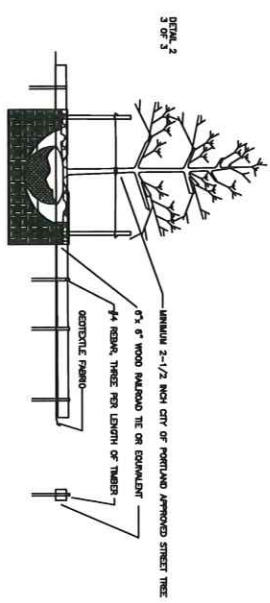
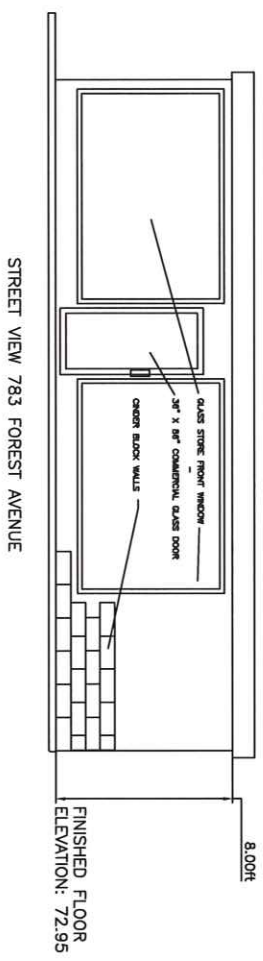
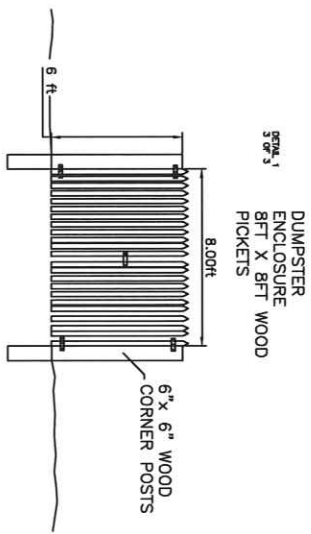
**Robert T. Greenlaw PLS**  
 LAND SURVEYING  
 134 PORTLAND AVENUE  
 OLD ORCHARD BEACH, MAINE  
 207-748-9471 ROBERT@GREENLAWPLS.COM

PREPARED BY:  
 FOR  
 CHANGIZ FARD

783 FOREST AVE. PORTLAND, ME.  
 PROPOSED AUTO DEALER  
 LOCATION

REVISIONS:  
 REVISED 02-25-2013: VARIOUS EDITS FOR CLARITY  
 REVISED 02-04-2013: ADDED SITE FEATURES  
 EXISTING CONDITIONS PLAN FOR A PROPOSED AUTO DEALER

SCALE: 1" = 30'  
 DATE OF SURVEY: OCTOBER 18, 2009  
 BACK BAY FILE# 2009090



	PREPARED BY: <b>ROBERT T. GREENLAW PLS</b> LAND SURVEYING	DRAWN BY: RTG CHECKED BY: KGG SCALE: NOT TO SCALE DATE: FEBRUARY 25, 2013
	134 PORTLAND AVE OLD ORCHARD BEACH, MAINE 207-749-9471 Bobgreenlaw@myfairpoint.net	JOB NUMBER: 2004013
		PRINT DATE: 02/25/2013
		SHEET: C3 DETAILS
	DRAWN BY: RTG CHECKED BY: KGG SCALE: NOT TO SCALE DATE: FEBRUARY 25, 2013	

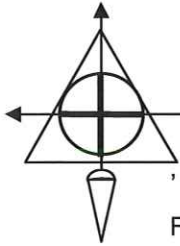
**DETAIL SHEET**  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**









## ROBERT T. GREENLAW, PLS

February 12, 2013

City of Portland  
Planning and Urban Development Department  
Planning Division  
389 Congress Street  
Portland Maine 04101

Conditional Use Appeal for an Automobile Dealership at 783 Forest Ave

As a representative of the lessee of 783 Forest Avenue, Changiz Fard, I would like to ask the planning department and or Planning Board to grant our request to authorize a conditional use of the above address to operate as a Pre Owned Automobile Dealership.

Listed as a conditional use in section 14-183 of the zoning ordinance for the B-2 zone this property will continue to serve the neighborhood as it has since 1968. Originally a Citgo Gas Station, this property has always been associated with automobiles in some way.

Most recently C. N. Brown owned the property and used it as an oil delivery location.

The site will remain as it has with two entrances/exits that are not within 30 feet of intersection No entrance or exit for vehicles is 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 proposed conditional use is actually a traditional use along Forest Avenue. There are currently two used car dealers along Forest Avenue. This property is suited for the proposed use as there enough space to park at least 10 automobiles while still meeting the design guidelines of creating a 5 foot wide planted buffer in front of the property.

The parking lot is paved and in fair condition with the City of Portland concrete sidewalks providing safe passage for pedestrians.

To the north and south of the property are commercial buildings with the railroad to rear of the property. Commercial properties are directly across the street with two residences to the south of the commercial uses.

No sign is planned for the property at this time. There are two abandoned sign bases that are still in place but these will not be used at this time.

No mechanic work will take place on the parcel with very limited auto detailing taking place.

We look forward to working with the planning staff in developing this conditional use.

Sincerely,

Robert T. Greenlaw PLS

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

# ROBERT T. GREENLAW, PLS

## Written Response to Conditional Use Standards:

### Section 14-183:

(a) Business permitted to in the B-2 zone

#### **(a) 5. Automobile dealerships**

##### Signs:

No signs are planned on the street line side of the property.

##### Circulation:

**The existing entrances shall be used for the dealership as shown on the attached proposed site plan. They are not within 30 feet of any intersection.**

##### 6. Drive through:

**No drive through window is planned for the dealership.**

(g) Conditions specific to major or minor auto service stations, car washes and automobile dealerships.

**i. A 5 foot wide landscape buffer is planned to be installed along the street line as shown on the attached "Proposed Site Plan".**

### Section 14-474

1. An application has been submitted with the appropriate fee

a. The applicant's name and address is Changiz Fard 684 Baxter Blvd Portland, Maine 04103. Changiz is a lessee of the of the subject property.

b. The owner is Stephen E. Mardigan 460 Baxter Blvd Portland Maine 04103

c. The address of the subject property is 783 Forest Ave Portland Maine

d. The subject parcel falls in the B2 zone and is currently a former gas station last used as a home oil delivery office.

e. As noted above, an automobile dealership is a conditional accepted use in the B2 zone as mentioned in Section 14-183.

f. The applicant seeks to use the property as a previously owned automobile dealership.

g. A preliminary site plan is attached hereto.

## ROBERT T. GREENLAW, PLS

### Assessment of Zoning Compliance:

The building was constructed in 1968 with gas pumps and a canopy in front of the building. The pumps, tanks and canopy have been removed and the site remediated. While the building does not meet the B2 zone requirement of having the building near the street it does meet setback requirements for the side and rear setbacks.

### Evidence of Financial and Technical capacity:

A statement of Mr. Fard's financial capability has been submitted to the Building Inspection Department.

### Required State and Federal Permits:

The State of Maine Car dealer's license has been submitted to the State and is waiting on the Conditional Use being approved by the City of Portland.





## 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 sq. ft., or creation of other impervious surface areas between 1,000 and 7,500 sq. ft..
- 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.

PROJECT NAME: 783 FOREST AVENUE

PROPOSED DEVELOPMENT ADDRESS:

783 FOREST AVENUE

PROJECT DESCRIPTION:

CONDITIONAL USE OF THE ABOVE ADDRESS LOCATED  
IN THE B-2 ZONE. PROPOSED USE: AUTO DEALERSHIP

CHART/BLOCK/LOT: 137-C-001

CONTACT INFORMATION:

<b>Applicant – must be owner, Lessee or Buyer</b> Name: CHANGIZ FARD Business Name, if applicable: N/A Address: 684 <del>FOREST</del> BAXTER BLVD City/State: PORTLAND Zip Code: 04103	<b>Applicant Contact Information</b> Work # Home# Cell # 207-650-1100 Fax# e-mail:
<b>Owner – (if different from Applicant)</b> Name: STEPHEN E. MARDIGAN Address: 460 BAXTER BLVD City/State: PORTLAND Zip Code: 04103	<b>Owner Contact Information</b> Work # Home# Cell # 207-831-8762 Fax# e-mail:
<b>Agent/ Representative</b> Name: ROBERT T. GREENLAW PLS Address: 134 PORTLAND AVE City/State: OLD ORCHARD BEACH Zip Code: 04064	<b>Agent/Representative Contact information</b> Work # Cell # 207-749-9471 e-mail: BOBGREENLAW@MYFAIRPOINT.NET
<b>Billing Information</b> Name: CHANGIZ FARD Address: 684 BAXTER BLVD City/State: PORTLAND Zip Code: 04103	<b>Billing Information</b> Work # Cell # 207-650-1100 Fax# e-mail:

<b>Engineer</b>		<b>Engineer Contact Information</b>	
Name: N/A		Work # N/A	
Address:		Cell #	Fax#
City/State :	Zip Code:	e-mail:	
<b>Surveyor</b>		<b>Surveyor Contact Information</b>	
Name: ROBERT T. GREENLAW PLS		Work #	
Address: 134 PORTLAND AVE		Cell # 749-9471	Fax#
City/State : O.O. B	Zip Code: 04064	e-mail:	

**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**

\_\_\_ Application Fee (\$200.00)

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)
- Planning Review (\$40.00 hour)
- Legal Review (\$75.00 hour)

Third party review is assessed separately.

**Performance Guarantee:** A performance guarantee is required to cover all public and private site improvements.

**Inspection Fee:** An inspection fee of 2% of the performance guarantee is due prior to the release of permits



**Application Submittal**

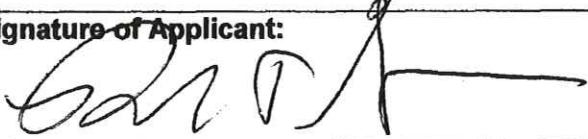
Refer to the application checklist (page 5) for a detailed list of submittal requirements.

All site plans and written application materials must be submitted in digital format. Each plan shall be submitted as a separate file and named as noted on page \_\_?. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), 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).

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 Site Plan review only. A Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.**

Signature of Applicant: 	Date: 02/25/13
--	-------------------

**PROJECT DATA**

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

Total Area of Site	12111.3	sq. ft.
Proposed Total Disturbed Area of the Site	150	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland		
Impervious Surface Area		
Impervious Area (Existing)	10408.7	sq. ft.
Impervious Area (Proposed)	10258.7	sq. ft.
Parking Spaces		
Parking Spaces (Existing)	11	
Parking Spaces (Proposed)	11	
Handicapped Spaces (Proposed)	2	

**General Submittal Requirements – Level I Site Alteration**

<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b>Number of Paper Copies</b>	<b>Submittal Requirement</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form.
<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required state and/or federal permits.
<input 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**

<b>Applicant Checklist</b>	<b>Planner Checklist</b>	<b>Number of Copies</b>	<b>Submittal Requirement</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input type="checkbox"/>	<input type="checkbox"/>	1	<b>Site Plan Including the following:</b>
<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 checked="" type="checkbox"/>	<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.

**Reminder: All items submitted must be submitted in digital format in addition to the paper copies referenced above on page 4.**



# ROBERT T. GREENLAW PLS

## Transmittal

Send to: CITY OF PORTLAND	From: Bob GREENLAW
Attention: PLANNING DEPT	Date: 2/25/13
Office Location:	Project Name: 783 FOREST AVE
Fax Number:	Project Location: " "

- Urgent
- Reply ASAP
- Please comment
- Please Review
- For your information

Total pages, including cover:

### Comments:

PLEASE FIND A LEVEL 1 SITE PLAN APPLICATION AND 1 SET OF PLANS FOR THE ABOVE PROJECT. THIS IS TO ADD REQUESTED INFORMATION TO THE CONDITIONAL USE APPLICATION CONCERNING THE PROPOSED AUTO DEALER LOCATION.

THANK YOU

ROBERT T. GREENLAW PLS



June  
2014







June  
2014







June  
2014





June 2014





## Jean Fraser - 783 Forest (Car Dealership) PB Hearing Tues June 24, 2014 7pm - Report and attachments

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**From:** Jean Fraser  
**To:** Bobinsky, Michael; Earley, Katherine; Errico, Thomas; Farmer, Michael...  
**Date:** 6/20/2014 5:42 PM  
**Subject:** 783 Forest (Car Dealership) PB Hearing Tues June 24, 2014 7pm - Report and attachments  
**CC:** Barhydt, Barbara; Jaegerman, Alex  
**Attachments:** PB Agenda 6-24-14.pdf; PBReport 783 Forest.pdf; Reviewer comments in PBRpt 783 Forest Ave.pdf; Public comments in PB Rpt 783 Forest Ave.pdf; Site Plan as to PB 6.24.14.pdf

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To all: (sent to Mike B, Kathi E, David M-P, Tom E, Mike F, Jeff L, Jennifer T cc Barbara B and Alex J)

I attach the 6.24.14 Planning Board Agenda, the PB Hearing Report along with the staff review and public comments that are all in the papers before the Board regarding this level I site plan/conditional use reviews for this site. The original applications were in 2013 and they were deemed "complete" in May 2014.

(Note: the entire report and all attachments and submissions, bookmarked, are on the City's website at item 5: <http://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/06242014-431?html=true> )

You will see at the bottom of page 6/top of page 7 of the staff Report that I have tried to describe the DPS concerns regarding the work that has recently been done in the ROW (as described in Mike Bobinsky's and Mike Farmer's e-mails to us) and then in the suggested conditions (pages 8 & 9 of the Report) tried to include conditions that may address the concerns.

I am also sending this to Jennifer Thompson in Legal (who is on vacation this week) and on Monday will consult her and I expect we will revise the suggested conditions of approval (we can give the Board a paper copy of the proposed revised list of conditions at the hearing).

The site is leased by "Marco" (applicant) from Steve Mardigan, who owns alot of land along Forest. Marco runs the used car dealership - currently based at Merlin Motors nearby - with this site as an overflow storage site. Marco has said to me he thought he was helping his case by getting the sidewalk/apron improvements done quickly and that he had instructed the contractor to contact David Margolis-Pineo (he had David's card from the site meeting June 5th). I don't think he has heard directly from DPS that there are concerns regarding the work.

Please note that if Marco did do all the improvement work as proposed and properly, staff are supportive as it would be a benefit to the area because at the moment the aprons are/were in very very bad condition and there are 2 curb cuts and he is willing to close one and put sidewalk across it (see attached site plan). See Tom Errico's comments, which are supportive. Marco could just leave the 2 curb cuts as existing, as that would be allowed by the Technical Standards (but they would have to be narrowed with the aprons improved- and they could be bituminous).

Please contact me on Monday if you have any questions or suggested amendments to the conditions of

approval.

Thank you  
Jean  
Ext 8728



## Jean Fraser - 783 Forest- proposed car dealership

---

**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 6/13/2014 5:18 PM  
**Subject:** 783 Forest- proposed car dealership  
**Attachments:** C2 PLAN SHOWING IMPROVEMENTS REV 4.pdf; C3 DETAILS SHEET REV 1.pdf

---

Hello

I attach the 2 latest revisions which show the proposals for this site.

These are not the final ones that will go to the Planning Board because there will be several more display car "spaces" across the closed curb cut and our City Arborist is suggesting that the buffer area along Forest should be planted with ornamental grasses.

I will send the revised plans when I get them but thought you might be interested to see these.

Thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

*send as blind copies  
Parsous  
Charek*

## HEARING 6.24.2014: 783 Forest Avenue - Used Car Dealership

### Staff presentation

1. The proposal is for a reconfiguration of an existing paved parking lot and a change of use from office/oil truck storage (on the site of a former gas station) to a used car dealership. It is subject to Planning Board review as an automobile dealership is a conditional use in the B2 zone. The Site Plan element is minor and falls under a Level I Site Alteration review which would normally be a staff review.
2. Staff are bringing this direct to a Planning Board hearing in view of the small scale of the project and the need for the status of the subject site to be clarified. Although there is a history to the site, some aspects documented and some not, the issue before the Planning Board whether or not the proposed use meets the conditional use standards of the B2 zone, which primarily relate to signage, location of driveways and a buffer along street frontage as well as the requirements of 14-474 which relate to adverse impacts on the health, safety and welfare of the public or the surrounding area (the revised 14-474 does not apply to this application as it came into force on 6.4.2014).
3. Three public comments have been received and are in the packet, all from residents of Hartley Street opposite the site and identifying concerns with the proposal based on the current or recent activities on the site. The concerns include vehicles overflowing into the neighboring sidewalk and streets, delivery vehicles in Hartley Street, and the existing over-bright lighting on the recently refurbished former gas station building. The proposed conditions of approval have been crafted to address these concerns.
4. The applicant currently leases the 12,000 sq ft lot and has advised staff that it is used to store vehicles in connection with another used car dealership further down Forest Avenue. The applicant is seeking to legalize the use for car sales and has proposed to close one of the existing curb cuts and make improvements to the site and the right of way along the frontage. The site plan at P2 also shows 16 display spaces and other parking for employees, customers and cyclists, curb stops to reduce encroachment, and a planted island for part of the Forest Ave frontage. Staff support a waiver for the remaining drive to be 28 feet (instead of the standard of 24 feet) because the other curb cut is to be closed.
5. The conditional use review is on page 4 of the report. The project generally meets the B2 conditional standards, even if the 2 existing curb cuts were to remain, as both are over 60 feet from the nearest intersection (Hartley Street). At the encouragement of staff, the applicant has proposed to close the northern curb cut and bring the sidewalk along in front of the closed curb cut. This would be a substantial safety improvement in this area. Staff have suggested other revisions (referenced in one suggested condition), including extension of the green buffer along Forest Avenue (where Jeff Tarling, the City Arborist, has suggested ornamental grass), preservation of the mature trees along the rear that buffer the site from residential uses to the east; and modification of the existing lighting. A second condition relates to securing implementation of all the site improvements as approved, including those mentioned in the conditions.
6. The standards under 14-474 are less clearly met, so there are 2 suggested conditions that stress the possibility of enforcement to ensure that there is no "overspill" of vehicles and activities from the site.
7. The site plan review starts on page 6 of the report and confirms that generally the proposals address the Level I Site Alteration standards- which do not require site landscaping. Additional conditions are suggested to maintain sight lines for vehicles entering or leaving the site and ensuring erosion control during construction work. The other proposed conditions under Site Plan, particularly the first one, highlight the standard conditions of approval regarding the performance guarantee, the need for other permits such as the street opening permit and the change of use permit, and the need for a Preconstruction Meeting.
8. Recently the lack of street opening permits and supervision of some sidewalk and apron improvements at the site has resulted in an impending enforcement action by DPS against the contractor. In terms of the conditional use, the closure of the existing curb cut and substitution of sidewalk for almost 40 feet of existing apron is a potential benefit and it is regrettable that the work started and does not match the submitted site plan nor meet DPS standards. However, the key focus for the Board is whether the car dealership use and its future operation is acceptable in terms of the Conditional Use permit standards, and whether the suggested conditions of approval would ensure the use continued to meet the standards.

BM E  
here //





AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

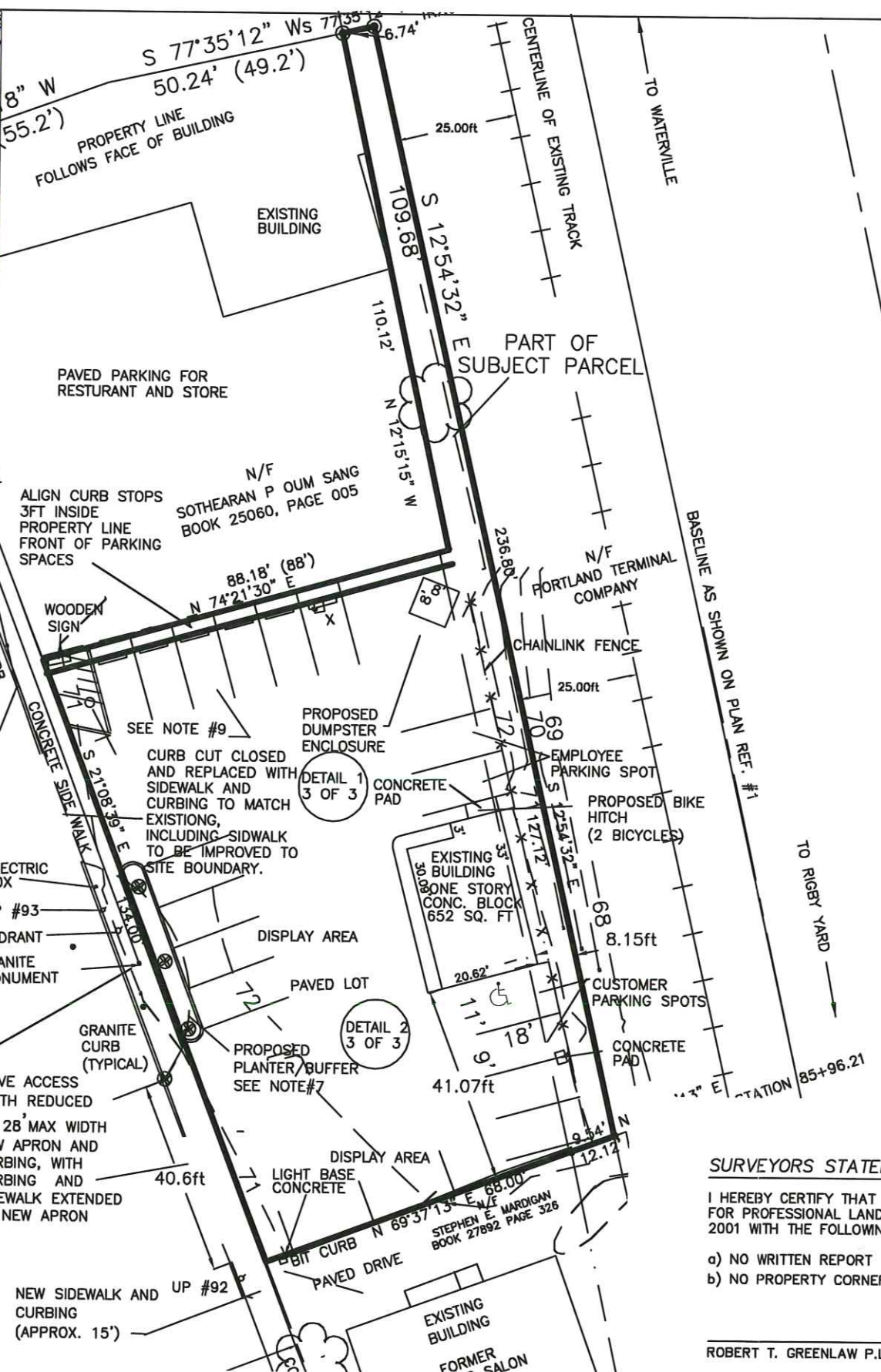
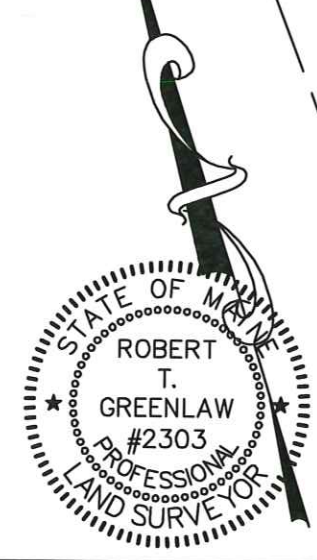
NZ 159°05'49" UP #94

N 21°09'27" W

N 72°05'14" W

FOREST AVENUE  
PAVED, ACCEPTED CITY AVENUE

HARTLEY STREET

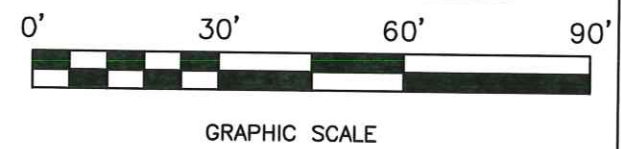


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- N/F Now Or Formerly
- Overhead Utility
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- Edge of traveled way
- Set Back Line
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PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING

134 PORTLAND AVENUE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 BOBGREENLAW@MYFAIRPOINT.NET



**SURVEYORS STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- NO WRITTEN REPORT
- NO PROPERTY CORNERS SET.

DATE: JUNE 9, 2014

ROBERT T. GREENLAW P.L.S. #2303

REV 3 06-9-14: ADDED NOTES ON PLAN PER CITY COMMENTS

PLAN SHOWING IMPROVEMENTS FOR A

PROPOSED AUTO DEALER  
LOCATION

783 FOREST AVE. PORTLAND, ME.

FOR  
CHANGIZ FARD

SCALE: 1" = 30' DATE OF SURVEY: FEBRUARY 25, 2013

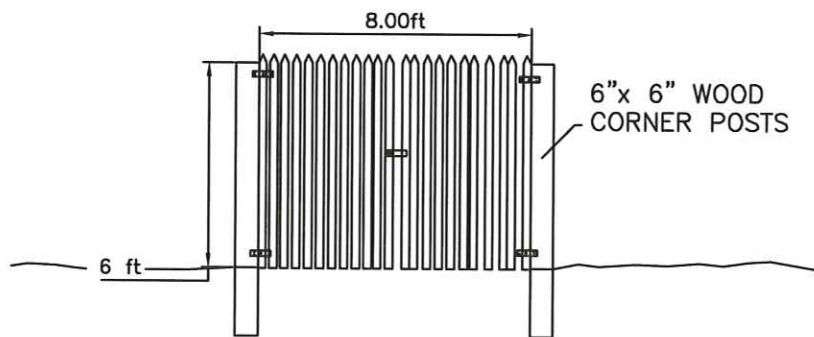
BACK BAY FILE# 2006090 C2 PROPOSED AUTO DEALER IMPROVEMENTS

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why*

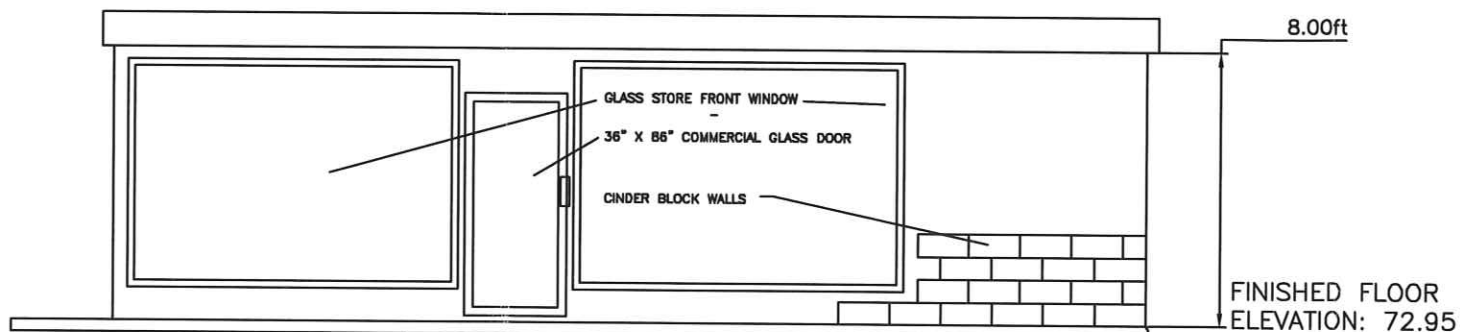
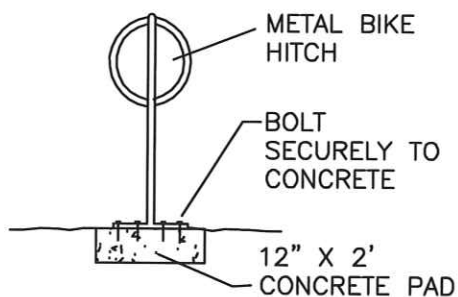
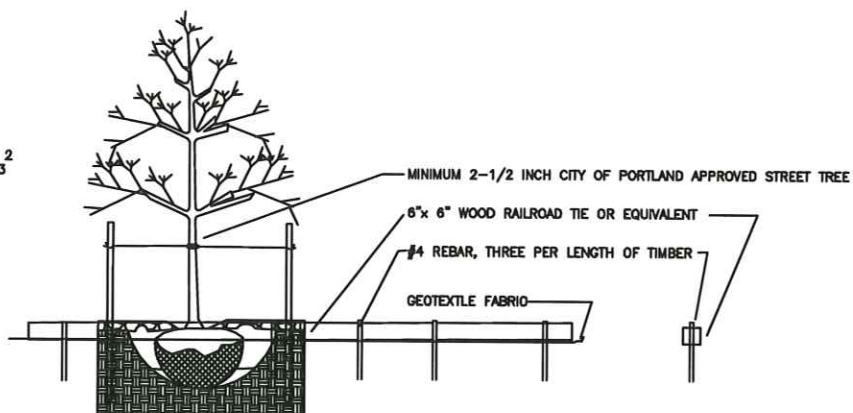
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final*



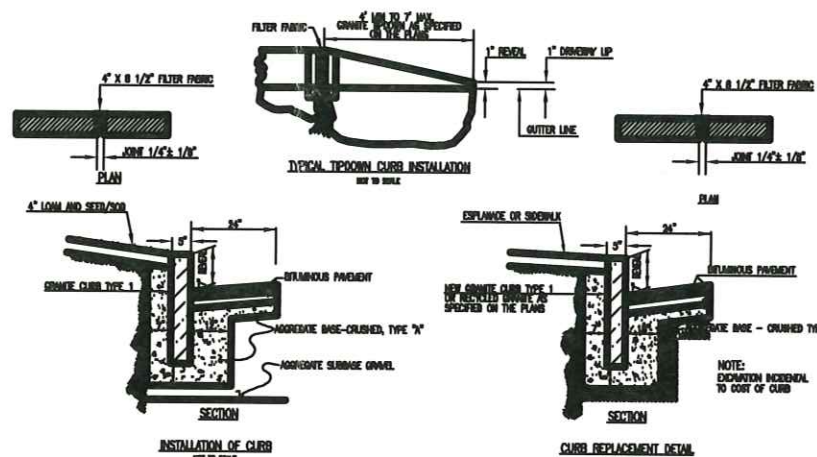
DETAIL 1  
3 OF 3  
DUMPSTER ENCLOSURE  
8FT X 8FT WOOD PICKETS



DETAIL 2  
3 OF 3



STREET VIEW 783 FOREST AVENUE



TYPICAL INSTALLATION OF CURB  
NOT TO SCALE

NOTE:  
REFER TO CONTRACT FOR MORE  
DETAIL MATERIAL SPECIFICATIONS.

CONCRETE SPECIFICATION:

- 4000 PSI
- 3/4" AGGREGATE
- 4" - 7" MIN. ENTRAINMENT
- SLUMP - 4" ± 1"

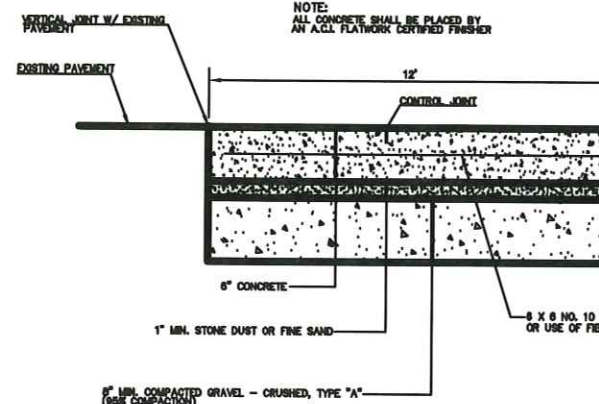
CONTROL JOINT SPECIFICATION:

- SPACING OF JOINTS - 10 FEET ON CENTER ALONG LENGTH
- 8 FEET ON CENTER ALONG WIDTH
- SAW CUT JOINTS AT 1 1/2" MAX. DEPTH

FINISH SPECIFICATION:

- BROOM SWEPT FINISH
- CURE WITH CURE-TO-SPEED MS
- AFTER CONSTRUCTION JOINTS HAVE BEEN FILLED AND SEALED, APPLY "CONSOLIDECK SALTOWARD"

NOTE:  
ALL CONCRETE SHALL BE PLACED BY  
AN A.C.I. PLATFORM CERTIFIED FINISHER



REINFORCED CONCRETE CROSSWALK - TYPICAL SECTION  
NOT TO SCALE



*rec'd 6-11-14  
not uploaded  
who explain  
not working*

REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

DETAIL SHEET  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
A PROPOSED AUTOMOBILE DEALER

DRAWN BY: RTG

CHECKED BY: KGG

SCALE: NOT TO SCALE

DATE: FEBRUARY 25, 2013

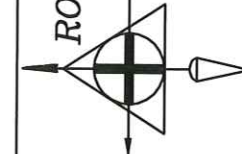
JOB NUMBER: 2004013

PRINT DATE: 02/25/2013

SHEET: C3 DETAILS

PREPARED BY:  
ROBERT T. GREENLAW PLS  
LAND SURVEYING

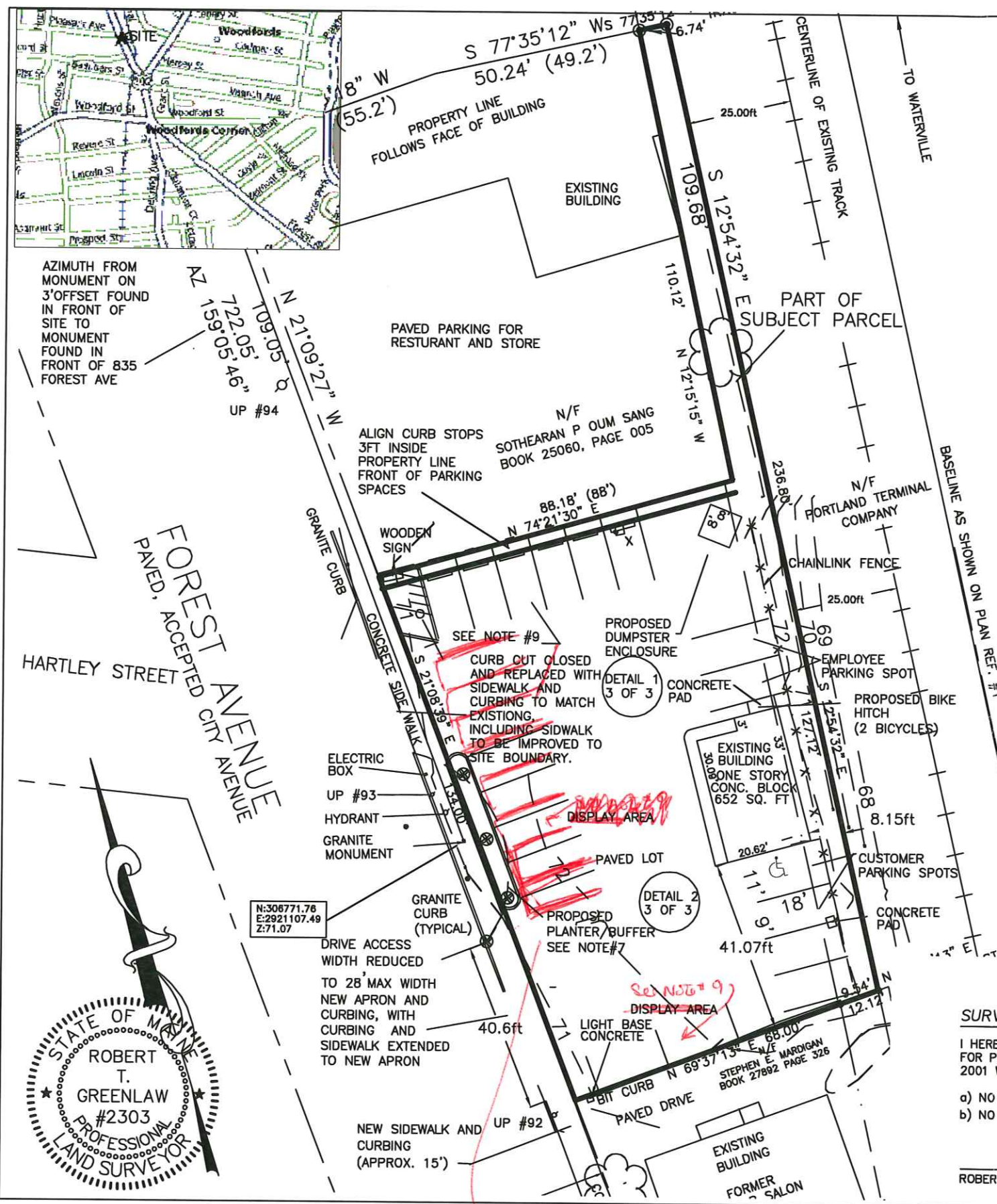
134 PORTLAND AVE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net



DRAWER: 2013 NO: 005



sent Bob w/ email  
6/11/14 - reg he has  
marcos see  
final plan



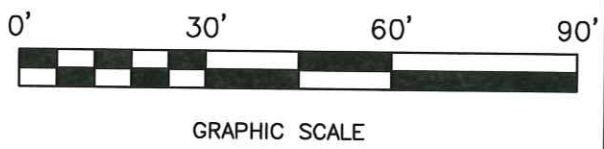
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REV 3 06-9-14: ADDED NOTES ON PLAN PER CITY COMMENTS	
PLAN SHOWING IMPROVEMENTS FOR A PROPOSED AUTO DEALER LOCATION 783 FOREST AVE. PORTLAND, ME. FOR CHANGIZ FARD	
SCALE: 1" = 30'	DATE OF SURVEY: FEBRUARY 25, 2013
BACK BAY FILE# 2006090	C2 PROPOSED AUTO DEALER IMPROVEMENTS

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DATE: JUNE 9, 2014

ROBERT T. GREENLAW P.L.S. #2303



Bob - did you speak to Marcos re display  
along the front along where curb closed. Pl. ensure Marcos agrees to the plan  
thanks 6/11/14  
Jean



## Jean Fraser - Re: 783 Forest (Car Dealership) PB Hearing Tues June 24, 2014 7pm - Report and attachments

---

**From:** Jennifer Thompson  
**To:** Jean Fraser  
**Date:** 6/24/2014 12:38 PM  
**Subject:** Re: 783 Forest (Car Dealership) PB Hearing Tues June 24, 2014 7pm - Report and attachments

---

I've made some minor suggested changes. I've also asked some questions - if they are misplaced, please feel free to ignore. The other thing I can say is that I'm comfortable with placing as a condition to the conditional use approval a prohibition against car sales until all work is completed. Section 474 contemplates and authorizes that kind of condition.

Please let me know if I've missed anything or if you have any questions.

>>> Jean Fraser 6/24/2014 11:01 AM >>>

Jen

Sorry- was away from my desk. The WORD version is attached.

Jean

>>> Jennifer Thompson 6/24/2014 10:39 AM >>>

Jean, can you send me the report in word format so I can input a couple of minor suggestions for your review?

>>> Jean Fraser 6/20/2014 5:42 PM >>>

To all: (sent to Mike B, Kathi E, David M-P, Tom E, Mike F, Jeff L, Jennifer T cc Barbara B and Alex J)

I attach the 6.24.14 Planning Board Agenda, the PB Hearing Report along with the staff review and public comments that are all in the papers before the Board regarding this level I site plan/conditional use reviews for this site. The original applications were in 2013 and they were deemed "complete" in May 2014.

(Note: the entire report and all attachments and submissions, bookmarked, are on the City's website at item 5: <http://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/06242014-431?html=true> )

You will see at the bottom of page 6/top of page 7 of the staff Report that I have tried to describe the DPS concerns regarding the work that has recently been done in the ROW (as described in Mike Bobinsky's and Mike Farmer's e-mails to us) and then in the suggested conditions (pages 8 & 9 of the Report) tried to include conditions that may address the concerns.

I am also sending this to Jennifer Thompson in Legal (who is on vacation this week) and on Monday will consult her and I expect we will revise the suggested conditions of approval (we can give the Board a paper copy of the proposed revised list of conditions at the hearing).

The site is leased by "Marco" (applicant) from Steve Mardigan, who owns alot of land along Forest. Marco runs the used car dealership - currently based at Merlin Motors nearby - with this site as an overflow storage site. Marco has said to me he thought he was helping his case by getting the sidewalk/apron improvements done quickly and that he had instructed the contractor to contact David Margolis-Pineo (he had David's card from the site meeting June 5th). I don't think he has heard directly from DPS that there are concerns regarding the work.

Please note that if Marco did do all the improvement work as proposed and properly, staff are supportive as it



PB Hearing 6.24.2014  
Item 5 Old Business  
2 783 Forest Ave  
Car Dealership

## REVISED 6.24.2014 for PB Hearing

### IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION \*\*\* underlined sections have been revised by the Associate Corporation Counsel & Department of Public Services \*\*\*

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. The Planning Board **waives / does not waive** the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:

- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the "Improvements Plan" (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be "cut-off" in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8); and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved "Improvements Plan" are completed to the satisfaction of the Planning Authority.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and



- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City’s Technical Standard 12 “Site Lighting” and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.





# PLANNING BOARD REPORT PORTLAND, MAINE

Pre-owned Automobile Dealership  
Site Plan and Conditional Use Review  
Changiz Fard, Applicant

**Project No:** 2014-025 & 2013-044      **CBL:** 130-C-001

Submitted to: Portland Planning Board Public Hearing Date: June 24 <sup>th</sup> , 2014 (Tabled from June 10 <sup>th</sup> , 2014)	Prepared by: Jean Fraser, Planner Date: June 20 <sup>th</sup> , 2014
--	---

## **I. INTRODUCTION**

Changiz Fard, applicant, has requested Planning Board approval for a Conditional Use and a Level I: Site Alteration site plan for the proposed used car dealership on a leased site at 783 Forest Avenue. The 12,111 sq ft site was formerly a gas station. The gas tanks were removed and filled with sand in 2005 and the site is currently paved, with the former gas station building remaining on the rear part of the site. The site has a legal use as “office and oil truck storage” and the existing building was recently renovated by the applicant.

The site has 134 feet of street frontage on the east side of Forest Avenue between/opposite the intersections with Clinton and Hartley Streets, and backs onto the railway line. The applicant has a lease for the site from the owner Steve Mardigan ([Attachment C](#)).

The site is located in a B-2 Community Business Zone, where automobile dealerships are listed as a conditional use and therefore are reviewed by the Planning Board.

### Required Reviews:

- Conditional Use in the B2 zone;
- Level I (Site Alteration) Site Plan.

Staff recommended this be brought directly to a Planning Board hearing in view of the small scale of the proposed exterior improvements. At the time this decision was taken, staff were unaware of the scale of the public concerns, as indicated in the public comments ([PC1](#), [PC2](#) and [PC3](#)).

This item was tabled at the June 10<sup>th</sup> Planning Board hearing to a date certain (June 24, 2014 at 7pm) because there was not time to obtain review comments on the plans that showed closure of the northern curb cut.

A total of 145 notices of the Hearing were sent to property owners within 500 feet and to interested citizens and a notice was published in the June 16<sup>th</sup> and 17<sup>th</sup>, 2014 editions of the *Portland Press Herald*. Neighbors who contacted the Planning office regarding the June 10<sup>th</sup> hearing were advised of the Tabling. The applicant is not required to hold a neighborhood meeting for this proposal. Three comments have been received that all raise objections regarding its impact on the sidewalk/street and nearby residential area ([PC1](#), [PC2](#) and [PC3](#)).

### Required Waivers:



Site at 783 Forest Ave. 0 12.5 25 50 Feet  
Prepared by Planning Board on 05/18/2014

*(Above aerial prepared by staff;  
enlarged version in [Att. 6](#))*

<b><i>Requested Waiver</i></b>	<b><i>Standard and any waiver provisions</i></b>
<b>Driveway Design:</b> the remaining access driveway into the proposal site is proposed to be 28 feet in width and exceeds the maximum in order to allow facilitate two way access at this busy Forest Avenue location.	<i>Technical Manual Section 1.7.1.4</i> which specifies a maximum of 24 feet wide for a minor commercial driveway. (Note: the existing site has 2 drives, each approx. 40 feet in width. Tom Errico, Traffic Reviewer, supports the waiver.)

**II. PROJECT DATA:**

<b>Zone:</b>	B-2 Business
<b>Proposed Use:</b>	Automobile Sales
<b>Previous (Legal) Use:</b>	Office and oil truck storage (use of former Gas Station)
<b>Required Minimum Lot Area:</b>	10,000 sq ft
<b>Proposed Lot Area:</b>	12,111 sq ft
<b>Existing impervious area:</b>	10,408 sq ft
<b>Proposed impervious area:</b>	10,258 sq ft
<b>Total floorspace of existing bldg:</b>	652 sq.ft. (included in above impervious area )
<b>Required parking:</b>	not specified in ordinance
<b>Proposed parking:</b>	6 spaces for employees and customers, up to 16 vehicle display spaces
<b>Required Bicycle Parking:</b>	2 spaces
<b>Proposed bicycle parking:</b>	2 spaces
<b>Existing Driveways:</b>	2 for applicants leased area
<b>Proposed Driveways:</b>	1 narrowed and 1 closed

**III. EXISTING CONDITIONS**

The parcel is largely a rectangle with 134 feet of frontage along Forest Avenue, but includes a sliver of land running along the back of the abutting lot along the railway (Plan P1.) The former gas station building has been refurbished by the applicant. The former gas pumps have been removed along with the underground gas tanks.

There are many cars currently parked on the site, roughly as shown in the aerial photograph (Attachment 6). The applicant has indicated that the site is associated with the nearby Merlin Auto Sales and used to “store” vehicles at this time.

The site is located between a parking lot serving the adjacent restaurant and hairdressers to the north, and a driveway and commercial building (currently also a hairdressers) to the south. Opposite the site (across Forest Avenue) is Hartley Street, a residential street with commercial uses nearest Forest Avenue where it is zoned B2c (see below under VII A zoning Assessment).

A pedestrian crosswalk is located across Forest Avenue just north of the site.



The site backs onto the railway line and there are mature trees along the rear boundary (photo below left), though the site itself is not delineated from the parking/driveways on the two sides. To the north curb stops separate the vehicles for sale from the parking for the adjacent restaurant (photo below at right).





#### **IV. PROPOSED DEVELOPMENT**

The applicant considers that few improvements are needed as he is leasing the site and the site is suitable “as is” for the proposed use as a car dealership. However, during discussions with staff regarding the conditional use and site plan ordinance requirements, the proposals evolved so that the plans (Plans P2 and P3) now show:

- The closure of the northern curb cut/drive (now 39 feet wide- see Plan P1)
- Narrowing of the southern curb cut/drive (now 40.6 feet wide- see Plan P1)
- Creation of sidewalk along the closed curb cut
- Repair of existing apron within proposed drive access
- Landscaped buffer along front
- Relocation of existing curb stops along northern property boundary
- Marking of parking spaces for customer and display vehicles
- Dumpster and enclosure of the dumpster

The plans do not include any proposals for the existing building (former gas station) as the work has already been completed.

#### **V. PUBLIC COMMENT**

Three residents of Hartley Street have raised concerns regarding the proposed use based on the applicant’s historic use of the site, including:

- Excessive number of vehicles, overflowing onto street
- Encroachment onto the sidewalk
- Vehicles for sale being parked on Hartley Street
- Vehicles delivered or picked up by flatbed truck in Hartley Street
- Bright fluorescent lights left on at night (building canopy)
- Apparent car sales taking place at the site.

The current application would address some of the concerns raised by neighbors if the proposals were to be implemented as shown on the plans (P2 and P3). The other issues could be addressed by the potential conditions of approval as listed in the motion for the Board to consider.

#### **VI. RIGHT, TITLE AND INTEREST**

The applicant submitted a Lease for the site and the deed held by the site owner (Attachment C).

#### **VII. STAFF REVIEW**

##### **A. ZONING ASSESSMENT**

The site is located in the B-2 Community Business zone where automobile dealerships are permitted as a Conditional Use. The site is within a long band of B2 on the east side of Forest Avenue and is at least 90 feet from the R5 zone on the other side of the railway tracks (see aerial photograph with zoning shown, below).



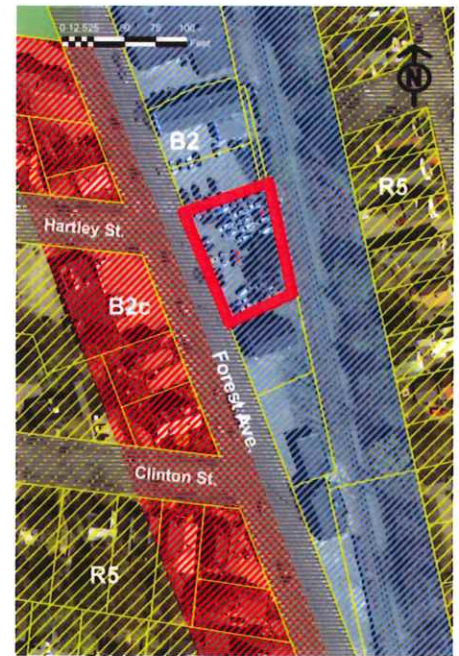
Marge Schmuckal has submitted the following comments (Attachment 2):

*This property is located in the B-2 business zone. This is an after-the-fact application. Automobile sales are considered a conditional use appeal to the Planning Board. There may be a question as to which conditional use standards to use for the PB meeting since the new standards just went into effect.*

*The existing building is legally nonconforming for the maximum front yard setback. It is noted that the current car parking arrangement is not reflected in the existing conditions plan*

*The applicant is showing a 5' strip of landscaped buffer. As required. Once the use has been approved by the PB, separate permits are required to establish that use on the property. Separate permits are required for any signage for this lot.*

Marge Schmuckal has termed this an after-the-fact application because previously car sales were taking place. In early 2013 the owner of the site (Steve Mardigan) was sent a letter by Ms Schmuckal that requested the automobiles to be removed and for the use to be "legalized" through the appropriate building permits and site plan/conditional use reviews.



Staff plan based on City GIS data

At that time the applicant submitted both a conditional use and site plan application, but these were incomplete and not made complete until early in 2014. The Corporation Counsel's office has confirmed that the proposal should be reviewed under the conditional use standards in place at the time the application was accepted.

It is understood that the applicant has renewed progress on the previous applications because the State will not license this site for car sales until the City confirms the use through this review and with the issuance of a "change of use" permit from the Zoning Administrator. It is understood that the nearby Merlin Auto site (640 Forest Avenue) does have a license to sell cars and the applicant has indicated that 783 Forest Avenue is currently used for car storage associated with the Merlin auto site rather than car sales.

**B. CONDITIONAL USE REVIEW (Section 14-183):**

Sec. 14-183. Conditional uses identifies auto dealership in the B-2 zone as a 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 applicant has submitted an conditional use application (Attachment B) and an analysis of how the proposal complies with the conditional use standards in Attachment D.

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 (a) 5 (as in place at the time the applications were accepted) 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 not proposing any signs as part of the current applications. A potential condition requiring the separate sign review and approval is included in the proposed motion for the Board to consider.



- 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 close one of the two existing curb cuts and continue to narrow and use the other cur cut. The remaining curb cut/drive access is over 100 feet from the intersection with Hartley Street on the opposite side of Forest Avenue.

- Clause 6 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 5 foot wide landscaped buffer along part of the Forest Avenue frontage, with a note confirming it would be planted to meet the ordinance.

The City Arborist, Jeff Tarling, has commented (Attachment 3):

*The applicant should install a small island that can be planted with low ornamental grasses.*

*I have the grass types etc that I can send next. It will provide some relief to the bleak pavement and parking lot without blocking the car display.*

*It should work well actually.*



The City Arborist comments addressed the nature of the planting but Mr Tarling was not aware of the proposed curb cut closure and expanded display area. Staff suggest that the buffer should be about twice as long as shown on the plan to extend in front of the display cars that will face Forest Avenue. It would then ensure that the display cars do not encroach on the sidewalk and also address the Conditional Use standard more fully.

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 (as say compared with a parking lot).

- 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 proposed car dealership is within a large section of B2/B2c. The site abuts the railway to the east, where mature trees contribute to the buffering and screening of the site from the nearest residential zone. To the north and south are commercial premises and associated parking. Residents in Hartley Street, opposite the site, object to the proposal based on the way the applicant has used the surrounding streets as part of the business. Staff have included several potential conditions of approval to manage the facility on-site and address the concern about potential off-site activity associated with the use.

- 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, assuming it remains within the site, would not differ substantially from the impact of other permitted uses in the zone.

**C. 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.

**1 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 A), narratives and plans have addressed the ordinance requirements.

**2 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. A Level I site Alteration is not subject to all of the Site Plan Standards. Staff comments are listed below.

**A. Transportation Standards (1,2 and 4)**

**1. Impact on Surrounding Street system and 2. Access and circulation**

The proposed used car dealership is located on Forest Avenue along a straight stretch of single lane traffic with good visibility; there are two existing curb cuts on the site, each about 40 feet in width. The proposed use does not have high trip generation, with limited loading and servicing. Although the Technical Standards would allow the two drives to remain (if narrowed to about 24 feet each), the location of the northern curb cut opposite Hartley Street and adjacent to a crosswalk has led staff to suggest the closure of the curb cut and this would provide additional car display area.

The applicant has decided to move forward with one access drive, and Plan P2 shows the proposed closure of the northern curb cut with sidewalk replacing the existing apron, and that the main drive access will be via the southern curb cut which would be narrowed to 28 feet. The interior circulation includes space to display approximately 16 vehicles for sale along with access to the dumpster and customer parking, with no provision for car repair and associated apparatus.

Tom Errico, the Traffic Engineering reviewer, has commented (Attachment 4):

*I have reviewed the revised site and I find it to be acceptable. I believe the changes are very beneficial overall. Please note the following:*

- *The landscape island should be extended along the entire frontage so vehicle encroachment on the sidewalk is prevented.*
- *On-site parking of vehicles should not block access and egress movements.*

The comments imply support for the waiver of the driveway width, and the suggested conditions of approval incorporate the recommendations of Mr Errico.

**2. Access and circulation- Sidewalks**

The two aprons associated with the existing wide (approx. 40 feet) curb cuts are in poor condition- see photos below taken June 3, 2014:



*Northern curb cut and apron (to be closed)*



*Southern curb cut apron (to be narrowed and repaired)*



The applicant has proposed to reinstate the sidewalk along the closed curb cut and upgrade the remaining drive apron as indicated in Plan P2. Planning and DPS staff met with the applicant on June 5, 2014 and confirmed that formal PE stamped plans were not required for the two apron sections that needed repair, but that a contractor licensed in the City of Portland needed to meet with DPS staff prior to starting work, to clarify the details and arrange for granite curbing to be extended and installed where needed. The applicant engaged a contractor to undertake the apron repairs soon after that meeting, apparently hoping to show that he was sincere in completing this aspect of the proposal.

Staff understand that the Director of DPS is very concerned that the contractor started work in the ROW last week but were not licensed in the City of Portland, did not obtain a street opening permit, did not follow "dig safe" procedures, and did not do the work in accordance with the DPS standards set out in the Technical Manual. DPS staff asked the contractors to stop work on Friday and the contractors left lumps of concrete in Forest Avenue and then came in on the weekend to complete the work. Details are set out in the comments from Mike Farmer in Attachment 5.

DPS are intending to take enforcement action (including fines) and at the time of completing this report the nature of the enforcement is under discussion. DPS have requested that the conditions of approval include the requirement to rectify the situation in the ROW and staff envisage that the potential condition included in this report may be amended at the hearing to reflect the final DPS and Corporation Counsel recommendations.

The DPS comments (Attachment 5) also confirm that the recent work in the ROW did not close the northerly curb cut, and no new sidewalk (with curbing) was installed as indicated on the site plan in Plan P2. The comments of Mr Errico, Traffic Engineering reviewer, are based on the expectation that the northern curb cut would be closed and the sidewalk reinstated with curbs. The suggested conditions of approval, under both the conditional use and site plan reviews, clarify this requirement.

4. Parking Requirements

The ordinance does not specify minimum vehicle parking provision for this use. Staff have confirmed that the proposed parking layout and associated buffers and curb stops are acceptable except that the planted buffer needs to be lengthened (Attachment 4). The Ordinance requires 2 bicycle parking spaces where the parking requirement is 0 to 10 vehicle parking spaces for this proposal, which have been included in the site improvements on Plan P2.

**B. Environmental Quality Standards (1 and 3)**

1. 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. Planting along the frontage at the back of the sidewalk is proposed (see conditional use review above). Staff suggest the inclusion of a condition that requires the preservation of these trees to ensure that some future occupant does not

3. Water quality; Stormwater Management; Erosion control:

The applicant has reduced the overall impervious surface through the addition of the planted area at the front and therefore does not trigger Chapter 500 requirements. Dave Senus, the Peer Engineering reviewer, has commented that during the construction of the planter (and any other construction eg laying of new curbing) that (Attachment 1):

*The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.*

**C. Public Infrastructure and Community Safety Standards (1)**

1. Consistency with Master Plans:

The proposals do not impact city infrastructure except the repairs/sidewalk reinstatement to the drive apron areas which is discussed above.

**D. Site Design Standards (5,6,8,9)**

5. Historic Resources:

The proposed site alterations do not affect any historic resource.

6. Exterior Lighting:

The proposals do not include any specific lighting proposals. It is noted that two existing light bases are on site and if these are re-fitted or new lighting is proposed, the proposals would need to be reviewed and approved to ensure that they meet the City's Technical Standards.

The existing building includes bright lighting under the canopy (open fluorescent with no shield) and residents have stated it is on all night. This does not meet City Technical standards which require cut-off lighting and that the light levels should be halved during night time hours.

A potential condition of approval is included in the motion for the Board to consider to address both of these issues.

8. Signage and Wayfinding:

The proposals do not include any new signs, but a potential condition of approval is included to clarify that any new signs would require separate permits.

9. Zoning Related Design Standards

There are B2 standards that would apply if there was a new building. The existing gas station building is legally nonconforming regarding setbacks. The B2 design standards do require landscaping and buffers, which is largely addressed by the Conditional Use requirement for a frontage buffer. Staff recommend the preservation of the mature trees along the rear of the site to address this requirement regarding the residential properties on the other side of the railway line.

**VIII. STAFF RECOMMENDATION**

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

**IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION**

**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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. The Planning Board **waives / does not waive** the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

**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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:



- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented as taking place, enforcement action may be pursued by the City; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if such activities are documented as taking place, enforcement action may be pursued by the City; and
- iii. That the "Improvements Plan" (Plan P2 in this report) shall be revised for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be "cut-off" in type and on a timer that lowers the light levels at night; and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved "Improvements Plan" are completed to the satisfaction of the Planning Authority.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 a revised final site plan ("Improvements Plan") shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be "cut-off" in type and on a timer that lowers the light levels at night; and
- ii. No work shall be done on site improvements until such time as the applicant has posted a Performance Guarantee in accordance with the standard conditions of approval and obtained all required City permits, including a street opening permit from the Department of Public Services and a change of use permit from the Inspections Division; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan ("Improvements Plan"), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting"; and
- ix. That separate permits are required for any signs on the site prior to their installation.

## **ATTACHMENTS**

### **Report attachments**

1. Peer Engineering Reviewer, Dave Senus 5.30.2014
2. Zoning Administrator, Marge Schmuckal 6.5.2014
3. City Arborist, Jeff Tarling 6.13.2014
4. Traffic Engineering Reviewer, Tom Errico, 6.20.2014
5. Department of Public Services, Mike Farmer 6.20.2014
6. Aerial showing site and parcel

### **Public Comments**

- PC 1 J Parsons
- PC 2 M Charek
- PC 3 C Albert

### **Applicants submittal**

- A. Level I: Site Alteration Site Plan Application (made complete 2014)
- B. Conditional Use Application
- C. Right, title and interest
- D. Conditional use analysis (letter) February 2013, amended May 2014

### **Plans**

- P1. Existing conditions/survey
- P2. Proposed improvements (site plan)
- P3. Details



**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, "Thomas.Errico@tylin.com" <Thomas.Errico@tylin.com>, "Barbara Barhydt ([bab@portlandmaine.gov](mailto:bab@portlandmaine.gov))" <bab@portlandmaine.gov>  
**Date:** 5/30/2014 10:16 AM  
**Subject:** RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)

Hi Jean:

The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.

Thanks,  
Dave

David Senus, PE (Maine), Project Manager  
Woodard & Curran, Inc.  
41 Hutchins Drive  
Portland, ME 04102  
Phone: (800) 426-4262 x3241  
Cell: (207) 210-7035  
Fax: (207) 774-6635

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## MEMORANDUM

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**To:** FILE

**From:** Jean Fraser

**Subject:** Application ID: 2014-025

**Date:** 6/19/2014

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**Comments Submitted by: Marge Schmuckal/Zoning on 6/5/2014**

This property is located in the B-2 business zone. This is an after-the-fact application. Automobile sales are considered a conditional use appeal to the Planning Board. There may be a question as to which conditional use standards to use for the PB meeting since the new standards just went into effect.

The existing building is legally nonconforming for the maximum front yard setback. It is noted that the current car parking arrangement is not reflected in the existing conditions plan

The applicant is showing a 5' strip of landscaped buffer. As required. Once the use has been approved by the PB, separate permits are required to establish that use on the property. Separate permits are required for any signage for this lot.

Marge Schmuckal  
Zoning Administrator



**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 6/13/2014 8:40 AM  
**Subject:** Re: 793 Forest Ave - please look at site - need advice

Jean -

The applicant should install a small island that can be planted with low ornamental grasses.

I have the grass types etc that I can send next. It will provide some relief to the bleak pavement and parking lot without blocking the car display.

It should work well actually.

Jeff

**From:** Tom Errico <thomas.errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 6/20/2014 12:44 PM  
**Subject:** 783 Forest Avenue

Jean- I have reviewed the revised site and I find it to be acceptable. I believe the changes are very beneficial overall. Please note the following:

The landscape island should be extended along the entire frontage so vehicle encroachment on the sidewalk is prevented.

On-site parking of vehicles should not block access and egress movements.

If you have any questions, please contact me.

Tom Errico

Sent from my iPhone



**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 6/20/2014 1:11 PM  
**Subject:** DPS Comments : Final Site plan for PB Hearing re 783 Forest Avenue

>>> Michael Farmer 6/20/2014 12:55 PM >>>

I offer the following comments on behalf of the Public Services Department (DPS) with regards to the conditional use permit application for 783 Forest Avenue.

As I think you know, the applicant's contractor recently completed some driveway and sidewalk construction work in the right of way. This work is relevant to the most recent site plan, which you e-mailed to me after our office closed yesterday. I think there are three separate issues that are of concern to DPS with respect to this application.

1. One issue of concern is site plan conformance. The recently completed sidewalk and driveway work does not conform to the site plan. The plan indicates that the original northerly curb cut was to be closed, with curbing and new sidewalk constructed across the driveway opening. The work that was completed at the northerly curb cut was simply removal and replacement of the driveway apron. There is no newly installed curbing at this location, and the new concrete surface meets the edge of the street pavement. To conform to the site plan, the new driveway apron in the northerly curb cut will have to be removed and reconstructed (assuming that the intent is to close the curb cut, install new curbing, and build a new sidewalk that is raised 6 or 7 inches street level. There appear to be other inconsistencies between the details shown on the site plan and the recently completed work in the right of way.

2. Quality of the recently completed construction work in the right of way is an issue of concern. The DPS is responsible for inspecting street, driveway, and sidewalk improvements built in the public streets. DPS utilizes its "street opening" permit process and pre-construction meetings (between inspectors and contractors) to communicate with contractors and coordinate inspections, which are considered a necessary means of assuring that construction work in public streets meets City standards. In this situation, the contractor did the construction work without obtaining a street opening permit and without notifying City staff to arrange for them to inspect the work. When the work was in progress and a DPS inspector visited the job site on a rainy Friday, the contractor was advised to stop the work. My understanding is that the contractor essentially ignored the request to stop work and subsequently worked on a Saturday to complete their work. Inasmuch as City staff did not have an opportunity to inspect the recently completed construction work, and in consideration of the discrepancies noted above, there is a high likelihood that DPS staff will request that the recently completed work be removed and reconstructed.

3. Regulatory compliance is an issue of concern. My understanding is that the contractor who recently performed the work described above did so without an Excavator License required from the City, without a Street Opening Permit required by the City, without adhering to the State "Dig Safe" rules, and without adequate traffic control at the work site. DPS is still reviewing this situation and considering what, if any, enforcement activities might be undertaken to address these regulatory compliance concerns.

Michael Farmer, Project Engineer  
Portland Dept. of Public Services  
55 Portland Street  
Portland, ME 04101  
phone: 207-874-8845  
fax: 207-874-8852 >>> Jean Fraser 6/19/2014 4:50 PM >>>

**From:** <jimellen@maine.rr.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 6/11/2014 4:02 PM  
**Subject:** 783 Forest Ave Site Plan and Conditional Use Review

Hello Jean,

My wife and I have resided in our home at 38 Hartley St since 1996 and are very happy with the area we chose to buy our home in.

Over the years we have seen neighbors come and go but still a tight knit community with a lot more kids in the area as of recent years.

The car dealership at 783 Forest Ave (Merlin Motors) has been a concern to many of us since they started up.

More and more cars are on the lot, overflowing onto the street and sidewalk of Forest Ave making what has always been a difficult area to make a left turn onto than ever before.

Even more of a nuisance is the fact that they park the cars that they cannot cram on their lot onto our residential street. Not only do these cars take up valuable parking (especially in the winter months), but are not registered and many not having current Maine State Inspection stickers on them which brings up another concern. Many times I have seen these cars being "test driven" without plates (even though I know they have dealer plates that are mostly used for their 2nd location by Woodford's Corner).

Not only is this "car lot" unsightly during the day, but they leave their VERY BRIGHT fluorescent lights on all night pointing up our street creating light pollution.

Thank you for addressing our concerns,  
Jim Parsons  
38 Hartley St.  
Portland, ME 04103



**From:** Michael Charek <michaelcharek@gmail.com>  
**To:** Jean Fraser <jf@portlandmaine.gov>  
**Date:** 6/16/2014 1:08 PM  
**Subject:** 783 Forest Avenue

Ms. Fraser,

I am writing as a Hartley Street resident, among the group of neighbors contacted by the City of Portland about a pending Site Plan and Conditional Use application for 783 Forest Avenue. We have lived at our current address for 31 years, and have seen the neighborhood change over that time, with businesses on Forest Avenue developing and, for the most part, flourishing. We recognize that we live fairly near a busy street with its attendant traffic and business activity, and accept what goes with that proximity. However, we are concerned about what has been going on at 783 Forest Avenue for several years now.

I have reviewed the report that had been prepared for the June 10 meeting, and understand the application was tabled until June 24. I also understand that the plan available at that time was not complete, but that representations have been made by the tenant as to what they are proposing to do.

The application indicates that the northerly curb cut is to be closed in and the sidewalk built up to the level of the adjacent sidewalk, and the southerly curb cut and drive are to be narrowed from approximately 40 feet to 28 feet, with sidewalk and curbing extended to the new apron. This seems to be at odds with work that was done on Friday June 13 and today, June 16, essentially removing and replacing the concrete sidewalk at both curb cuts, with no filling in or narrowing. Concrete was placed and broom-finished, with tooled control joints. There are no expansion joints in the new concrete, and the material was placed without formwork, but rather "blended in" to the adjacent concrete and bituminous surfaces, as if it were bituminous paving instead of concrete. It does not look as though City of Portland engineering details were followed in the placement of the concrete.

This just-completed repair follows the behavior we have seen over the past two years that the current business has been in operation at this address, in complete disregard of land use regulations. As far as I have seen, no permission was ever asked or granted for the storage of vehicles at this address, or for used car sales to take place there. This is what we have observed:

A large number of passenger vehicles, between 40 and 50, are parked on the lot at all times.

Most of the vehicles have no license plates. They may not have current state inspection stickers.

Many of the vehicles have some sort of window sticker similar to car dealer's stickers, with particulars about the vehicle listed.

People often drive to the property and inspect the vehicles on display there.

At times the vehicles parked along the Forest Avenue side hang over the sidewalk, making it difficult, and at times in the winter, impossible, to walk along the property on the sidewalk.

On many occasions, vehicles are delivered or picked up by flatbed truck on Hartley Street.

Vehicles without plates, and with window stickers, are often parked on Hartley Street for short periods.

This is especially so in the winter, when vehicles are moved from the lot for snow removal.

Vehicles entering Forest Avenue from the driveway opposite Hartley Street make it difficult at times to enter Forest Avenue from Hartley Street.

There is no sign anywhere on the property to indicate what sort of business is going on there.

Unshielded exterior lights under the building canopy shine straight out from the building and cause glare in the eyes of drivers and pedestrians coming down Hartley Street toward Forest Avenue.

I would like to speak in support of a business trying to make a go of it in the City. Unfortunately, this particular business seems to have no interest in being a good neighbor and following the rules. Given past and very recent behavior of the owner and/or tenant, I cannot support their application. I would rather see the property revert to a vacant lot or to its current use of record, a gas station, than continue to be used as a mass storage lot for automobiles. As far as permitting the conditional use – used car dealership – that is being applied for, it is difficult to believe that anything shown on the plan or represented by the applicant will come to pass if the conditional use permission is granted.

Thank you for this opportunity to comment.

Sincerely,  
Michael Charek



**From:** Matthew Albert <thealberts@maine.rr.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 6/18/2014 1:52 PM  
**Subject:** 783 Forest Avenue

Dear Ms. Faser,

My family and I have lived on Hartley Street for 14 years and have watched responsible businesses grow and become successful in the general vicinity of our home. We have been supportive of several of the small businesses that have developed since we moved here 14 years ago. Unfortunately we are not supportive of the business being conducted and up for review by the Planning Board at 783 Forest Avenue. For two years a car dealership has operated out of that address without the proper licensing to operate such a business at that location. They load and unload cars on Hartley St, conduct car sales and negotiations in front of homes close to Forest Avenue, allow customers to park on Hartley St without regard to the residential nature of the street. Additionally, the current business and business owners at 783 Forest Avenue have demonstrated a complete and utter lack of regard or respect for the city ordinances that govern that property. I am aware of the plan that they presented to the planning board, they have recently made some "upgrades" to their property that are not shown on those plans. The owners are connected with Merlin Motors and seem to be an alternate lot for selling additional cars, a quick review of Merlin Motors website shows vehicles for sale which are parked in the overcrowded lot at 783 Forest Ave. I cannot support the application presented for 783 Forest Avenue.

Thank you for allowing public comment on this important issue.

Sincerely,

Christine S. Albert  
19 Hartley Street  
Portland, Maine 04103

## Jean Fraser - Re: Revisions agreed with Marco 6.5.14 Re: 783 Forest-proposed Car Dealership

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**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 6/10/2014 9:41 AM  
**Subject:** Re: Revisions agreed with Marco 6.5.14 Re: 783 Forest- proposed Car Dealership

---

Bob

I think Marcos wants to have display cars all along the frontage including along where the curb cut is to be closed- I believe that is why he thought closing the curb cut was a good idea. So I think you need to add 3-4 display spaces there (unless you have agreed something else with Marcos). He also told me he wanted one or two on the south boundary- they might need to be parallel. My concern is that after approval he will be expected to keep the display cars roughly where this plan shows them to be, so it would be better to add more now.

Any chance you could send the revised plan plus the details plan by about 2pm today?

Also I confirm that you do not need to attend the hearing tonight- the tabling will be at the end of a long hearing on other projects and we expect it to be a formality.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 6/9/2014 5:23 PM >>>

Here is the latest revision per your email. I can add details of the curb and bike rack to the detail sheet if everything looks OK. Let me know as soon as you can so we can keep Marco on the next meeting.

Thanks

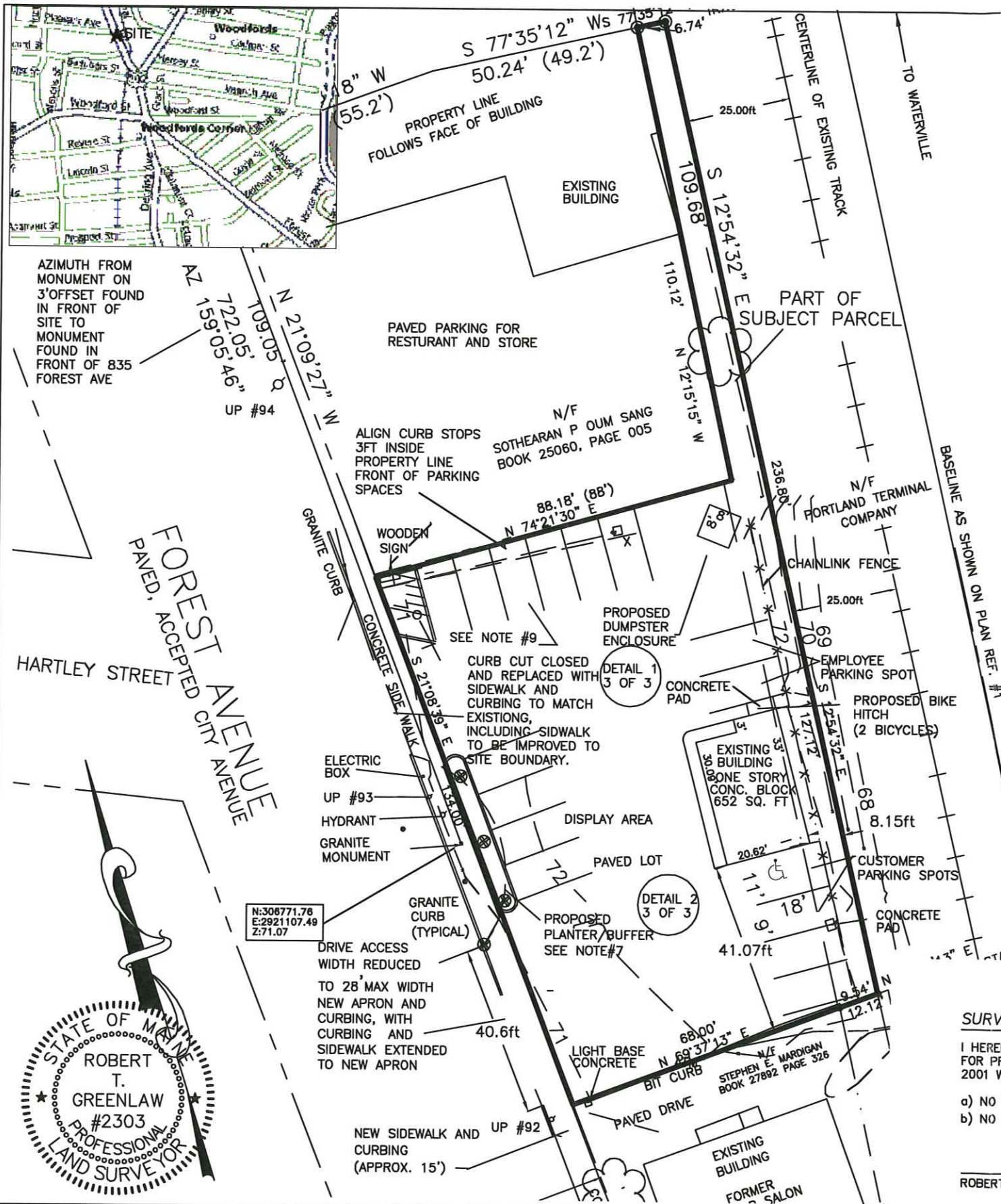
Bob Greenlaw

On Thu, Jun 5, 2014 at 2:39 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Bob

Marco needs you to revise the plan to reflect what he agreed today with me and David Margolis-Pineo (and based on Tom Errico comments). I have summarized it below as I understand it, but please run this by Marco



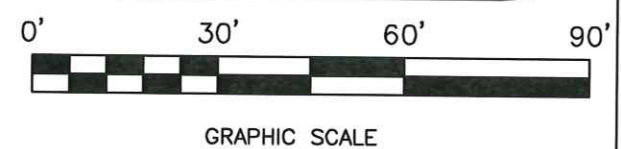


**GENERAL NOTES:**

1. RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
  - a.) ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
  - b.) APPLICANT: CHANGIZ FARD 684 BAXTER BLVD. PORTLAND MAINE 04103
2. BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
3. AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
  - b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
  - c.) CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
5. ZONING: B-2 ZONE -- SETBACKS: FRONT -- NONE  
REAR -- 10 FT  
SIDE -- NONE
6. EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
7. PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. NAMELY 1 2-1/2" STREET TREE NOT MORE THAN 15' FEET APART.
8. AS NOTED IN THE N.F.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STUCTURE WITH CINDER BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN RUBBER.
  - a.) FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY INFRONT OF THE SUBJECT PARCEL.
9. PARKING SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF CARS FOR SALE.

- LEGEND**
- Capped 5/8" Rebar Found
  - Iron Pipe or Solid Pin Found
  - △ Survey Instrument Point
  - Abutter Line
  - Property Line
  - Street Line
  - (50.00') Distance from reference plan or deed.
  - N/F Now Or Formerly
  - Overhead Utility
  - Utility Pole
  - Edge of traveled way
  - Set Back Line
  - ♿ Handicap Parking Spot
  - 72— Existing Contour Line

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING  
134 PORTLAND AVENUE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 BOBGREENLAW@MYFAIRPOINT.NET



REV 3 06-9-14: ADDED NOTES ON PLAN PER CITY COMMENTS	
PLAN SHOWING IMPROVEMENTS FOR A	
PROPOSED AUTO DEALER	
LOCATION	
783 FOREST AVE. PORTLAND, ME.	
FOR	
CHANGIZ FARD	
SCALE: 1" = 30'	DATE OF SURVEY: FEBRUARY 25, 2013
BACK BAY FILE# 2006090	C2 PROPOSED AUTO DEALER IMPROVEMENTS

**SURVEYORS STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.

DATE: JUNE 9, 2014

ROBERT T. GREENLAW P.L.S. #2303

AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

FOREST AVENUE  
PAVED, ACCEPTED CITY AVENUE



Rec'd 6-10-14 AM



## Jean Fraser - Fwd: Revisions agreed with Marco 6.5.14 Re: 783 Forest-proposed Car Dealership

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**From:** Jean Fraser  
**To:** Errico, Thomas; Margolis-Pineo, David  
**Date:** 6/5/2014 2:41 PM  
**Subject:** Fwd: Revisions agreed with Marco 6.5.14 Re: 783 Forest- proposed Car Dealership  
**CC:** Barhydt, Barbara  
**Attachments:** REvisions under dsicussion 783 Forest9.pdf

---

David and Tom

For info

If Marco does what he says he will do, it will be a good result....

Thanks for your help.

Jean

>>> Jean Fraser 6/5/2014 2:39 PM >>>

Bob

Marco needs you to revise the plan to reflect what he agreed today with me and David Margolis-Pineo (and based on Tom Errico comments). I have summarized it below as I understand it, but please run this by Marco to be sure he took away the same conclusions. It would be best for you to meet with him and show him the plan (before sending to me) to be sure that is what he wants and what he intends to do.

Please send the revised "Improvements" plan **by pdf** to me asap ie by end of monday latest. That will allow me to have reviewers confirm that we are all on the same page at our meeting on Wed morning and then they can provide written comments of support to go into the Report that will be considered by the Planning Board on **June 24th**.

My understanding is that there are 6 revisions needed:

- change note that refers to the northern curb cut (one closest to restaurant) that currently says "new entrance 24' "- change so it states "curb cut closed and replaced with new sidewalk and curbing to match existing, including sidewalk to be improved to site boundary"
- change to note that refers to the other curb cut (that currently says "new entrance 24') - change so note reads "drive access width reduced to 28' max with new apron and curbing, with curbing and sidewalk extended to new apron"
- add note to sidewalk shown as orange at southern end of the site frontage (approx 15 feet) to state "new sidewalk and curbing"
- Replace note that says "split rail fence" (as there is no fence) with note stating "align curb stops 3 ft inside property line in front of parking spaces"
- Show display parking all along frontage (I think facing Forest) and the 2 side boundaries (but not sticking out into drive access) and label (or put "see note X")- Marco said he wanted to keep the customer



parking located at rear next to the building as already shown (Marco can explain) (I suggest showing 12-13 display spaces and ensure customers have space to pull in and out and keep 24 ft wide drive aisle in front of the building)

- show one bike hitch somewhere sensible on the site (for 2 bikes)

Please call David Margolis-Pineo (874 8850) if you have any questions about what to show in ROW.

Marco has given me a note confirming his agreement to the PB Hearing being "tabled" from June 10th to June 24th.

thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

>>> Jean Fraser 6/4/2014 4:36 PM >>>

with plan this time.

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

>>> Jean Fraser 6/4/2014 4:36 PM >>>

Bob

I have just met with Marco regarding this project and have given him the feedback from reviewers and discussed the overall layout. Staff have recommended to him that we table the item from June 10th to June 24th (ie to a date certain so it does not need to be re-noticed) to give time for the plan to be revised and reviewed. Marco is OK with doing all of the items below but its a question of how to document them quickly and there are some further discussions needed as indicated.

The revisions that are under discussion and hopefully finalized tomorrow are:

- ROW needs to be improved- see the attached - orange is improved or extended sidewalk; striped orange is apron (we will try to meet with David Margolis-Pineo tomorrow to determine the material) and yellow is possible upgrading of sidewalk;
- display vehicle parking to be shown behind the green buffer area (approx blue line) and I think Marco wants to have parking along the frontage and close one of the curb cuts (not sure which one- I am checking with Tom Errico re that). Customer parking would be nearest the curb cut that stays open so not so much pavement lost to maneuvering.
- Note saying curb stops to be aligned 3 feet inside property boundary for boundary with restaurant
- ignore green for now on this plan.

Pleas contact me tomorrow if any questions.

Thank you

Meeting w/ Marco 6-4-2014

① JF reported review comments:

- ① sidewalk/apron
- ② property separation

Marco OK to upgrade sidewalk + apron  
not keen on fence along property between  
rest + site because of snow removal. Curb  
stops are his + will be organized.

② JF asked if layout reflected his needs -  
very few display vehicles shown or provided  
for + JF wondered if closing one of the  
drives would provide better/more

Marco would like to close one of the drives +  
have cars along front, this not wanting  
trees/greenery to hide cars (this needs  
further discussion). corner near sign usually  
has a fancy car parked there.

③ JF + BB recommend tabling hearing to June  
24<sup>th</sup> so a final plan can be agreed + JF can  
get supportive review comments. Question of  
whether eng. dwgs. needed for work in ROW.  
Marco unhappy re delay. JF undertook to:  
- email Bob Greenlaw re need for revisions  
- ck Tom Enrico re which drive best to close  
- get David M-P from DPS to meet + clar. re ROW.



Hi

This was on the Dev Rev agenda this week but there was no time to explain it and its urgent because its going direct to a hearing on June 10th- so please give me your final comments and recommended conditions of approval on or before Wed June 4th.

This is just a Level I Site Plan Application and is only going to the Planning Board because its also a Conditional Use review in this zone. There is a small reduction in impervious surface and they propose to narrow the existing curb cuts.

The applicant has been struggling since March 2013 to get the applications complete and I have put everything in the 2014-025 e-plan project for both the site plan and the conditional use to save you looking back at their 2013 project. I also attach the latest revised site plan and details which include everything regarding the proposal and these are what should be reviewed (these are also in e-plan, newest first; other submissions that are in e-plan of interest are the application forms and RTI).

You will see that they really just want to use a former parking lot for a car dealership and there is no residential nearby, so I think its relatively straightforward and anticipate the main condition of approval is maybe more landscaping.

Thank you in advance for helping move this forward quickly- we have placed it on the June 10th agenda because the Board meetings after that are full until late July and this item should be relatively short.

Jean

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

*Jean Fraser - RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)*

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**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 5/30/2014 10:16 AM  
**Subject:** RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, "Thomas.Errico@tylin.com" ...

---

Hi Jean:

The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.

Thanks,  
Dave

David Senus, PE (Maine), Project Manager  
Woodard & Curran, Inc.  
41 Hutchins Drive  
Portland, ME 04102  
Phone: (800) 426-4262 x3241  
Cell: (207) 210-7035  
Fax: (207) 774-6635

Woodard & Curran  
[www.woodardcurran.com](http://www.woodardcurran.com)  
Commitment & Integrity Drive Results

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**From:** Jean Fraser [mailto:JF@portlandmaine.gov]  
**Sent:** Thursday, May 29, 2014 4:33 PM  
**To:** Chris Pirone; David Margolis-Pineo; Jeff Tarling; Marge Schmuckal; Thomas.Errico@tylin.com; David Senus  
**Cc:** Ann Machado  
**Subject:** Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)



## Jean Fraser - Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)

---

**From:** Jean Fraser  
**To:** DSenus@woodardcurran.com; Errico, Thomas; Margolis-Pineo, David; Piro...  
**Date:** 5/29/2014 4:33 PM  
**Subject:** Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)  
**CC:** Machado, Ann  
**Attachments:** C-1 Existing conditions plan 783 Forest Ave.pdf; C2 PLAN SHOWING IMPROVEMENTS.pdf; C3 DETAILS SHEET.pdf; C-4 LETTER TO THE BOARD OF APPEALS.pdf

---

Hi

This was on the Dev Rev agenda this week but there was no time to explain it and its urgent because its going direct to a hearing on June 10th- so please give me your final comments and recommended conditions of approval on or before Wed June 4th.

This is just a Level I Site Plan Application and is only going to the Planning Board because its also a Conditional Use review in this zone. There is a small reduction in impervious surface and they propose to narrow the existing curb cuts.

The applicant has been struggling since March 2013 to get the applications complete and I have put everything in the 2014-025 e-plan project for both the site plan and the conditional use to save you looking back at their 2013 project. I also attach the latest revised site plan and details which include everything regarding the proposal and these are what should be reviewed (these are also in e-plan, newest first; other submissions that are in e-plan of interest are the application forms and RTI).

You will see that they really just want to use a former parking lot for a car dealership and there is no residential nearby, so I think its relatively straightforward and anticipate the main condition of approval is maybe more landscaping.

Thank you in advance for helping move this forward quickly- we have placed it on the June 10th agenda because the Board meetings after that are full until late July and this item should be relatively short.

Jean

**Jean Fraser - Re: 783 Forest- proposed Car Dealership (PB Hearing on June 10th)**

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 5/29/2014 4:07 PM  
**Subject:** Re: 783 Forest- proposed Car Dealership (PB Hearing on June 10th)  
**CC:** mjones@merlinsoft.us  
**Attachments:** PB Lgl Ad 6-10-14.pdf

---

Bob

I assume the disk I received on 5.22.2014 was from you and want to confirm its receipt and that, along with the payment of the site plan application fee, it has "completed" the application and its now in review.

As I have mentioned in earlier discussions, we are willing to take it straight to the Planning Board hearing for a decision (and missing out the usual Workshop). The next 3 Planning Board meeting agendas (ie June 10, June 24 and July 8) are technically full, but we think that at the end of the **June 10th** Board meeting there will be enough time for the Board to consider this, although it could be late (eg after 9pm).

Since I understand that Marco really needs this to be reviewed asap, I have added it to the **June 10th** Planning Board agenda and included it in the Legal Ad (which had to go out earlier today- copy attached). I did phone Marco earlier to check the date, but had to leave a message and I hope this date works for Marco and whoever is going to attend the PB Hearing.

Marco can request to take it off the agenda, but if it is not considered on June 10th, it would be at least July 8th and probably later before it could get onto a Planning Board agenda.

Assuming that we keep it on for **June 10th**, there will not be much time to advise Marco regarding any conditions of approval that reviewers recommend to me on Wednesday (June 4). It might be a good idea for him to call or come in to the Planning office on Thursday (June 5) to discuss.

I would be grateful if you could explain to Marco that the Planning Board only meets 2 times per month and the Agenda is not managed by me - and we have many many projects in the system so this is the best option if time is a concern.

I may have a couple of clarifying questions early next week and I will e-mail those; I don't think we need any further information.

Thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*



*RLG  
mailed 5.5.14  
+ emailed  
Bob Greenlaw 5.5.14*



Alex Jaegerman, FAICP  
Division Director, Planning Division

*see  
action 2nd page*

May 5<sup>th</sup>, 2014

Changiz Fard  
684 Baxter Blvd  
Portland, ME 04103

Robert T Greenlaw, PLS  
134 Portland Avenue  
Old Orchard Beach, ME 04064

**Re: Site Plan Review: 783 Forest Avenue: Proposed automobile dealership  
Conditional Use Application # 2013-044  
Site Plan Application # 2014-025**

Dear Mr. Fard and Mr Greenlaw:

I am writing to confirm that the submissions for this project are still incomplete. Our records show that the fees need to be paid and further information needs to be submitted to allow this to be reviewed and considered by the Planning Board.

This property is located within a B-2 Business Zone where an automobile dealership requires conditional use **and** a site plan approval. Because it is a conditional use it must be reviewed and approved by the Planning Board. We propose that it would go direct to a Planning Board Hearing (so one meeting instead of the usual two meetings), but before it goes to the Board the submissions need to be made complete and reviewed by staff.

The City's policy is that the review of an application may not proceed until all of the application fees are paid. Our records indicate that a fee of \$200 is still owed for the Level 1 Site Alteration Site Plan application, as advised to you in March 2013 and March 2014. If you believe that you have paid the site plan fee, please bring or send a canceled check or receipt to the Inspections Division (with a cover note and label it with the project application numbers as listed at the top of this letter) and we will review our records. Please note that the \$200 fee is in addition to the \$100 fee paid in February 2013 for the conditional use application.

Separate from the fee, the applications are incomplete in terms of content. I appreciate that additional information was submitted on March 21, 2014 and April 29, 2014 to address staff memos and comments, but only some of the requested information was submitted and the following is still awaited (all previously advised to you):

- Written Description of Project;
- Written response to all conditional use standards (14-183 and 14-474);
- Assessment of Zoning Compliance;
- Evidence of financial and technical capacity;
- Copies of required state and/or federal permits for car sales (or documents that clarify the status of the permits);

- Revised site and detail plans that show and label (in addition to what is already shown):
  - the area for the car display (note that we don't understand what the turning radius refers to);
  - the revised curb cut width(s) and drive/parking aisle locations and dimensions (to meet City technical standards);
  - the boundary treatment of the site and any other improvements (eg identifying what to remain and any new items).

Please submit the information at your earliest convenience (electronically, preferably all at one time) to the Inspections Division on the third floor at City Hall. Please reference this letter and the project application numbers listed at the top. Until these are received the applications remain "on hold".

Please also submit information about any lighting that you propose to have on the site. All lighting must meet the City's Technical Standards for site lighting.

Please let me know if you would like a meeting to go through these items and clarify if you have any questions - I can be contacted at (207) 874-8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov) to arrange a meeting. If you decide not to request a meeting, please keep me informed regarding the payment of fees and submission of outstanding items so that I can move forward on the review as soon as the applications are complete.

Sincerely,

*Jean Fraser*  
 Jean Fraser  
 Planner

Spoke agreed 5.9.14 - to meet me: (he would confirm with Marco)

Mon 11am (619 0611)

Michael Jones  
 mjones@metlinksoft.us

710 Forest  
 plan

NO show \*  
 Called Marco 11:24  
 no ans b/c voice mail full

CC.  
 Barbara Barhydt, Development Review Services Manager  
 David Margolis-Pineo, Deputy City Engineer  
 Marge Schmuckal, Zoning Administrator  
 Jeff Tarling, City Arborist  
 Thomas Errico, P.E., TY Lin Associates  
 Lannie Dobson, Inspections Division

5.5.14  
 ✓ as leads up.

5/12/14 - did not show up for mtg called sent email Marco voice mail full

5/14/14 2 called M. Jones left message

Ref: CBL: 137 C001 001; Cond Use 2013-044; Site Plan 2014-025



## Jean Fraser - Re: 783 Forest- re "Marco"

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 5/5/2014 3:01 PM  
**Subject:** Re: 783 Forest- re "Marco"  
**Attachments:** 5.5.14 Review Letter 783 Forest Ave (Auto Dealership).pdf; PB Report - 710 Forest Ave. 2-28-12.pdf

---

Bob

Please see the attached letter which has been mailed to you and Marco today.

I would appreciate it if you could check with Marco re the fee payment- Marco had told me he was going to come into Inspections and pay it back in early April when I first e-mailed you, but it appears he has not brought in that payment. Also please check that he has received this letter (mailed to his Baxter BLvd address) as I don't have an e-mail address for him.

Re the plans and narratives, these are all standard site plan/cond use submission requirements and have been mentioned in e-mails and also at my meeting with Marco in early March- only the lighting is a new issue and that does not need to be submitted now (but would be needed before it goes to the Planning Board).

Most of what you submitted in both March and April this year is the same as what was submitted before- the deed and lease were new and are important, but I suggest you or Marco need to coordinate more closely so that all the documents are included and that all the information is added to the plans as I had explained in detail to Marco in early March (I had done a little sketch).

I am aware that Marco has invested in car stock to sell and that his State license is on hold until he gets the Portland site plan/cond use approval. We will progress this as quickly as possible once we have a complete submission- what we are requesting is the same as we requested for Jabbar's Auto Sales down the road (see attached Hearing Report to give you an idea of what needs to go to the Planning Board- Jabbar's was smaller and in the B2c zone near residential so not exactly comparable but similar- I am not sure if the Traffic Engineer reviewer will request a Traffic Study or not for 783 Forest as the review has not started).

As mentioned in the letter, I can meet with you and Marco if there are any questions- please let me know.

Thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

PB Hearnig 783 Forest Ave. June 2.

PB members present: Tim Dean  
Sean Dunden  
Beth Boepple  
Carol Morrisette  
(Rick O'Brien late)  
missed presentation

Qu. - Sean - re limiting # of car to be displayed?  
BB ans. can do this; CM feels cond

Applicant pres. - minimal comments Bob / Mr F

BP - ? link w/ Forest Ave impis.

TE - not in conflict - any impis curb to curb

## Public Comment

M. Charek - described cars on site last yr.  
25 Hartley cars on Hartley - esp. winter  
lot of cars + activity - note cond  
address some concerns. Sidewalks  
repaired "out-of-blue" + not in  
keeping w/ plan. Are these guys go  
to do what they say they're going to

Close public comment.



Sean Dundon - meets BZ and use yes  
subject to conds - welcome  
tech re enforcement.

Both Boepple - ? re enforcement  
conds provide protection  
BBans. Hat site plan allows us to

Carol M - agrees

Tim D - pretty much covered

neighbor's concerns w/ conditions  
enforcement ability spec. pkg  
veh assoc. w/ business on street  
Re what has happened in the past, not  
dealing with tonight.

Agrees use of site is in keeping  
neigh + street

expectation parking in striped spaces  
in keeping w/

Tuck - abstaining as missed much of the item.

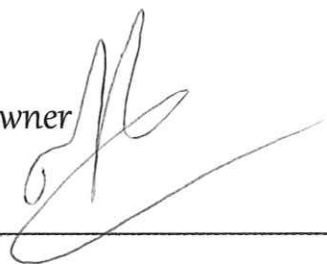
Pro

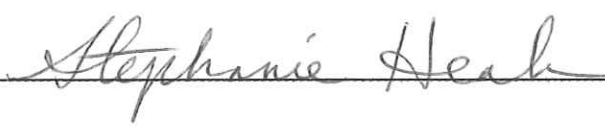
received from Mr Fard  
at PB Hearing 6-24-14

Tuesday, June 24, 2014

As a business owner within close proximity to Maine Motor Company,  
owned and operated by Mr. Marco Fard, located at 785 Forest Ave. Portland,  
Maine, I have no concerns regarding the placement of a car dealership at the  
location stated above.

Mr. Fard has always been attentive to his property and the  
surrounding areas.

Saigon Restaurant Owner   
Date 6/23/14

Steph's Creative Styles  
 Date 6/23/14




Thanh Thanh 2

 Date 6/23/14

Magic Scissors

 Date 6-24-14  
AVENUE AUTO CO.

 Date 6-24-14

ANN NOTATE  
REVISED 6-24-2014  
PB Hearing  
They read

PB Hearing 6-24-2014  
Item 5 Old Business  
i. 783 Forest Ave (Car Dealership)

**IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION \*\*\* underlined**  
sections have been revised by the Associate Corporation Counsel & Department of Public Services \*\*\*

**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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

2d SD  
4-0  
(truck abutments)

- 1. The Planning Board waives / **does not waive** the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

**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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:

as written  
City Standards  
4-0

- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the "Improvements Plan" (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be "cut-off" in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8); and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved "Improvements Plan" are completed to the satisfaction of the Planning Authority.

**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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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:

as read  
4-0

- i. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and



- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City’s Technical Standard 12 “Site Lighting” and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.

PB Hearing 6.24.2014  
Item 5 Old Business  
2 783 Forest Ave  
Car Dealership

## REVISED 6.24.2014 for PB Hearing

### IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION \*\*\* underlined sections have been revised by the Associate Corporation Counsel & Department of Public Services \*\*\*

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. The Planning Board **waives / does not waive** the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:

- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the "Improvements Plan" (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be "cut-off" in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8); and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved "Improvements Plan" are completed to the satisfaction of the Planning Authority.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and



- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City’s Technical Standard 12 “Site Lighting” and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.



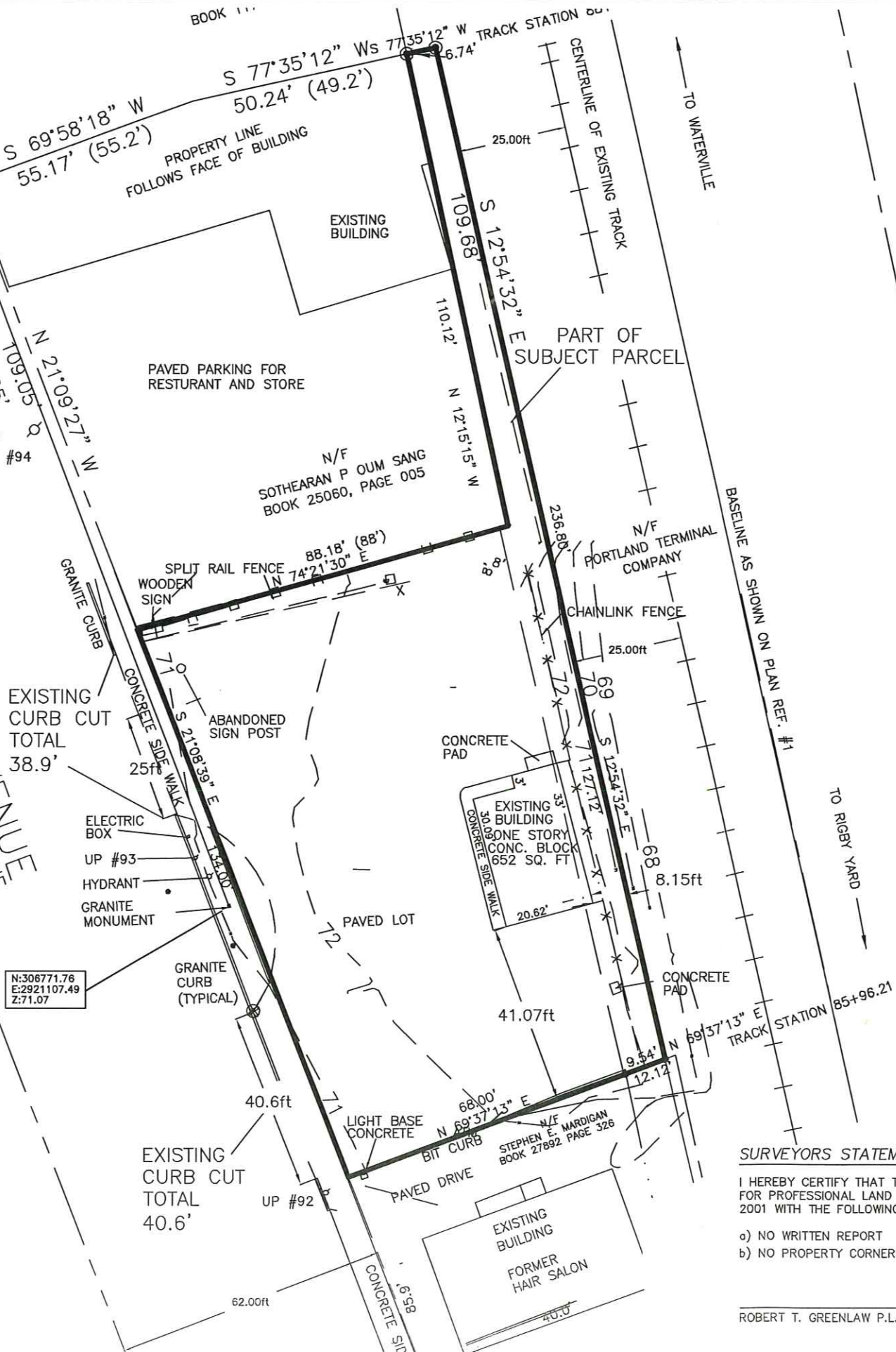


AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

NZ 159°05'46"  
 N 21°09'27" W  
 109.68'  
 101.93'  
 UP #94

FOREST AVENUE  
 PAVED, ACCEPTED CITY AVENUE

HARTLEY STREET



GENERAL NOTES:

1. RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- a.) ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
2. BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT OF THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
3. AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
  - b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
  - c.) CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
5. ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
 REAR - 10 FT  
 SIDE - NONE
6. EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
7. PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. NAMELY 1 2-1/2" STREET TREE NOT MORE THAN 15' FEET APART.

LEGEND

- Capped 5/8" Rebar Found
- Iron Pipe or Solid Pin Found
- △ Survey Instrument Point
- Abutter Line
- Property Line
- Street Line
- (50.00') Distance from reference plan or deed.
- N/F Now Or Formerly
- Overhead Utility
- Utility Pole
- Edge of traveled way
- Set Back Line
- ♿ Handicap Parking Spot
- 72- Existing Contour Line

Detail # Shown on Sheet 3 of 3

PREPARED BY:  
**Robert T. Greenlaw PLS**  
 LAND SURVEYING  
 134 PORTLAND AVENUE  
 OLD ORCHARD BEACH, MAINE  
 207-749-9471 BOBGREENLAW@MYFAIRPOINT.NET



GRAPHIC SCALE

REVISED 02-25-2013: VARIOUS EDITS FOR CLARITY  
 REVISED 02-04-2013: ADDED SITE FEATURES

EXISTING CONDITIONS PLAN FOR A  
 PROPOSED AUTO DEALER  
 LOCATION  
 783 FOREST AVE. PORTLAND, ME.

FOR  
 CHANGIZ FARD

SURVEYORS STATEMENT:

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.

DATE: MAY 19, 2014

ROBERT T. GREENLAW P.L.S. #2303



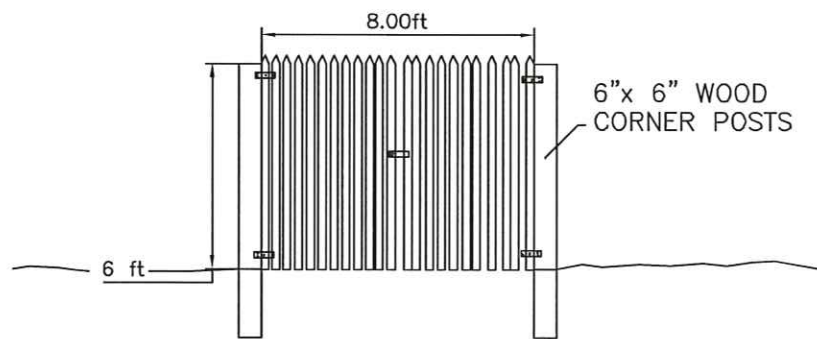
SCALE: 1" = 30' | DATE OF SURVEY: OCTOBER 18, 2013

BACK BAY FILE# 2006090 | SHEET C1 EXISTING CONDITIONS

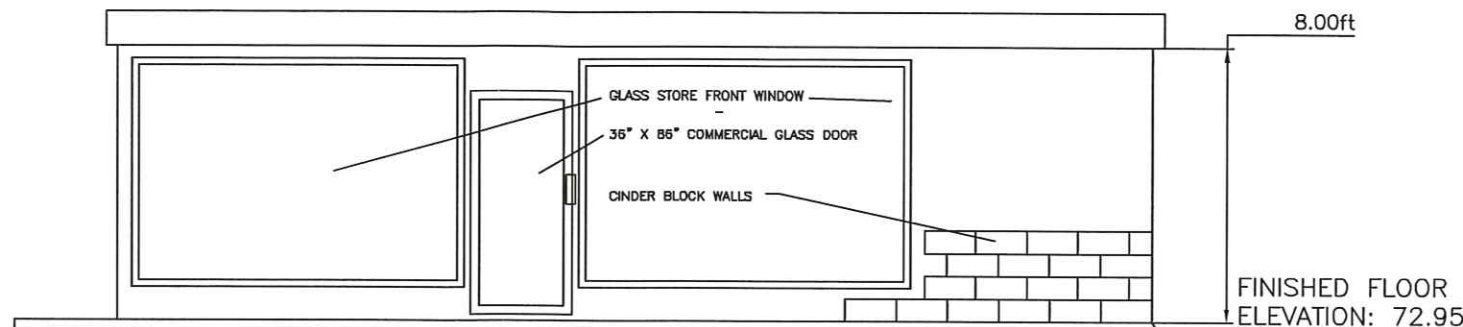
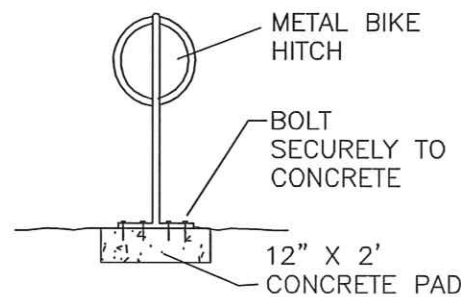
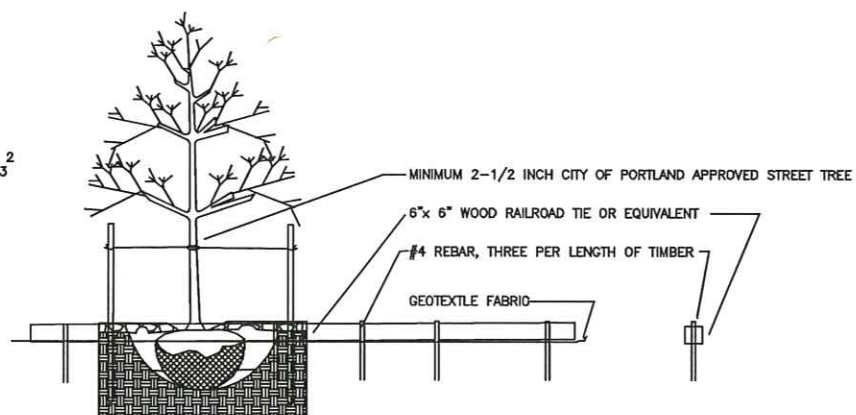
C:\Program Files\Carlson Software 2004\WORK\2013\2013-0000.dwg, 5/19/2014 5:07:44 PM



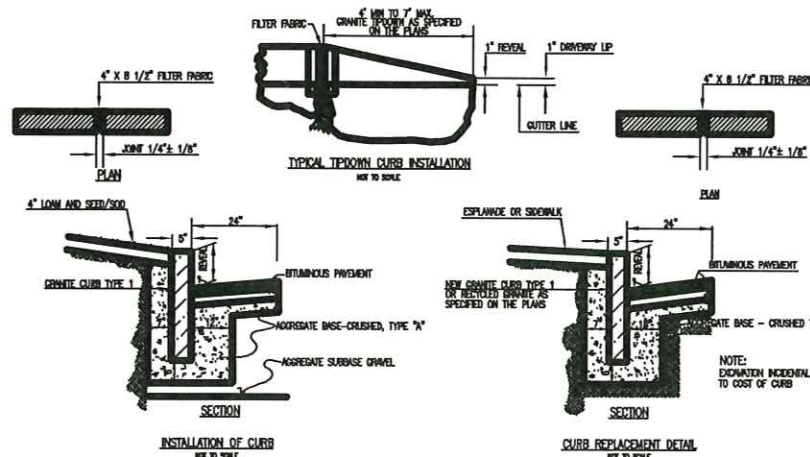
**DETAIL 1**  
3 OF 3  
**DUMPSTER ENCLOSURE**  
8FT X 8FT WOOD PICKETS



**DETAIL 2**  
3 OF 3



STREET VIEW 783 FOREST AVENUE



TYPICAL INSTALLATION OF CURB  
NOT TO SCALE

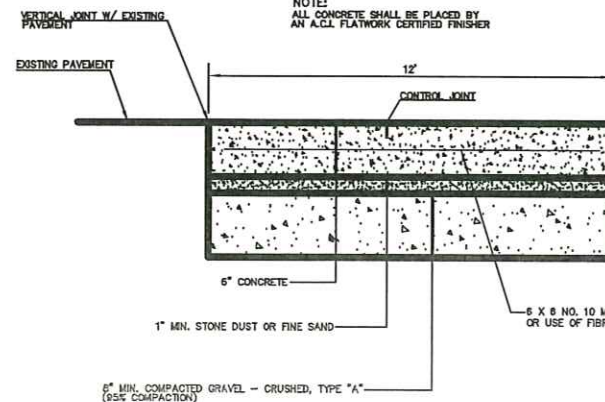
NOTE:  
REFER TO CONTRACT FOR MORE  
DETAIL MATERIAL SPECIFICATIONS.

CONCRETE SPECIFICATION:  
• 4000 P.S.I.  
• 3/4" AGGREGATE  
• 6 - 7% AIR ENTRAINMENT  
• SLUMP = 4" ± 1"

CONTROL JOINT SPECIFICATION:  
• SPACING OF JOINTS  
- 10 FEET ON CENTER ALONG LENGTH  
- 6 FEET ON CENTER ALONG WIDTH  
• SAW CUT JOINTS AT 1 1/2" MAX. DEPTH

FINISH SPECIFICATION:  
• BROOM SWEEP FINISH  
• CURB WITH CURB-TO-SPEED LIP  
• AFTER CONSTRUCTION JOINTS HAVE BEEN  
FILLED AND SEALED, APPLY "CONSOUDECK SALTGUARD"

NOTE:  
ALL CONCRETE SHALL BE PLACED BY  
AN A.C.I. FLATWORK CERTIFIED FINISHER



REINFORCED CONCRETE CROSSWALK - TYPICAL SECTION  
NOT TO SCALE



REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL  
**DETAIL SHEET**  
783 FOREST AVENUE PORTLAND, MAINE  
FOR:  
**A PROPOSED AUTOMOBILE DEALER**

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013  
PRINT DATE: 02/25/2013  
SHEET: C3 DETAILS

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING  
134 PORTLAND AVE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWER: 2013 NO: 005

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 7/3/2014 4:34 PM  
**Subject:** Re: Re: Revised plan for 783 Forest Ave Portland  
**Attachments:** PB approved revised conds PBReport 783 Forest 6.24.2014.doc; C2 PLAN SHOWING IMPROVEMENTS REV 10\_1.pdf; C5 CURB DETAILS SHEET\_1\_1.pdf

Bob

The content of both of the attached plans is fine - so the last thing to do is add some notes. I attach the PB approved conditions of approval (a signed letter will get to you next week) so you can use the wording from those.

Add to C2 (as attached):

Reference to C5 for details and detailed conditions for work in ROW

Add the conditional use conditions (i, ii and iv) and site plan conditions i and iii to the list that you started - verbatim would be best

Add notes to C5 (as attached):

Add note that states "Before any work is done in the ROW:

Performance Guarantee must be posted

Street Opening Permit must be obtained from DPS

Change of Use Permit must be obtained from Inspections (Zoning)

Preconstruction Meeting must be held between the following people on site:

Phil diPierro (Planning)

Rhonda Zazzara (DPS) (or one of her staff)"

Add note stating "All work within the road right-of-way shall meet the city of Portland Technical Standards" (note the existing tipdowns do not meet current design standards)

If poss, better define the drive cut and state it should be constructed of asphalt.

Please send the revised plans with the above added and then I would hope to sign off on those and circulate the approved versions to all involved at our end.

Please call if any questions.

thank you

Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 7/2/2014 3:21 PM >>>

Jean,

I have attached a curb detail sheet for your use.

Bob

On Tue, Jul 1, 2014 at 3:38 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

Bob

I think its almost there, but.....

Where you have written "new curb:" (near the "28 ft") I don't think there would be any curb as that is apron.

You have not shown the new curb at the back of the sidewalk at the south.



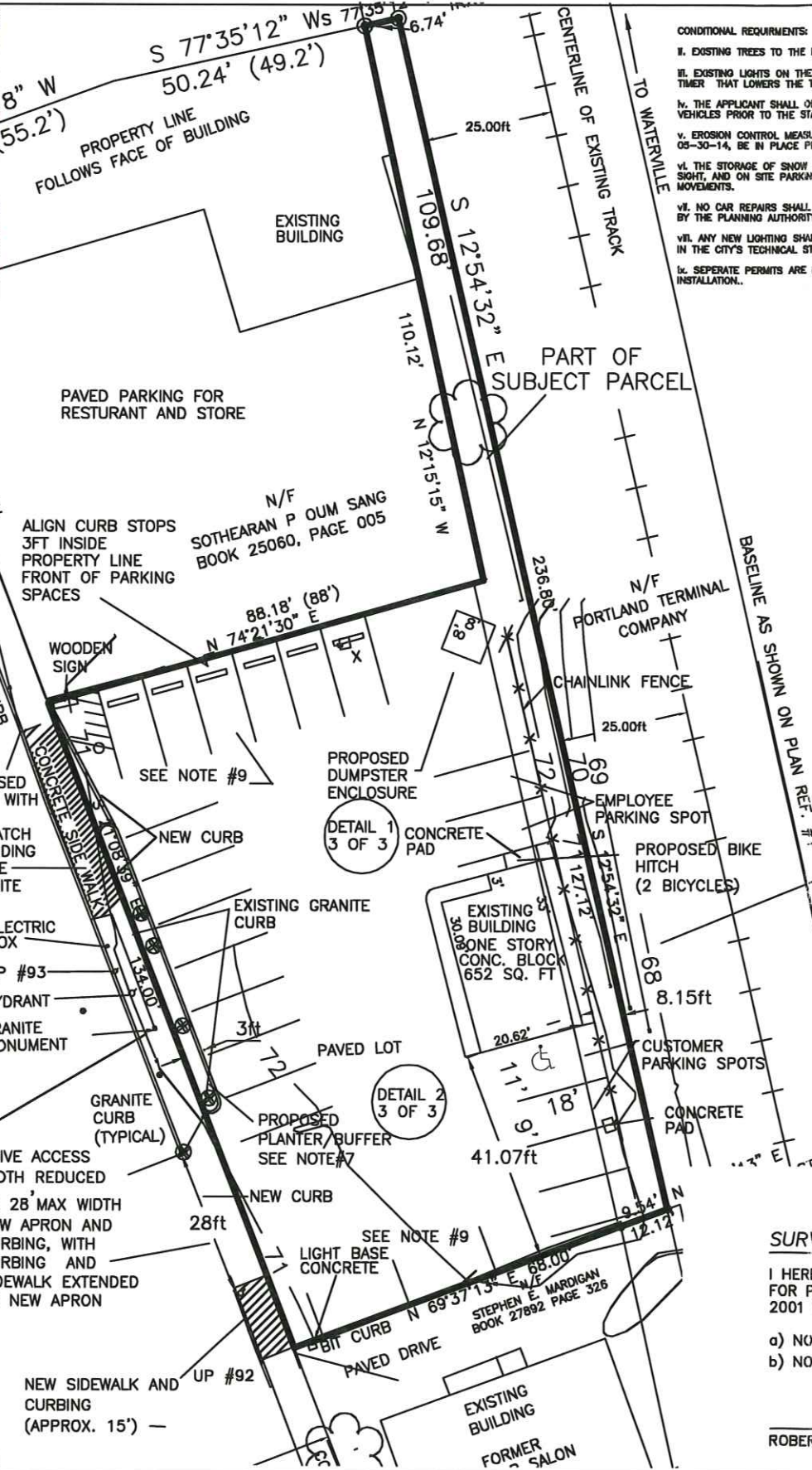


AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

PAVED, ACCEPTED CITY AVENUE

FOREST AVENUE

HARTLEY STREET



- CONDITIONAL REQUIREMENTS:
- i. EXISTING TREES TO THE REAR OF THE SITE ARE TO BE PRESERVED.
  - ii. EXISTING LIGHTS ON THE BUILDING SHALL MODIFIED TO BE "CUT-OFF" IN TYPE AND HAVE A TIMER THAT LOWERS THE LIGHT LEVEL AT NIGHT.
  - iii. THE APPLICANT SHALL OBTAIN A LICENSE FROM THE STATE OF MAINE BUREAU OF MOTOR VEHICLES PRIOR TO THE START OF CAR SALES.
  - iv. EROSION CONTROL MEASURES, AS OUTLINED IN THE PEER ENGINEER COMMENTS DATED 09-30-14, BE IN PLACE PRIOR TO THE START CONSTRUCTION OF THE PLANTER AND CURBING.
  - v. THE STORAGE OF SNOW SHALL NOT IMPEDE SIGHT DISTANCES FOR VEHICLES EXITING THE SITE, AND ON SITE PARKING OF VEHICLES SHOULD NOT BLOCK ACCESS AND EGRESS MOVEMENTS.
  - vi. NO CAR REPAIRS SHALL TAKE PLACE ON THE SITE UNLESS AN AMENDED SITE IS APPROVED BY THE PLANNING AUTHORITY.
  - vii. ANY NEW LIGHTING SHALL BE IN COMPLIANCE WITH SITE LIGHTING REQUIREMENTS AS SET OUT IN THE CITY'S TECHNICAL STANDARD 12 "SITE LIGHTING" AND THE APPROVED IMPROVEMENTS PLAN.
  - viii. SEPARATE PERMITS ARE REQUIRED FOR ANY SIGNS ON THE SITE PRIOR TO THEIR INSTALLATION.

- GENERAL NOTES:
1. RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
    - a.) ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
    - b.) APPLICANT: CHANGIZ FARD 684 BAXTER BLVD. PORTLAND MAINE 04103
  2. BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
  3. AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
  4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
    - a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
    - b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
    - c.) CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
  5. ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
REAR - 10 FT  
SIDE - NONE
  6. EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
  7. PROPOSED 3 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. PLANTER IS 3' X 56'
  8. AS NOTED IN THE N.F.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STRUCTURE WITH CINDER BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN RUBBER.
    - a.) FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY INFRONT OF THE SUBJECT PARCEL.
  9. PARKING SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF CARS FOR SALE.

- LEGEND
- Capped 5/8" Rebar Found
  - Iron Pipe or Solid Pin Found
  - △ Survey Instrument Point
  - Abutter Line
  - Property Line
  - Street Line
  - (50.00') Distance from reference plan or deed.
  - N/F Now Or Formerly
  - Overhead Utility
  - Utility Pole
  - Edge of traveled way
  - Set Back Line
  - ♿ Handicap Parking Spot
  - 72 Existing Contour Line
  - New Curb

NOTE: ALL TREES IN EXCESS OF 6" IN DIAMETER TO BE PRESERVED ALONG REAR PROPERTY LINE

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING

134 PORTLAND AVENUE  
OLD ORCHARD BEACH, MAINE  
207-289-4546 BOBGREENLAW504@GMAIL.COM

GRAPHIC SCALE



**SURVEYORS STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

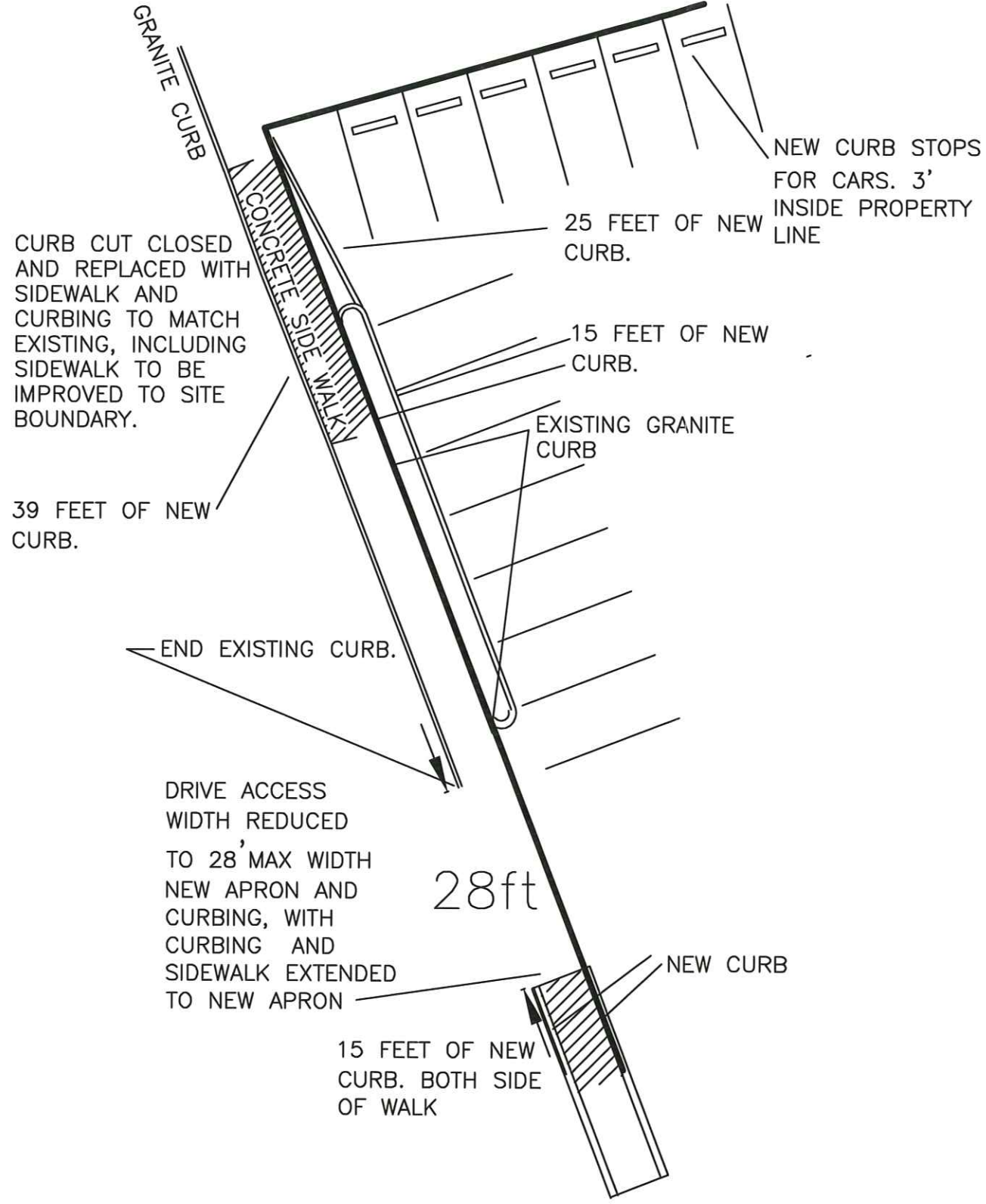
- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.

DATE: JULY 01, 2014

ROBERT T. GREENLAW P.L.S. #2303

REV 10 07-01-14: ANNOTATED EXISTING CURB AND NEW CURB, MOVED ENTRANCE	
REV 9 06-30-14: ADDED NEW CURB AND LABELS PER CITY COMMENTS	
REV 8 06-25-14: CHANGED SIZE OF BUFFER AND ADDED NOTES	
<b>PLAN SHOWING IMPROVEMENTS FOR A</b>	
<b>PROPOSED AUTO DEALER</b>	
<b>LOCATION</b>	
<b>783 FOREST AVE. PORTLAND, ME.</b>	
<b>FOR</b>	
<b>CHANGIZ FARD</b>	
SCALE: 1" = 30'	DATE OF SURVEY: FEBRUARY 25, 2013
BACK BAY FILE# 2006090	C2 PROPOSED AUTO DEALER IMPROVEMENTS





REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

**CURB & WALK DETAIL SHEET**  
 783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**

DRAWN BY: RTG  
 CHECKED BY: KGG  
 SCALE: NOT TO SCALE  
 DATE: FEBRUARY 25, 2013  
 JOB NUMBER: 2004013  
 PRINT DATE: 02/25/2013  
 SHEET: C4 CURB DETAILS

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
 LAND SURVEYING

134 PORTLAND AVE  
 OLD ORCHARD BEACH, MAINE  
 207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWER: 2013 NO: 005



**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 7/3/2014 4:34 PM  
**Subject:** Re: Re: Revised plan for 783 Forest Ave Portland  
**Attachments:** PB approved revised conds PReport 783 Forest 6.24.2014.doc; C2 PLAN SHOWING IMPROVEMENTS REV 10\_1.pdf; C5 CURB DETAILS SHEET\_1\_1.pdf

Bob

The content of both of the attached plans is fine - so the last thing to do is add some notes. I attach the PB approved conditions of approval (a signed letter will get to you next week) so you can use the wording from those.

Add to C2 (as attached):

Reference to C5 for details and detailed conditions for work in ROW

Add the conditional use conditions (i, ii and iv) and site plan conditions i and iii to the list that you started - verbatim would be best

Add notes to C5 (as attached):

Add note that states "Before any work is done in the ROW:

Performance Guarantee must be posted

Street Opening Permit must be obtained from DPS

Change of Use Permit must be obtained from Inspections (Zoning)

Preconstruction Meeting must be held between the following people on site:

Phil diPierro (Planning)

Rhonda Zazzara (DPS) (or one of her staff)"

Add note stating "All work within the road right-of-way shall meet the city of Portland Technical Standards" (note the existing tipdowns do not meet current design standards)

If poss, better define the drive cut and state it should be constructed of asphalt.

Please send the revised plans with the above added and then I would hope to sign off on those and circulate the approved versions to all involved at our end.

Please call if any questions.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 7/2/2014 3:21 PM >>>

Jean,

I have attached a curb detail sheet for your use.

Bob

On Tue, Jul 1, 2014 at 3:38 PM, Jean Fraser <JF@portlandmaine.gov> wrote:

Bob

I think its almost there, but.....

Where you have written "new curb:" (near the "28 ft") I don't think there would be any curb as that is apron.

You have not shown the new curb at the back of the sidewalk at the south.

## Jean Fraser - 783 Forest - Sidewalk and Curb Cut construction

---

**From:** David Margolis-Pineo  
**To:** Errico Thomas; Jean Fraser  
**Date:** 7/3/2014 3:36 PM  
**Subject:** 783 Forest - Sidewalk and Curb Cut construction  
**CC:** Barbara Barhydt; Gregory Vining; Jeff Tarling; John Low; Peter Dubai...

---

Jean,

I believe the plan shows pretty much what was agreed upon when we met with the applicant. Not sure what you are referring to by angled curbing but assume it is out of the right of way.

Please stipulate that a Street Opening Permit is required and a mandatory pre-construction conference shall held prior to the contractor beginning any work.

I will make sure Rhonda Zazzara or one of her staff is in attendance so there is no misunderstanding on how the work is to be completed. Bob does not state how the drive cut will be defined. The existing curbing tipdowns do not meet current design standards. A note should be added to the plans that "All work within the road right of way shall meet City of Portland Technical Manual standards."

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Please give me a call if you have questions.

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Tom and David,

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However, I felt that C2 was still unclear as to where there was new curbing etc and asked for a detailed plan-- which I just received. The detail plan will help DPS and the contractor know what is required and help with the calculation of the performance guarantee.

Could you please look at this urgently and see if you are OK with it- the angled curbing at the north end of the frontage was recommended by Jeff Tarling.

Many thanks  
Jean



483 Forest  
Note for file

9-17-2014

- No action by applicant to comply with conditions (+ missed mtg) so technically the cars should not be there
- Agreed letter from Zoning (since current use is illegal) "Notice of Failure to Comply" and warning that this is a violation - give 30 days to comply with conditions or remove cars. To be hand-delivered
- If continue to work w/ applicant re conditions.
- Contractor in ROW needs to get a street opening permit.

## Jean Fraser - Meeting Friday AM????? 783 Forest (used Car Dealership)

---

**From:** Jean Fraser  
**To:** DiPierro, Philip  
**Date:** 9/8/2014 3:05 PM  
**Subject:** Meeting Friday AM????? 783 Forest (used Car Dealership)  
**Attachments:** C2 PLAN SHOWING IMPROVEMENTS REV 10\_1.pdf; C5 CURB DETAILS SHEET\_1\_1.pdf; Staff comments C2 7 C5 July 3, 2014 Revised plan for 783 Forest Ave Portland.pdf

---

Phil

Would you be able to meet with the applicant HERE on Friday Sept 12th at 10am or 11am?

If so, I will call him back and confirm.

After the meeting my objective would be to send him a "warning" letter and we get Legal involved.

I suggest that you have a look at the site at some point before the meeting - note where cars are parked etc (he has done some tidying up) - attached is the site plan as far as Bob Greenlaw got it (the plan part is OK but not the notes- DPS asked for a lot of notes to be added as reflected in my e-mail to Bob).

Thanks  
Jean



## Jean Fraser - Approval letter 783 Forest- Used Car Dealership

---

**From:** Jean Fraser  
**To:** Fraser, Jean  
**Date:** 7/14/2014 12:58 PM  
**Subject:** Approval letter 783 Forest- Used Car Dealership  
**CC:** DiPierro, Philip  
**Attachments:** APP LTR 783 Forest Ave. - with conditions no rpt.pdf

---

Hello

I am sending the attached copy of the Planning Board's approval letter (approved with conditions) to all those who sent public comments on the proposed car dealership. Thank you again for your comments during the review of this project.

The Planning Board held a Hearing on the project on June 24, 2014 and your letters were brought to their attention during that review. The Board considered that several of the conditions suggested by staff would address the concerns raised by neighbors, and the Board approved the project with those conditions.

Staff are currently working with the applicant to get the improvements in place in accordance with City Standards and the approved Site Plan.

If at any time you consider there are issues regarding this site that relate to the attached site plan approval letter, please contact me or Phil diPierro (874 8632 and as cc'd on this e-mail).

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Stuart O'Brien, Chair  
Timothy Dean, Vice Chair  
Elizabeth Boepple  
Sean Dundon  
Bill Hall  
Carol Morrissette  
Jack Soley

July 7<sup>th</sup>, 2014

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

Robert T. Greenlaw, PLS  
134 Portland Ave.  
Old Orchard Beach, ME 04064

Project Name: **Auto Dealership selling pre-owned cars**  
Project ID: #2014-025 & #2013-044 CBL: 130-C-001  
Address: 783 Forest Avenue  
Applicant: Changiz Fard  
Planner: Jean Fraser

Dear Mr Fard and Mr Greenlaw:

On June 24<sup>th</sup>, 2014, the Planning Board considered the proposed change of use and site alterations for an Auto Dealership selling pre-owned cars at 783 Forest Avenue. The Planning Board reviewed the proposals for conformance with the standards of the Conditional Use and Site Plan Ordinances.

The approval is based upon the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in in the Planning Board Report for the public hearing on June 24, 2014 for application #2013-044 and 2014-025 (attached), and the testimony presented at the Planning Board hearing. The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) to approve the application with the following waivers and conditions as presented below:

### WAIVER

1. The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) to waive the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

### CONDITIONAL USE

The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) that the proposed conditional use for an Auto Dealership at 783 Forest Avenue in the B-2 zone does meet the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:



- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the “Improvements Plan” (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8) ; and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved “Improvements Plan” are completed to the satisfaction of the Planning Authority.

#### **SITE PLAN**

The Planning Board voted 4-0 (Hall and Soley absent; O’Brien abstaining) that the proposed site plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and
- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and

- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting" and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.

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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (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 any 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.



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,



Stuart O'Brien, Chair  
Portland Planning Board

**Attachments:**

1. City Technical Standards: *Site Lighting* (extract including 12.2.8 and "cut-off" type requirements)
2. Peer Engineer, Dave Senus of Woodard & Curran, comments dated 5.30.2014
3. Planning Board Report for the public hearing on June 24, 2014
4. Performance Guarantee Packet

**Electronic Distribution:**

cc:

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, 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  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

**Extract from City of Portland Technical Manual Section 12- Site Lighting as adopted 7.19.2010****12.2. STANDARDS**

12.2.1. Unless otherwise specified below, exterior lighting shall conform to the recommendations put forth in Lighting for Exterior Environments RP-33-99, or its successor, published by the Illuminating Engineering Society of North America (IESNA). Proposed uses that demonstrate a need to exceed the specific site lighting limits shown below for safe and reasonable exercise of the proposed use must provide a professionally produced lighting plan which adheres to the current Illuminating Engineering Society of North America (IESNA) recommendations for the proposed use.

12.2.2. Uniformity: As measured in foot candles at grade, maximum to minimum illumination levels shall not exceed a ratio of twenty (20) to one (1.)

12.2.3. Illumination Levels: Minimum, Maximum, and Average illumination levels for areas intended to be lighted, as measured at grade, shall be:

<b>Minimum</b>	0.2 foot candles (fc)
<b>Maximum</b>	5.0 foot candles (fc)
<b>Average</b>	1.25 foot candles (fc)

12.2.4. Wattage: No fixture shall exceed 250 watts, except in industrial areas.

12.2.5. Light Trespass: The maximum illumination level at a property line shall not exceed 0.1 foot candle, as measured at grade, except where abutting industrial, or other non-sensitive uses. All residential uses and natural resource protection areas are to be considered sensitive to light trespass. In certain instances where a proposed development is adjacent to a sensitive use, house-side shielding may be necessary to comply with this standard.

12.2.6. Luminaire Types: All fixtures, including pole mounted and wall mounted luminaires, shall be a "cut-off" type where lenses, refractors or lamp sources do not extend below the surface of the fixture housing and no direct light shall be directed at or above the horizontal plane. Sites which are part of an historic district or require specific decorative lighting fixtures as means to achieve compatibility within an existing architectural context may propose non-cutoff fixtures providing that they have built in reflectors to mitigate uplighting and that photometrics fall within IESNA guidelines. Low pressure sodium bulbs are prohibited.

12.2.7. Fixture Height: Fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, except in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space.

12.2.8. Lighting Curfew: For non-residential uses, lighting in vehicle parking areas containing twenty (20) or more parking spaces shall be reduced to 50% of permitted levels from one hour after the business closing to one hour before business opening. If lighting levels are already below 50% of permitted levels, no curfew adjustment is required. Motion sensor activated lighting shall be permitted during closed hours to activate additional lighting above the 50% permitted, for the purposes of public safety.



**From:** David Senus <dсенus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, "Thomas.Errico@tylin.com" <Thomas.Errico@tylin.com>, "Barbara Barhydt ([bab@portlandmaine.gov](mailto:bab@portlandmaine.gov))" <bab@portlandmaine.gov>  
**Date:** 5/30/2014 10:16 AM  
**Subject:** RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)

Hi Jean:

The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.

Thanks,  
Dave

David Senus, PE (Maine), Project Manager  
Woodard & Curran, Inc.  
41 Hutchins Drive  
Portland, ME 04102  
Phone: (800) 426-4262 x3241  
Cell: (207) 210-7035  
Fax: (207) 774-6635

## Jean Fraser - Re: Re: Revised plan for 783 Forest Ave Portland

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**Date:** 7/3/2014 4:34 PM  
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    - Phil diPierro (Planning)
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- Add note stating "All work within the road right-of-way shall meet the city of Portland Technical Standards" (note the existing tipdowns do not meet current design standards)
- If poss, better define the drive cut and state it should be constructed of asphalt.

Please send the revised plans with the above added and then I would hope to sign off on those and circulate the approved versions to all involved at our end.

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*Jean Fraser, Planner  
City of Portland*



874 8728

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You have not shown the new curb at the back of the sidewalk at the south.

I think the actual new apron needs to be identified.

Bob- this has to be accurate as this will guide the contractor. Maybe it needs a separate sidewalk & curbing plan because your lines do not show the extent of things? Also the dark boundary line obscures the curb info.

I just want to avoid problems when this gets on site that could cost Marco more time and money.

thank you

Jean

*Jean Fraser, Planner*

*City of Portland*

874 8728

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**To:** Errico Thomas; Jean Fraser  
**Date:** 7/3/2014 3:36 PM  
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**CC:** Barbara Barhydt; Gregory Vining; Jeff Tarling; John Low; Peter Dubai...

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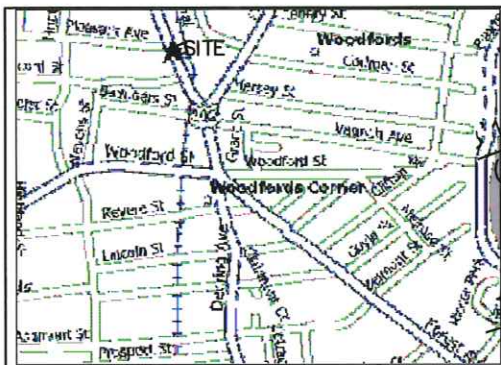
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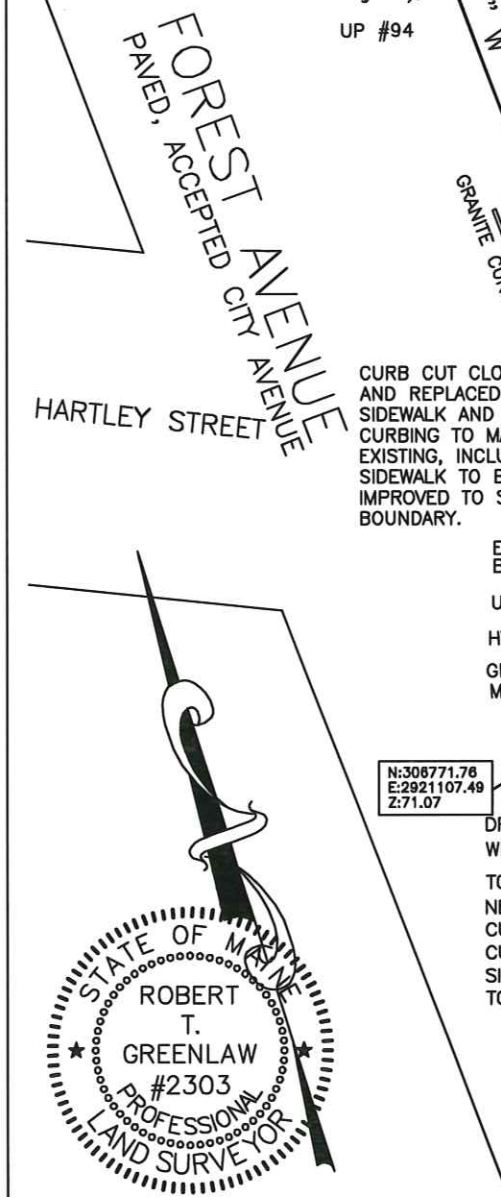




AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

PAVED FOREST AVENUE ACCEPTED CITY AVENUE

HARTLEY STREET



- CONDITIONAL REQUIREMENTS:
- EXISTING TREES TO THE REAR OF THE SITE ARE TO BE PRESERVED.
  - EXISTING LIGHTS ON THE BUILDING SHALL MODIFIED TO BE "CUT-OFF" IN TYPE AND HAVE A TIMER THAT LOWERS THE LIGHT LEVEL AT NIGHT.
  - THE APPLICANT SHALL OBTAIN A LICENCE FROM THE STATE OF MAINE BUREAU OF MOTOR VEHICLES PRIOR TO THE START OF CAR SALES.
  - EROSION CONTROL MEASURES, AS OUTLINED IN THE PEER ENGINEER COMMENTS DATED 05-30-14, BE IN PLACE PRIOR TO THE START CONSTRUCTION OF THE PLANTER AND CURBING.
  - THE STORAGE OF SNOW SHALL NOT IMPEDE SIGHT DISTANCES FOR VEHICLES EXITING THE SITE, AND ON SITE PARKING OF VEHICLES SHOULD NOT BLOCK ACCESS AND EGRESS MOVEMENTS.
  - NO CAR REPAIRS SHALL TAKE PLACE ON THE SITE UNLESS AN AMENDED SITE IS APPROVED BY THE PLANNING AUTHORITY.
  - ANY NEW LIGHTING SHALL BE IN COMPLIANCE WITH SITE LIGHTING REQUIREMENTS AS SET OUT IN THE CITY'S TECHNICAL STANDARD 12 "SITE LIGHTING" AND THE APPROVED IMPROVEMENTS PLAN.
  - SEPERATE PERMITS ARE REQUIRED FOR ANY SIGNS ON THE SITE PRIOR TO THEIR INSTALLATION.

- GENERAL NOTES:
- RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
    - ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
    - APPLICANT: CHANGIZ FARD 684 BAXTER BLVD. PORTLAND MAINE 04103
  - BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
  - AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
  - REFERENCE IS MADE TO THE FOLLOWING PLANS:
    - RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
    - CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
    - CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
  - ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
REAR - 10 FT  
SIDE - NONE
  - EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
  - PROPOSED 3 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. PLANTER IS 3' X 56'
  - AS NOTED IN THE N.F.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STRUCTURE WITH CINDER BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN RUBBER.
    - FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY INFRONT OF THE SUBJECT PARCEL.
  - PARKING SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF CARS FOR SALE.

*not approved but close received 7.1.14*

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING

134 PORTLAND AVENUE  
OLD ORCHARD BEACH, MAINE  
207-289-4546 BOBGREENLAW504@GMAIL.COM

0' 30' 60' 90'

GRAPHIC SCALE



**SURVEYORS STATEMENT:**

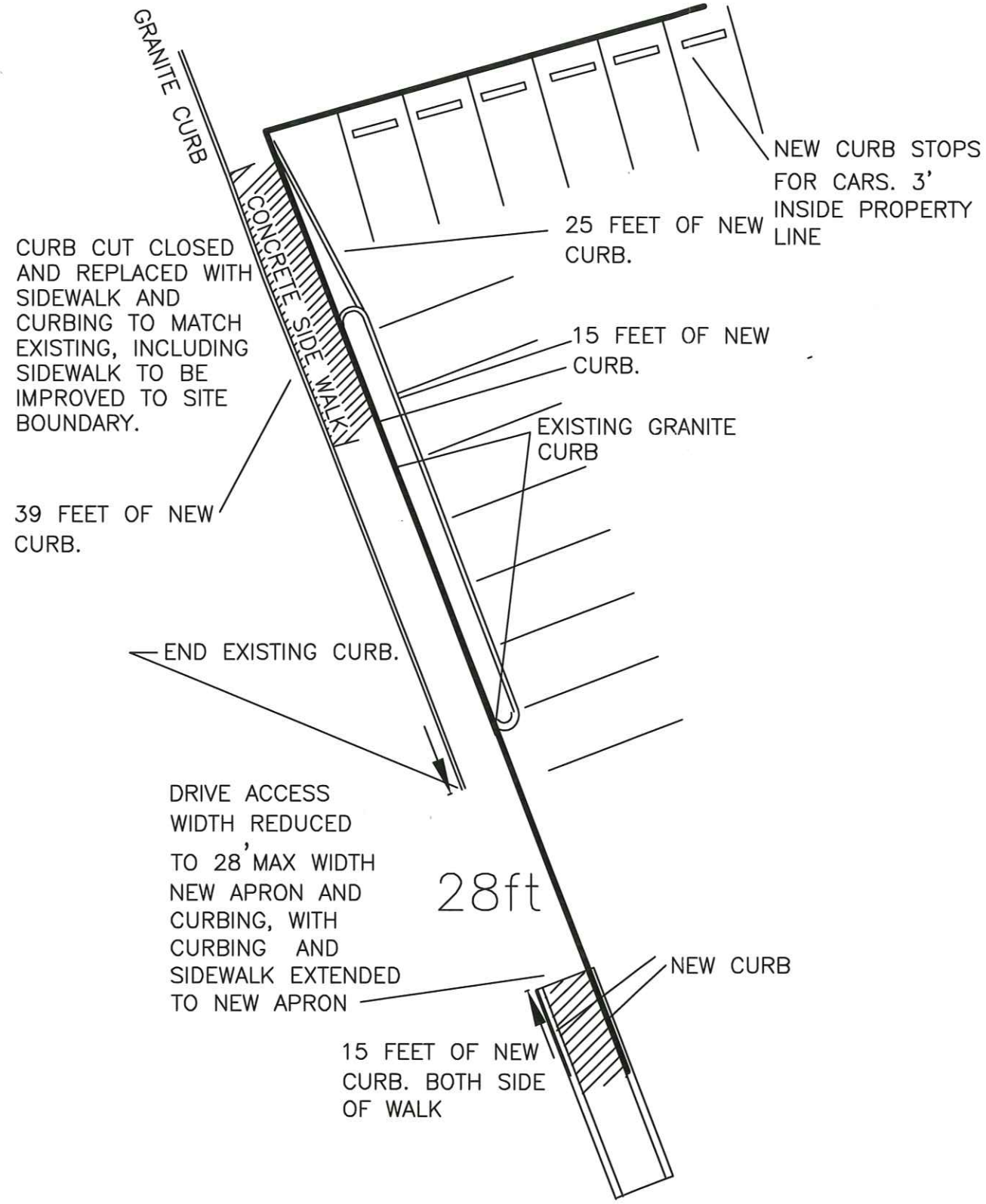
I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- NO WRITTEN REPORT
- NO PROPERTY CORNERS SET.

DATE: JULY 01, 2014

ROBERT T. GREENLAW P.L.S. #2303





*Not approved  
(but close)  
rec'd only 2, 2014*

REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

**CURB & WALK DETAIL SHEET**  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013  
PRINT DATE: 02/25/2013  
SHEET: C4 CURB DETAILS

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING

134 PORTLAND AVE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWER: 2013 NO: 005



## Jean Fraser - Re: Re: Revised plan for 783 Forest Ave Portland

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 7/1/2014 3:38 PM  
**Subject:** Re: Re: Revised plan for 783 Forest Ave Portland

---

Bob

I think its almost there, but.....

Where you have written "new curb:" (near the "28 ft") I don't think there would be any curb as that is apron.

You have not shown the new curb at the back of the sidewalk at the south.

I think the actual new apron needs to be identified.

Bob- this has to be accurate as this will guide the contractor. Maybe it needs a separate sidewalk & curbing plan because your lines do not show the extent of things? Also the dark boundary line obscures the curb info.

I just want to avoid problems when this gets on site that could cost Marco more time and money.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 7/1/2014 2:41 PM >>>

Jean,

I made the changes you suggested. There is quite a bit of curbing along the back of the sidewalk already. I tried to show this with the new curb to be installed.

Bob Greenlaw

On Tue, Jul 1, 2014 at 12:43 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Bob

Please see my notes/scribbles on the attached- as its hard to describe them.

There are 2 main areas of revision needed:

- The sidewalk you have shown to the south is not in front of the site and needs to be moved up (also because there will be display cars parked to the right of the drive so the drive needs to come in behind them)
- All new curbing needs to be shown on both sides of the sidewalk (Marco had agreed to curbing on the

"inside" - which will be along the planter for most of it but there will be a couple of sections that do not have planter behind them.) (David Margolis-Pineo had offered to sell Marco second-hand granite curbing that DPS have but I guess the contractor would sort that out)

It would be good if you could get the revised plan to me today so I can run it by DPS and get everyone on the same page. (I am out of the office tomorrow and back in the office on thursday).

thank you

Jean

*Jean Fraser, Planner*

*City of Portland*

874 8728

>>> Robert Greenlaw <[bobgreenlaw504@gmail.com](mailto:bobgreenlaw504@gmail.com)> 6/30/2014 2:48 PM >>>

Here is my revised plan for Marco. I hope this helps clarify things.

Bob Greenlaw

[207-289-4546](tel:207-289-4546)

On Mon, Jun 30, 2014 at 11:20 AM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Bob

Just to let you know that the e-mails copied to [Mattsmiles667@gmail.com](mailto:Mattsmiles667@gmail.com) are bouncing back to me.

Jean

>>> Jean Fraser 6/30/2014 11:18 AM >>>

Bob

I discussed this with Jeff Tarling this morning and we are fine with this plan except that:

- We would like you to add a clear legend item for "curb" and to show clearly where there will be curb around the planter and between the planter and the far north corner (near wooden sign).
- We are not asking for the planter to be extended any farther north, but we would like to have curb added all along the back of the sidewalk and maybe set back a couple of feet, maybe angled from the rear curb of the planter, so that it is continuous behind the sidewalk and cars parked on the corner (where there is the "71") won't encroach on the sidewalk (hope that makes sense).
- The concrete walkway at the north end (where it fills in the curb cut apron) should be the same width as existing sidewalk along the frontage (it looks narrower in the drawing);
- I think the location should also be clarified for the curbing on the inside and outside of the rest of the new sidewalk to the south of the planter (ie so its clear where the apron will be at 28 feet width, with the curbing matching that).

Please call or e-mail if any questions on this.

thank you

Jean

*Jean Fraser, Planner*

*City of Portland*

874 8728

>>> Robert Greenlaw <[bobgreenlaw504@gmail.com](mailto:bobgreenlaw504@gmail.com)> 6/25/2014 5:19 PM >>>



Jean.

I added the conditions of approval, the note about the trees and the extended buffer to the plan.  
Let me know if you need more notes so we can move forward.

Thanks

Bob Greenlaw PLS

[207-289-4546](tel:207-289-4546)

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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## Jean Fraser - Re: Re: Revised plan for 783 Forest Ave Portland

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**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 7/1/2014 12:43 PM  
**Subject:** Re: Re: Revised plan for 783 Forest Ave Portland  
**Attachments:** staff notes re C2 Rev 9 783 forest.pdf

---

Bob

Please see my notes/scribbles on the attached- as its hard to describe them.

There are 2 main areas of revision needed:

- The sidewalk you have shown to the south is not in front of the site and needs to be moved up (also because there will be display cars parked to the right of the drive so the drive needs to come in behind them)
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Please call or e-mail if any questions on this.

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*Jean Fraser, Planner*

*City of Portland*

874 8728

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Bob Greenlaw PLS

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## Jean Fraser - Re: Revised plan for 783 Forest Ave Portland

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**To:** Greenlaw, Robert  
**Date:** 6/30/2014 11:18 AM  
**Subject:** Re: Revised plan for 783 Forest Ave Portland  
**CC:** Mattsmiles667@gmail.com

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Thanks

Bob Greenlaw PLS  
207-289-4546







## APPROVED BY PLANNING BOARD 6.24.2014 (final revised conditions of approval)

### IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION \*\*\* underlined sections have been revised by the Associate Corporation Counsel & Department of Public Services \*\*\*

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. The Planning Board **waives** the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue in the B-2 zone **does** meet the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:

- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the "Improvements Plan" (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be "cut-off" in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8); and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved "Improvements Plan" are completed to the satisfaction of the Planning Authority.

#### 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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (783 Forest Avenue), 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 in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and



- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City’s Technical Standard 12 “Site Lighting” and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.



Alex Jaegerman, FAICP  
Division Director, Planning Division

January 29<sup>th</sup>, 2015

Changiz Fard  
684 Baxter Blvd  
Portland, ME 04103

Robert T Greenlaw, PLS  
134 Portland Avenue  
Old Orchard Beach, ME 04064

**Re: Site Plan Amendments: 783 Forest Avenue: Proposed automobile dealership  
Conditional Use Application # 2014-235  
Site Plan Application # 2014-236**

Dear Mr. Fard and Mr Greenlaw:

I am writing this update letter as I have not been able to reach Mr Fard by telephone or e-mail and wanted to be sure all parties involved with this project had the following information:

1. The proposed use is not yet approved- the following must take place before it is legal for cars to be parked on the site and/or for any car sales to take place on the site:
  - a. Final amendment proposals and plans need to be approved with conditions by the Planning Board;
  - b. Payment of a Performance Guarantee (which would be returned when the improvements are complete) and inspection fee;
  - c. Applicant to attend a pre-construction meeting with City staff before any work starts on the site;
  - d. Applicant get other permits and complete the improvements according to the final approval letter from the Planning Board;
  - e. Applicant obtain a Change of Use Permit from Inspections Division;
  - f. Applicant obtain the City Business License and the State Car Sales License.
2. The project is scheduled to be considered by the Planning Board on **Tuesday, February 10<sup>th</sup>, 2015** but I have been advised that if there are cars parked on the site then it can not go before the Planning Board. I suggest that you remove all cars immediately.
3. The attached plans were received today and are being reviewed; the general proposals are acceptable but there may be some minor details that still need to be revised.
4. Please note that for the Planning Board we also need (within the next few days) a letter from the owner of the site confirming that there is a current lease to Mr Fard for selling used cars from the site and that the proposed improvements (as shown on the plans) may also be undertaken by Mr Fard.

Please contact me at (207) 874-8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov) if you have any questions.

Thank you.

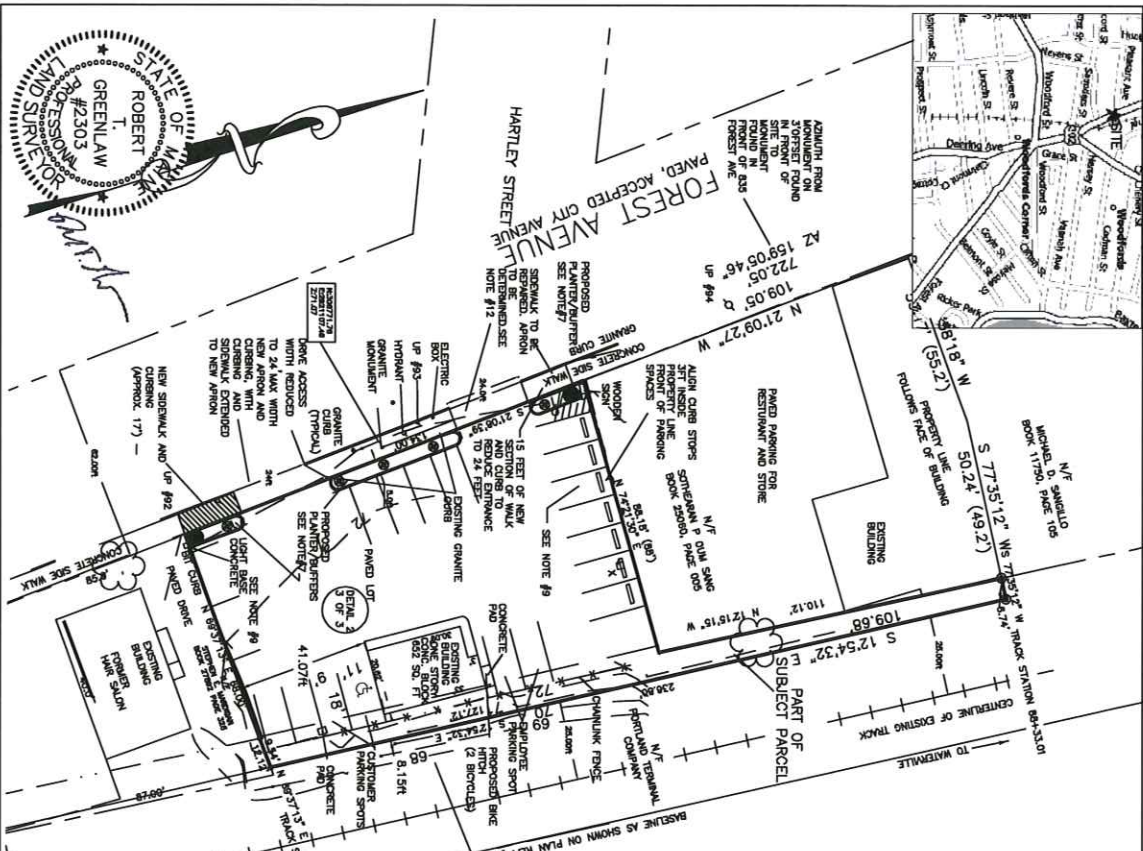
Sincerely,

Jean Fraser  
Planner

CC.  
Barbara Barhydt, Development Review Services Manager  
David Margolis-Pineo, Deputy City Engineer  
Ann Machado, Acting Zoning Administrator

Jeff Tarling, City Arborist  
Thomas Errico, P.E., TY Lin Associates  
Stephen E Mardigan, site owner





**GENERAL NOTES:**

1. RECORD OWNER OF PARCEL, STEPHEN E. WARDON AS RECORDED IN BOOK 25010, PAGE 160 IN THE CHARLOTTE COUNTY DEPT. OF RECORDS.
2. ADDRESS OF OWNER: 460 BAXTER BLVD., PORTLAND MAINE 04103
3. APPLICANT: CHANGIZ FARD 664 BAXTER BLVD., PORTLAND MAINE 04103
4. EXISTING AND PROPOSED 18 SPACES WHICH INCLUDES ONE HANDICAP SPACE.
5. EXISTING AND PROPOSED 18 SPACES WHICH INCLUDES ONE HANDICAP SPACE.
6. EXISTING AND PROPOSED 18 SPACES WHICH INCLUDES ONE HANDICAP SPACE.
7. PROPOSED 2 FOOT WIDE BUTTER SHALL CONTAIN PLANTINGS THAT COMPARE TO THE CITY OF PORTLAND (ORANGE/SWALLOW GRASS AND SHRUBS). A MINIMUM OF TWO STREET TREES SHALL BE PLANTED ALONG THE STREET SIDE OF THE LOT. THE TREES SHALL BE A MINIMUM OF 2-3 INCHES IN DIAMETER. REFER TO PLAN C-1 FOR SPECIFICATIONS.
8. AS NOTED IN THE N.E.P.A. SECTION 200 THE BUILDING IS CLASSIFIED AS TYPE II (GENERAL BUSINESS). THE EXISTING STRUCTURE IS A SHED STORE STRUCTURE WITH CHERRY BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN ASPHALT. THE INTENTION IS AGREED WITH TWO WIND SHROUD DECKS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY IN FRONT OF THE SUBJECT PARCEL.
9. PAVED SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF CARS FOR SALE.
10. SOIL WARE IS REMOVED FROM THE SITE ONCE A WEEK BY A PRIVATE CONTRACTOR. NO DUMPSTERS IS PLANNED FOR THE SITE.
11. SNOW WILL BE REMOVED BY PRIVATE CONTRACTOR TO OPPOSITE DUMP-14.
12. THE FINAL DRAINAGE APPLICANT WILL BE DECIDED BY THE CITY OF PORTLAND SERVICES DEPARTMENT.

**CONSTRUCTION NOTES:**

1. EXISTING WALK TO THE FRONT OF THE SITE ARE TO BE RECONSTRUCTED.
2. EXISTING WALK TO THE FRONT OF THE BUILDING SHALL BE RECONSTRUCTED TO BE CURB-UP IN THE AND MAKE A NEW WALK TO THE FRONT OF THE BUILDING.
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**LEGEND**

- Copied 5/8" Rebar Found
- Iron Pipe or Solid Pin Found
- ▽ Survey Instrument Point
- Abutment Line
- Property Line
- Street Line
- (50.00) Distance from reference plan or deed.
- N/F Now Or Formerly
- Overhead Utility
- Utility Pole
- Edge of traveled way
- S&T Back Line
- Handicap Parking Spot
- 72 Existing Contour Line
- New Curb
- New City Street Tree
- New Shrub/Law Grass

**DATE:** JANUARY 27, 2015

**ROBERT T. GREENLAW P.L.S. #2303**

**PLANNING STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSED SURVEYORS STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.



**PREPARED BY:** Robert T. Greenlaw PLS  
**LAND SURVEYING**  
 32 OLD ORCHARD STREET  
 OLD ORCHARD BEACH, MAINE  
 207-289-4549 BOB@GREENLAWSURVEYING.COM

**GRAPHIC SCALE**

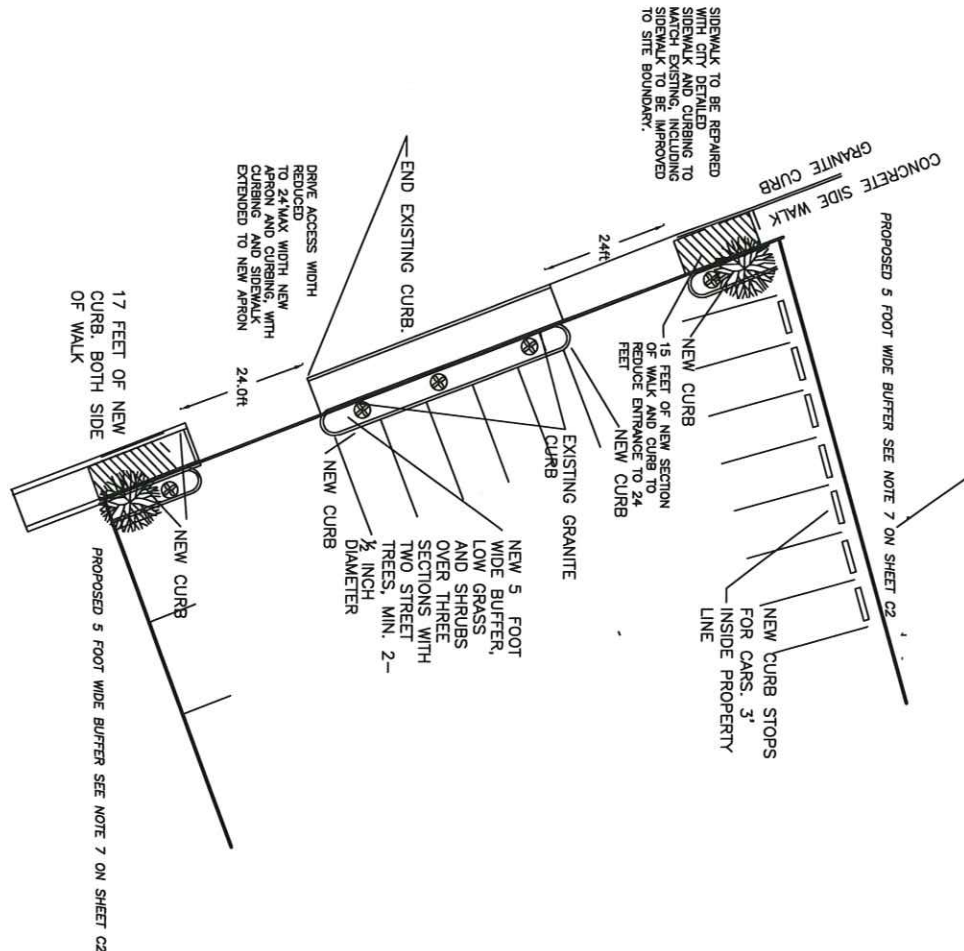
0' 30' 60' 90'

**PLAN SHOWING IMPROVEMENTS FOR A PROPOSED AUTO DEALER LOCATION**  
 783 FOREST AVE, PORTLAND, ME  
 FOR CHANGIZ FARD

**SCALE:** 1" = 30' **DATE OF SURVEY:** FEBRUARY 25, 2013  
 BACK BAY FILE# 20060990 (2) PROPOSED AUTO DEALER IMPROVEMENTS

LEGEND:  
 SHRUB WITH LOW GRASS  
 MINIMUM 2-1/2 INCH DIAMETER TREE

SEE SHEET  
 C3-DETAIL SHEET  
 FOR SPECIFIED  
 CONSTRUCTION  
 REQUIREMENTS.



REVISED 01-27-15: ADDED LEGEND AND REVISED NOTES PER COMMENTS  
 REVISED 01-18-15: REDUCED ENTRANCE WIDTHS AND ADDED NOTES  
 REVISED 12-23-14: REMOVED PROPOSED CURB FROM NORTHERN ENTRANCE  
 REVISED 08-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

**CURB & WALK DETAIL SHEET**  
 783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**

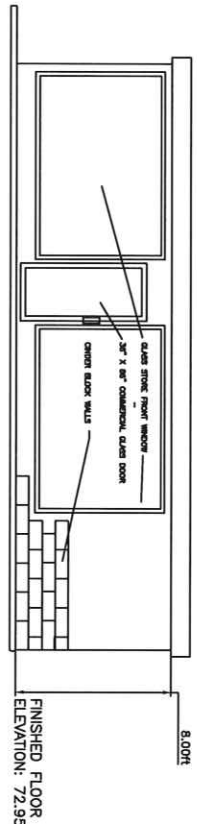
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DRAWER: 2013 NC 005

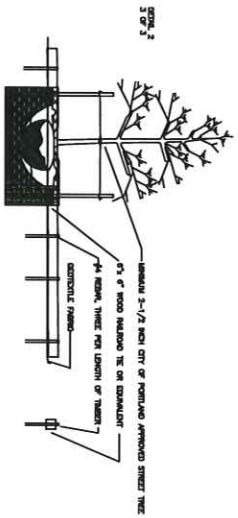




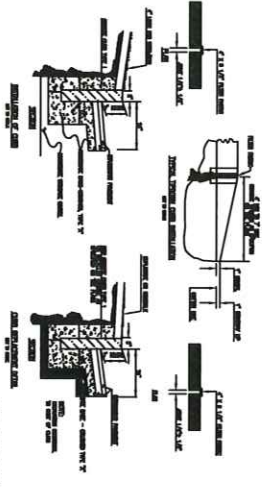
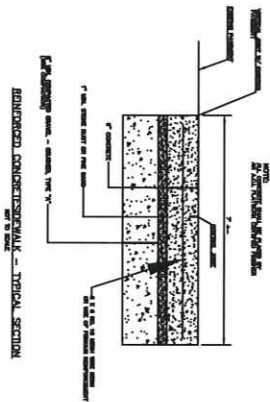
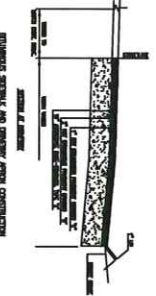
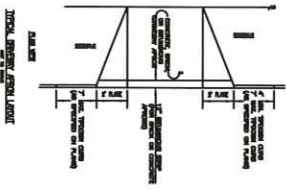
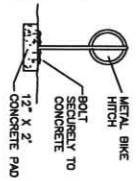
STREET VIEW 783 FOREST AVENUE

FINISHED FLOOR  
ELEVATION: 72.95

8.00ft



3\"/>



TYPICAL INSTALLATION OF CURB



PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING  
32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013 PRINT DATE: 02/25/2013  
SHEET: C4 CURB DETAILS

REVISED 01-27-15: REVISED SIDEWALK DETAIL
REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL
<b>DETAIL SHEET</b> 783 FOREST AVENUE PORTLAND, MAINE
FOR: <b>A PROPOSED AUTOMOBILE DEALER</b>

DRAWER: 2013 NC.005

## Jean Fraser - 783 Forest used Car Sales- site plan Level I and Cond Use amendment applications

---

**From:** Jean Fraser  
**To:** Errico, Thomas; Margolis-Pineo, David; Messinger, Craig; Tarling, Jeff  
**Date:** 1/21/2015 12:45 PM  
**Subject:** 783 Forest used Car Sales- site plan Level I and Cond Use amendment applications  
**CC:** Barhydt, Barbara; DSenus@woodardcurran.com; Machado, Ann; Thompson, J...  
**Attachments:** C2-PLAN SHOWING PROPOSED SITE IMPROVMENTS REV 14.pdf; C5-CURB DETAIL SHEET 783 FOREST AVE REV3.pdf

---

(these are 2014-035 and 2014-036) (AMENDMENTS)

Hi

We would like to take this to direct to a Planning Board hearing on **Feb 10th** if at all possible so please have a look at these latest plans and give me comments asap- my take is that the substance of these is correct but there may be some small revisions to the notes/text. (previous plans, the detail plan and docs are in e-plan)

Last week Tom and I advised the applicant and Bob Greenlaw as to what was required and these plans are in line with what we advised.

I have noticed a few small items to think about:

1. The existing sidewalks are concrete and in reasonable repair, so they have proposed the small sidewalk extensions to be in the same material (this is not obvious on plans but is what I believe they are proposing);
2. The existing aprons are also concrete- they are "OK" but may need repair and I guess concrete would make sense rather than replacement with asphalt- any thoughts on this?
3. The notes on both plans re street trees have not been updated - they still refer to 2 street trees but 5 are shown. legend needs updating too.
4. The 24 ft for the curb cuts appears to be at the edge of the travel lane curb, not at the property line.
5. Note this is level I so the plans do not need to be PE-stamped.

If you think these are basically OK I would like to mail them to the owner and applicant (neither of them have e-mails) to avoid (or try to at least) the mis-communication that happened last time.

Although this is minor I will need formal written comments by Feb 4th for the Planning Board Report- but for now I just need comments to send to Bob Greenlaw to get these plans a little clearer and to avoid having a condition of approval that requires a revised site plan.

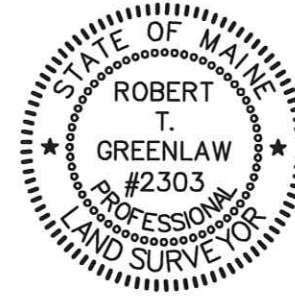
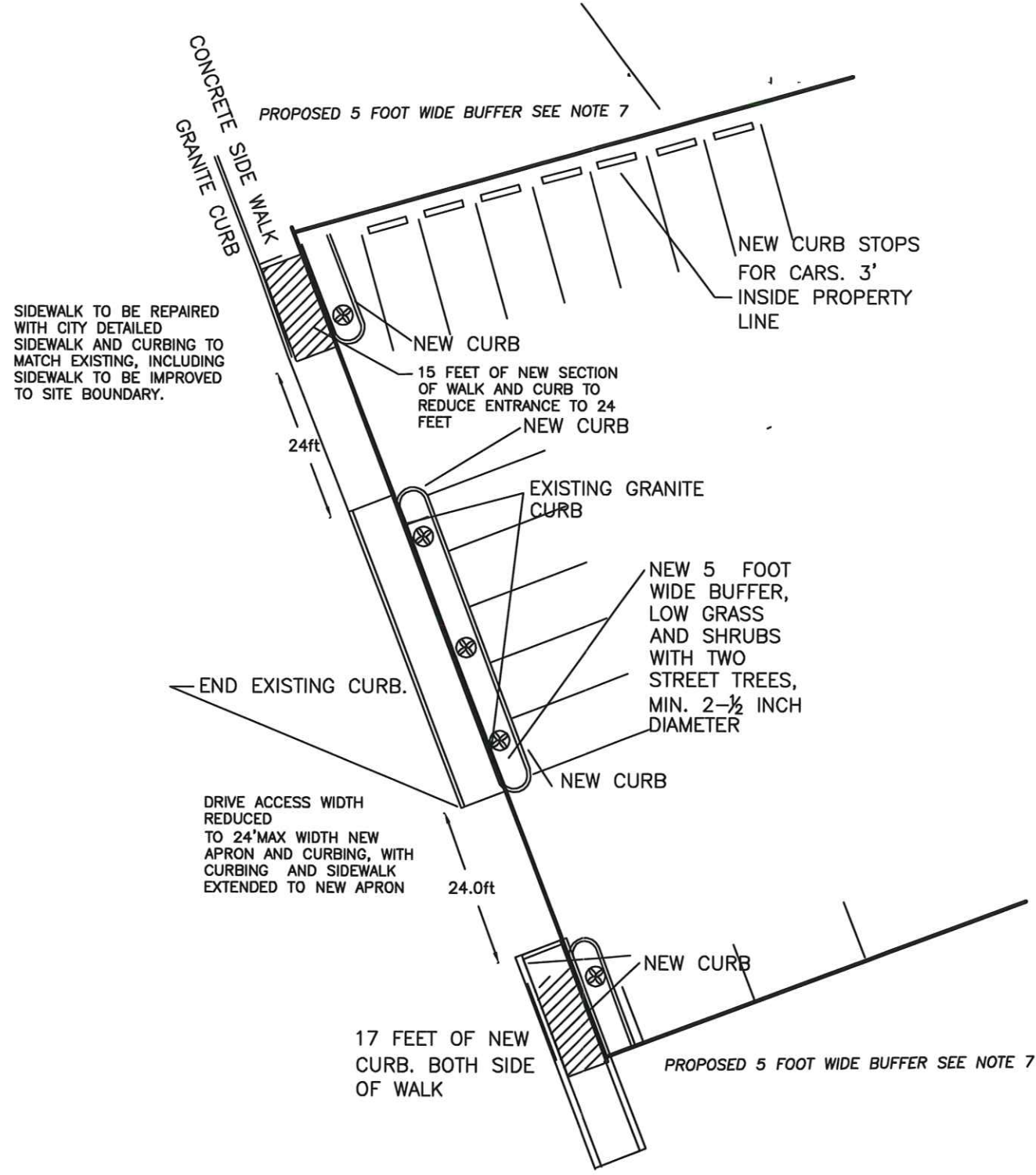
Many thanks  
Jean







SEE SHEET  
C3-DETAIL SHEET  
FOR SPECIFIED  
CONSTRUCTION  
REQUIREMENTS.



REVISED 01-16-15: REDUCED ENTRANCE WIDTHS AND ADDED NOTES  
REVISED 12-23-14: REMOVED PROPOSED CURB FROM NORTHERN ENTRANCE  
REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

**CURB & WALK DETAIL SHEET**  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013  
PRINT DATE: 02/25/2013  
SHEET: C4 CURB DETAILS

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING

32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWER: 2013 NO: 005



## Jean Fraser - Fwd: Update re Applications Re: 783 Forest Ave- Used Car Dealership

---

**From:** Jean Fraser  
**To:** 'Robert Greenlaw'  
**Date:** 1/2/2015 11:10 AM  
**Subject:** Fwd: Update re Applications Re: 783 Forest Ave- Used Car Dealership  
**Attachments:** Revised 14-474.pdf; C2-PLAN SHOWING PROPOSED SITE IMPROVMENTS REV 12 rec'd 12.23.14.pdf

---

Bob

I forgot to mention that the right, title and Interest needs to be resolved- ie Marco needs an updated lease or a letter from Steve Mardigan saying that he (Marco) has the rights to undertake the work on Steve's property and to operate the use that is subject of the applications.

I attach the plan that you sent me and which is the basis for the comments in my e-mail sent earlier today- it doesn't seem any different from the one you originally submitted so maybe I am looking at the wrong version???

thanks  
Jean

>>> Jean Fraser 1/2/2015 10:51 AM >>>

Bob

The applications have been "logged" but their status is "payment pending" and a total of \$300 is payable (\$100 for the conditional use and \$200 for the site plan) before the review can formally start. I have double-checked the fees and these are what are set by the City Council and listed in the ordinance. Marco is aware that in addition he needs to pay some of the costs of the Traffic Engineer review. Please arrange for payment of these fees through Lannie Dobson in Inspections (as before).

There are a couple of things you need to add to the applications:

- Conditional Use: the letter also needs to address the 14-474 (c) 2 Standards (attached) as well as the B2 conditional use items which you have mentioned. This is a lower priority than the site plan/detail plan, but is needed so it can go to the Planning Board.
- Site Plan and cond. Use: The main change from the previously approved plan is that Marco and Steve want to keep the northern curb cut open- so all the plans need to show the width of the northern curb cut and show the apron and indicate what materials there will be and also show where the sidewalk will be extended (I think that if the curb cut is narrowed there will still be a section of new sidewalk.). (I am assuming the other curb cut stays as was approved, but if its a one-way drive maybe that one needs to be narrowed). The plans you have sent to me still shows sidewalk across the curb cut (where it should say "apron") and its not clear its a curb cut as it also indicates that there is new curbing all across the curb cut- plus all of the plans need to be consistent. Please call me if you would like to discuss as Tom Errico will

## Jean Fraser - Update re Applications Re: 783 Forest Ave- Used Car Dealership

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 1/2/2015 10:51 AM  
**Subject:** Update re Applications Re: 783 Forest Ave- Used Car Dealership  
**Attachments:** Revised 14-474.pdf

---

Bob

The applications have been "logged" but their status is "payment pending" and a total of \$300 is payable (\$100 for the conditional use and \$200 for the site plan) before the review can formally start. I have double-checked the fees and these are what are set by the City Council and listed in the ordinance. Marco is aware that in addition he needs to pay some of the costs of the Traffic Engineer review. Please arrange for payment of these fees through Lannie Dobson in Inspections (as before).

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- Site Plan and cond. Use: The main change from the previously approved plan is that Marco and Steve want to keep the northern curb cut open- so all the plans need to show the width of the northern curb cut and show the apron and indicate what materials there will be and also show where the sidewalk will be extended (I think that if the curb cut is narrowed there will still be a section of new sidewalk.). (I am assuming the other curb cut stays as was approved, but if its a one-way drive maybe that one needs to be narrowed). The plans you have sent to me still shows sidewalk across the curb cut (where it should say "apron") and its not clear its a curb cut as it also indicates that there is new curbing all across the curb cut- plus all of the plans need to be consistent. Please call me if you would like to discuss as Tom Errico will want to know the detail and also he needs to know if the drives will be one-way.

Tom Errico is around and I can set up a meeting with him anytime although it would be better for him to have a plan (with details of the northern curb cut) to respond to- maybe you could suggest some times that are convenient for you and Marco and I will contact Tom to set up the meeting.

Thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
 874 8728

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 12/23/2014 2:22 PM >>>

Does this look better? I was trying to show the area of the sidewalk that needs to be rebuilt.



## Jean Fraser - Traffic review comments and update Re: 783 Forest Ave- Used Car Dealership

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 1/14/2015 5:07 PM  
**Subject:** Traffic review comments and update Re: 783 Forest Ave- Used Car Dealership

---

Bob,

As promised, reviewers (including Tom Errico) discussed Marco's proposed amendments yesterday/today and I am writing to summarize the final comments:

- City reviewers are OK with retaining 2 curb cuts for the site;
- Each curb cut is to be reduced to 24 ft in width (each narrowed so they are as far as possible away from the access drive on the neighboring lot);
- Each curb cut may remain two -way for the used car dealership use; if another (more intense) use is proposed in the future the traffic engineer would want to re-review the traffic pattern at that time;
- The sidewalk with curbing should be extended (as part of the curb cut narrowing work) where the apron is removed because of the narrowing;
- All areas immediately behind the final sidewalks to be the 5 foot landscaped buffer that is mentioned under the conditional use requirements (so there will be three sections of landscaped buffer, one at each corner and one in the center).

Please revise the parking space/display space lines to tie in with the new access pattern, and please revise the two detail plans to be consistent and clarify re the apron and new sidewalk work in the ROW.

In addition to the revised plans, the other items that we need for the Planning Board report is a revised letter (re cond use) to the Planning Board addressing the new 14-474 "conditions" (copy of the 14-474 text has already been sent to you), and a letter from the owner that:

1. Confirms that there is a lease, from the owner to Mr Fard, in place that allows Mr Fard to operate a used car dealership from this lot;

and also

2. Confirms that the owner is OK with the proposed physical improvements that Mr Fard has confirmed (eg as shown in the plans) will be implemented on the lot, including in the ROW along the frontage (ie narrowing the curb cuts).

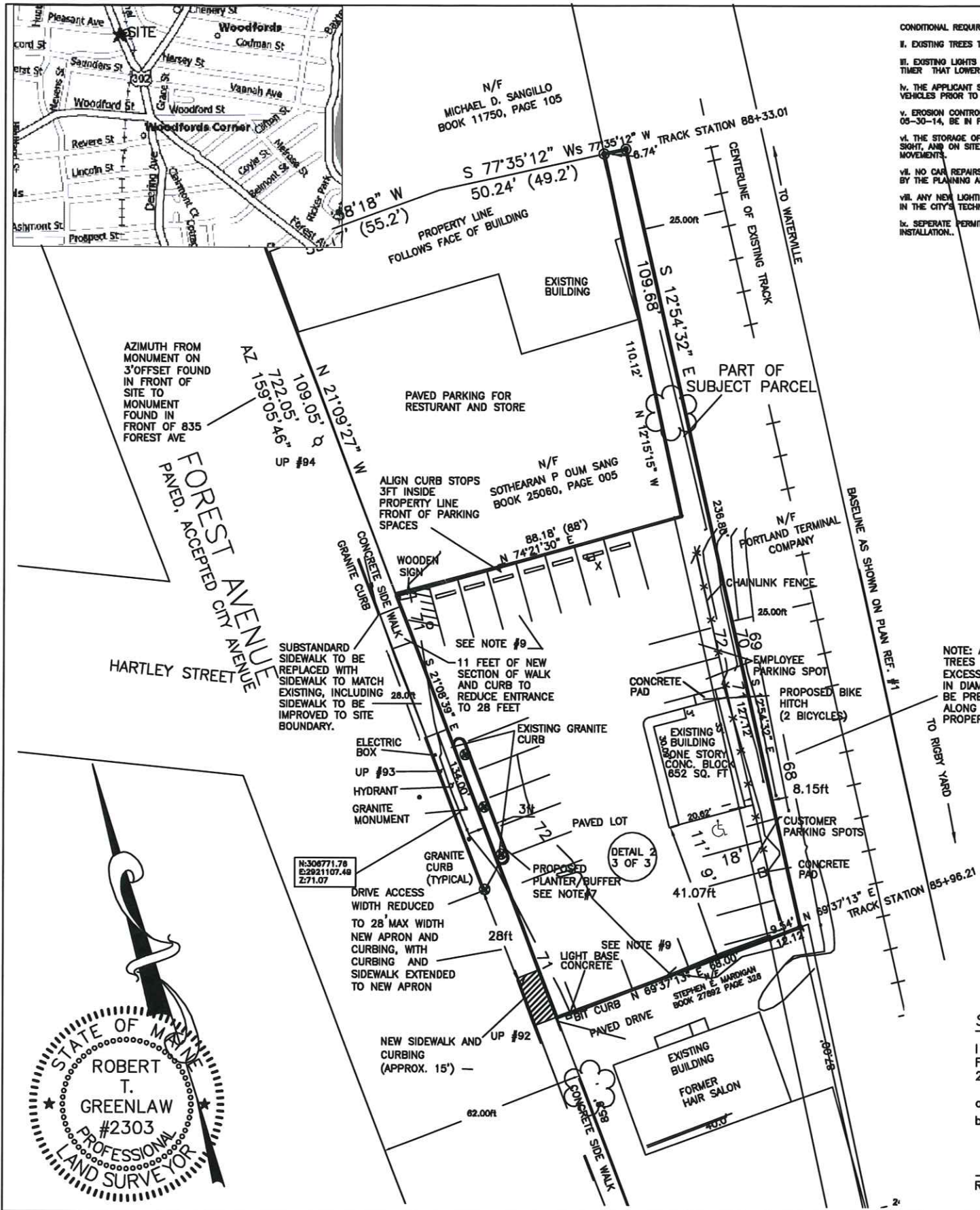
I am unable to confirm a date for the Planning Board hearing as there are quite a few projects in the queue for the agenda slots; once we have satisfactory plans and letters as mentioned above, we will be able to identify possible PB meeting dates.

Please call if any questions.

Thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*





- CONDITIONAL REQUIREMENTS:
- ii. EXISTING TREES TO THE REAR OF THE SITE ARE TO BE PRESERVED.
  - iii. EXISTING LIGHTS ON THE BUILDING SHALL MODIFIED TO BE "CUT-OFF" IN TYPE AND HAVE A TIMER THAT LOWERS THE LIGHT LEVEL AT NIGHT.
  - iv. THE APPLICANT SHALL OBTAIN A LICENSE FROM THE STATE OF MAINE BUREAU OF MOTOR VEHICLES PRIOR TO THE START OF CAR SALES.
  - v. EROSION CONTROL MEASURES, AS OUTLINED IN THE PEER ENGINEER COMMENTS DATED 08-30-14, BE IN PLACE PRIOR TO THE START CONSTRUCTION OF THE PLANTER AND CURBING.
  - vi. THE STORAGE OF SNOW SHALL NOT IMPEDE SIGHT DISTANCES FOR VEHICLES EXITING THE STREET, AND ON SITE PARKING OF VEHICLES SHOULD NOT BLOCK ACCESS AND EGRESS MOVEMENTS.
  - vii. NO CAR REPAIRS SHALL TAKE PLACE ON THE SITE UNLESS AN AMENDED SITE IS APPROVED BY THE PLANNING AUTHORITY.
  - viii. ANY NEW LIGHTING SHALL BE IN COMPLIANCE WITH SITE LIGHTING REQUIREMENTS AS SET OUT IN THE CITY'S TECHNICAL STANDARD 12 "SITE LIGHTING" AND THE APPROVED IMPROVEMENTS PLAN.
  - ix. SEPERATE PERMITS ARE REQUIRED FOR ANY SIGNS ON THE SITE PRIOR TO THEIR INSTALLATION.

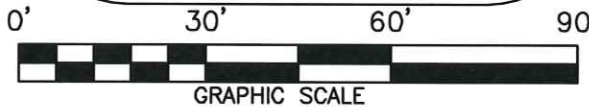
GENERAL NOTES:

1. RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- a.) ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
- b.) APPLICANT: CHANGIZ FARD 684 BAXTER BLVD. PORTLAND MAINE 04103
2. BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
3. AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
  - b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
  - c.) CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
5. ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
REAR - 10 FT  
SIDE - NONE
6. EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
7. PROPOSED 3 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. PLANTER IS 3' X 56'
8. AS NOTED IN THE N.F.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STRUCTURE WITH CINDER BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN RUBBER.
  - a.) FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY INFRONT OF THE SUBJECT PARCEL.
9. PARKING SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF CARS FOR SALE.
10. SOLID WASTE IS REMOVED FROM THE SITE ONCE A WEEK BY A PRIVATE CONTRACTOR. NO DUMPSTER IS PLANNED FOR THE SITE.

LEGEND

- Capped 5/8" Rebar Found
- Iron Pipe or Solid Pin Found
- △ Survey Instrument Point
- Abutter Line
- Property Line
- Street Line
- (50.00') Distance from reference plan or deed.
- N/F Now Or Formerly
- Overhead Utility
- σ Utility Pole
- Edge of traveled way
- Set Back Line
- ♿ Handicap Parking Spot
- 72 Existing Contour Line
- New Curb

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING  
32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE  
207-289-4546 BOBGREENLAW504@GMAIL.COM



REV 11: 12-23-14: REMOVED HATCHING ON NORTHERN ENTRANCE AND ADDED DIMENSION
REV 10 12-23-14: REMOVED PROPOSED CURB ON NORTH ENTRANCE
REV 10 07-01-14: ANNOTATED EXISTING CURB AND NEW CURB, MOVED ENTRANCE
REV 9 08-30-14: ADDED NEW CURB AND LABELS PER CITY COMMENTS
REV 8 08-25-14: CHANGED SIZE OF BUFFER AND ADDED NOTES

PLAN SHOWING IMPROVEMENTS FOR A  
PROPOSED AUTO DEALER  
LOCATION  
783 FOREST AVE. PORTLAND, ME.  
FOR  
CHANGIZ FARD

SCALE: 1" = 30' DATE OF SURVEY: FEBRUARY 25, 2013  
BACK BAY FILE# 2006090 C2 PROPOSED AUTO DEALER IMPROVEMENTS

SURVEYORS STATEMENT:

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.

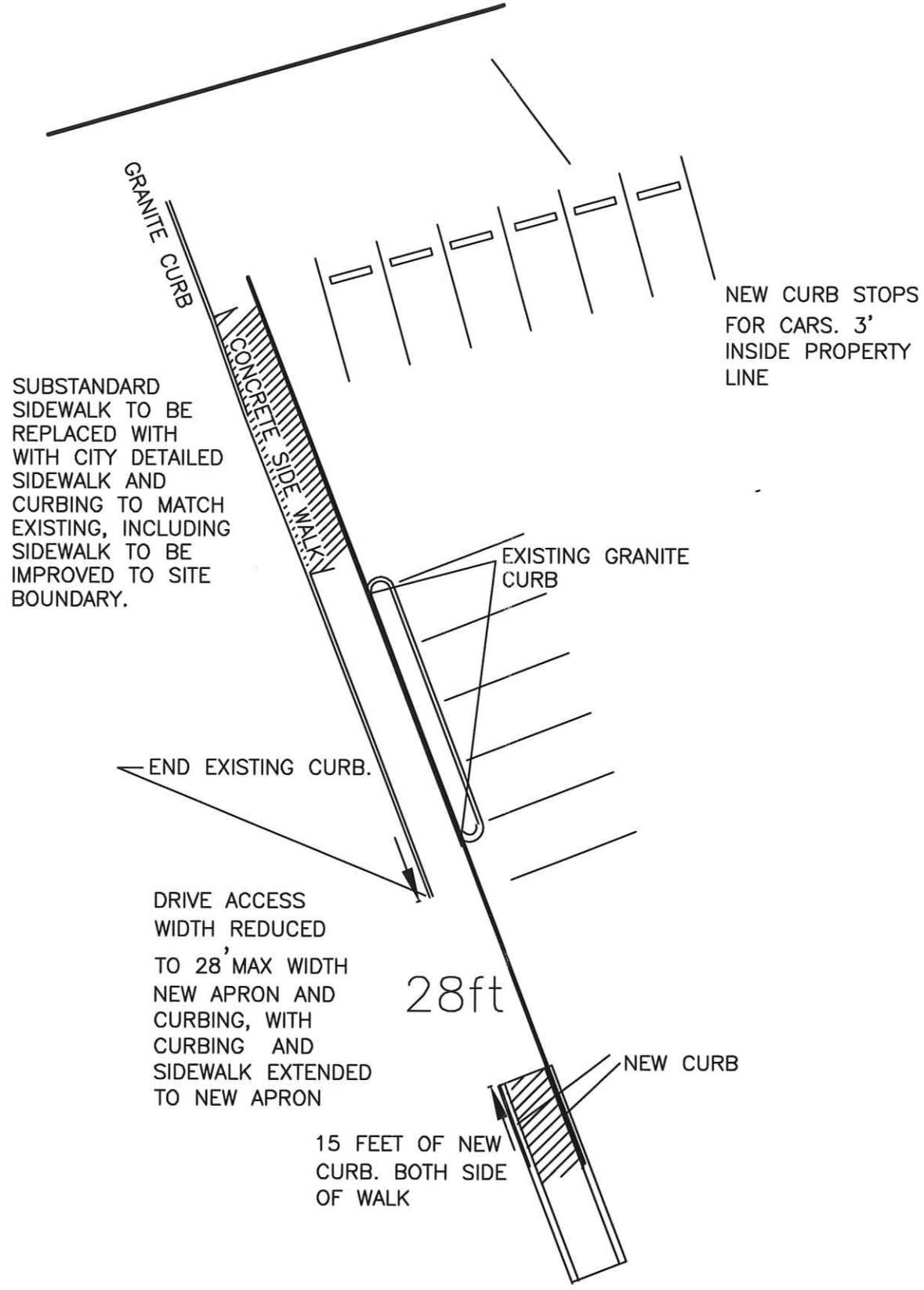
DATE: DECEMBER 23, 2014

ROBERT T. GREENLAW P.L.S. #2303





SEE SHEET  
C3-DETAIL SHEET  
FOR SPECIFIED  
CONSTRUCTION  
REQUIREMENTS.



PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING

32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE  
207-749-9471 [Bobgreenlaw@myfairpoint.net](mailto:Bobgreenlaw@myfairpoint.net)

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013  
PRINT DATE: 02/25/2013  
SHEET: C4 CURB DETAILS

REVISED 12-23-14: REMOVED PROPOSED CURB FROM NORTHERN ENTRANCE  
REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

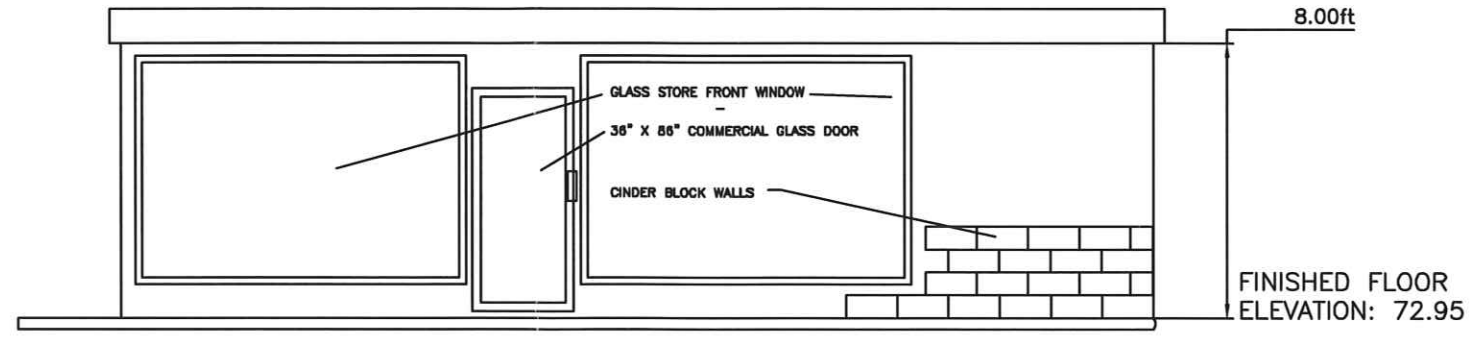
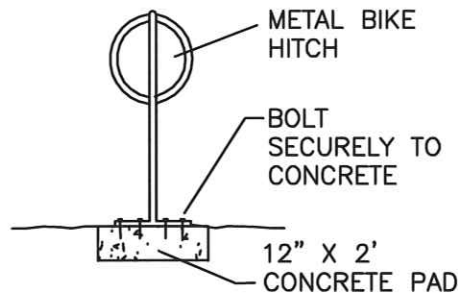
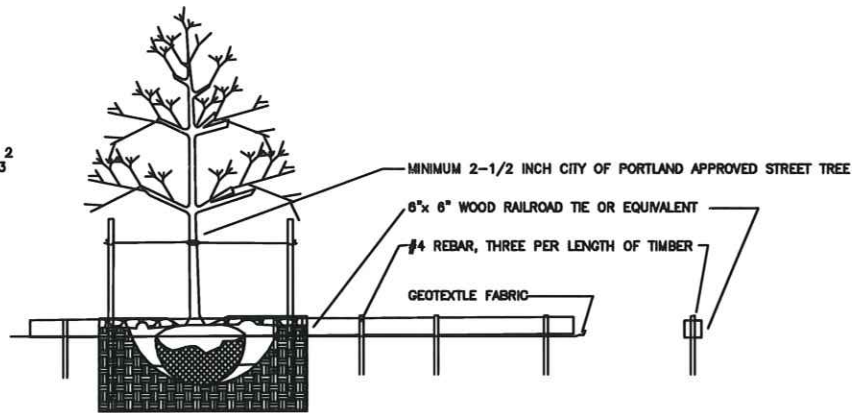
**CURB & WALK DETAIL SHEET**  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**

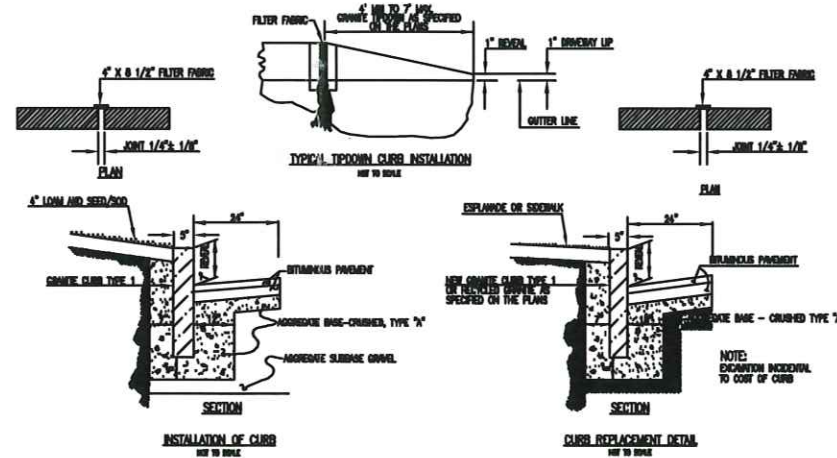
DRAWER: 2013 NO: 005



DETAIL 2  
3 OF 3



STREET VIEW 783 FOREST AVENUE



TYPICAL INSTALLATION OF CURB  
NOT TO SCALE

NOTE:  
REFER TO CONTRACT FOR MORE  
DETAIL MATERIAL SPECIFICATIONS.

CONCRETE SPECIFICATION:

- 4000 PSI
- 3/4" AGGREGATE
- 1" X 2" AIR EXTRUDED
- SLUMP - 4" ± 1"

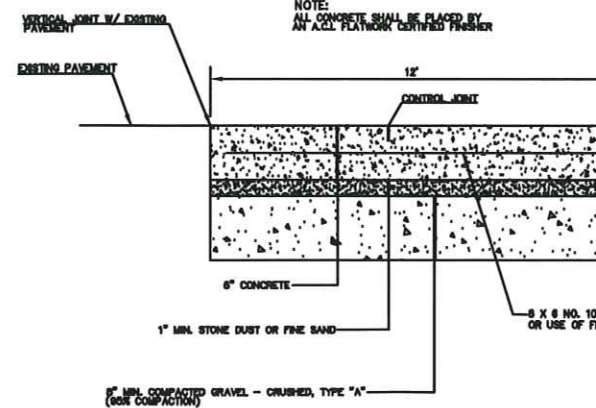
CONTROL JOINT SPECIFICATION:

- SPACING OF JOINTS - 10 FEET ON CENTER ALONG LENGTH
- 6 FEET ON CENTER ALONG WIDTH
- SAW CUT JOINTS AT 1 1/2" MAX. DEPTH

FINISH SPECIFICATION:

- BROOM SWEEP FINISH
- CURE WITH CURE-TO-SPEED MS
- AFTER CONSTRUCTION JOINTS HAVE BEEN FILLED AND SEALED, APPLY "CONSOLECK SALTGUARD"

NOTE:  
ALL CONCRETE SHALL BE PLACED BY  
AN A.C.I. PLATFORM CERTIFIED FINISHER



REVISED 12-23-14: REMOVED DUMPSTER DETAIL

REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

DETAIL SHEET

783 FOREST AVENUE PORTLAND, MAINE

FOR:  
A PROPOSED AUTOMOBILE DEALER

DRAWN BY: RTG

CHECKED BY: KGG

SCALE: NOT TO SCALE

DATE: FEBRUARY 25, 2013

JOB NUMBER: 2004013

PRINT DATE: 02/25/2013

SHEET: C3 DETAILS

PREPARED BY:  
ROBERT T. GREENLAW PLS  
LAND SURVEYING

32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE

207-749-9471 Bobgreenlaw@myfairpoint.net

DRAWER: 2013 NO: 005

## Jean Fraser - Update re Applications Re: 783 Forest Ave- Used Car Dealership

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 1/2/2015 10:51 AM  
**Subject:** Update re Applications Re: 783 Forest Ave- Used Car Dealership  
**Attachments:** Revised 14-474.pdf

---

Bob

The applications have been "logged" but their status is "payment pending" and a total of \$300 is payable (\$100 for the conditional use and \$200 for the site plan) before the review can formally start. I have double-checked the fees and these are what are set by the City Council and listed in the ordinance. Marco is aware that in addition he needs to pay some of the costs of the Traffic Engineer review. Please arrange for payment of these fees through Lannie Dobson in Inspections (as before).

There are a couple of things you need to add to the applications:

- Conditional Use: the letter also needs to address the 14-474 (c) 2 Standards (attached) as well as the B2 conditional use items which you have mentioned. This is a lower priority than the site plan/detail plan, but is needed so it can go to the Planning Board.
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Tom Errico is around and I can set up a meeting with him anytime although it would be better for him to have a plan (with details of the northern curb cut) to respond to- maybe you could suggest some times that are convenient for you and Marco and I will contact Tom to set up the meeting.

Thank you  
Jean

*Jean Fraser, Planner*  
 City of Portland  
 874 8728

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 12/23/2014 2:22 PM >>>

Does this look better? I was trying to show the area of the sidewalk that needs to be rebuilt.



Bob

On Tue, Dec 23, 2014 at 1:49 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Bob

These plans appear to show that the northern curb cut is still closed with a concrete sidewalk running in front (not an apron and curb cut). I can see that the landscaped buffer has changed as has the striping for display cars, but otherwise it is not changed from the approved plans that show the curb cut as closed.

If Marco wants the northern curb cut to remain (which I understood was what he and Steve wanted), both of the plans need to show it as a curb cut, no sidewalk, with apron and indicate exactly how wide it will be (and if it will be narrowed).

These are amendment applications and I think there will be a fee- I will get back to you on that. In the meantime, please send plans that are clear re the curb cut and sidewalk along the northern curb cut as Tom Errico will want to know the precise dimensions and whether it is proposed to be one way or what. Tom is not keen on keeping the northern curb cut open, so he needs to be convinced and would want to understand how the dimensions will work to ensure no cars back out onto Forest Ave into the crosswalk area.

Thank you

Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

>>> Robert Greenlaw <[bobgreenlaw504@gmail.com](mailto:bobgreenlaw504@gmail.com)> 12/23/2014 1:06 PM >>>

Hello Jean,

Thank you for taking on the task of trying once again to help Mr. Fard.

I have attached revised documents for your use. Let me know if you need anything else ASAP. I will get it right to you.

Thanks Again,

Bob Greenalw PLS

On Mon, Dec 15, 2014 at 1:13 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Bob

This letter clarifies the current status of the enforcement at this site.

Thank you

Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As

a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta  
Corporation Counsel

Jennifer L. Thompson  
Associate Counsel

Michael I. Goldman  
Associate Counsel

December 11, 2014

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

**RE: Project Name:** Auto Dealership selling pre-owned cars  
**Project ID:** #2014-025 & #2013-044 CBL: 130-C-001  
**Address:** 783 Forest Avenue

Dear Mr. Fard:

Thank you for meeting with us today. Barbara Barhydt, Development Review Services Manager, Jean Fraser, Planner, David Margolis-Pineo, Deputy City Engineer, and Rhonda Zarrara, Field Inspections Coordinator for Public Services were also in attendance. This letter is intended as a note of the key points of the meeting so that everyone with an interest in the property is aware of the City's expectations.

As we discussed, and as you have previously been told, your business is currently in violation of its approval from the Planning Board and the City's Code in a number of respects. Of primary concern is the fact that you are operating a car sales business, and storing cars associated with that business, on the property without having complied with the conditions of your approval. Specifically, you have failed to close the second curb cut as required by the Planning Board. Therefore, you are currently operating an unauthorized business. As you know, you have been issued a notice of violation and the City is preparing to take legal action to address those violations.

Following today's meeting we understand that, notwithstanding the Board's express requirement that you do so, you do not intend to close the northern curb cut because you and the owner of the property do not consider it workable for a number of reasons. You have indicated a desire to seek an amendment to the site plan and conditional use approval in order to remove that requirement. As we explained, that request must go back to the Planning Board for a final decision based on advice from staff.

Although we appreciate your desire to seek the necessary approvals, we also reiterate the fact that seeking an amendment to your prior approval does not relieve

Changiz Fard  
December 11, 2014  
Page 2


you of your responsibility to comply with the City's Code now. Therefore, in order to bring your business and your use of this property into compliance, you agreed today that you would immediately remove all vehicles from the lot and stop all car sales from that location. At the very latest, this needs to be done prior to the date when the City would initiate enforcement proceedings (which would lead to a court hearing) which was advised to you as being on or just after December 21, 2014.

We agreed that once we have verified that the cars have been removed from the site, you would be able to seek an amendment to the previous site plan and conditional use requirements. At that time the Planning staff would work with you and your technical advisers to try and find a safe and workable amendment. The Traffic Engineer would need to understand why you need the two curb cuts, how you would limit the number of cars parked on the site, and how you would ensure safety for pedestrians on the sidewalk/crosswalk and for traffic in Forest Avenue. Until there is a specific proposal to address those concerns, the Traffic Engineer would not be able to confirm whether the northern curb cut can stay open or not.

Please note that the sidewalk along the frontage of the site is required to be cleared of snow per the City ordinances. Also please note that the site plan layout should identify the location for snow storage for snow from the site.

If you have any questions regarding the site plan / conditional use amendment process, please contact Barbara Barhydt (874 8699) or Jean Fraser (874 8728). If you have any questions regarding the legal enforcement process, I suggest you seek advice from your lawyer.

Sincerely,



Jennifer Thompson  
Associate Corporation Counsel

Copies to:

Alex Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Ann Machado, Acting Zoning Administrator  
Phil diPierro, Development Review Coordinator, Planning  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Thomas Errico, P.E., TY Lin Associates (Traffic Engineering Reviewer)  
City Business Licensing  
Owner of the property, Stephen E Mardigan (460 Baxter Blvd, Portland, ME 04103)



file copy - jeans

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

FINAL NOTICE OF VIOLATION

November 14, 2014

Changiz Fard  
684 Baxter Blvd  
Portland, Maine 04103

RE: 783 Forest Avenue - #2013-044 & 2014-025 – CBL: 137-C-001- B-2 Zone

Dear Mr. Fard,

On September 26, 2014 I hand delivered a first notice of failure to comply with conditions of approval. The City has not heard from you or any representatives for you during the previous 35 days to comply.

The property located at 783 Forest Avenue is currently in violation of the Planning Board approval dated June 24, 2014 for the display and sale of automobiles. The property is also in violation of permitted/conditional uses as outlined in sections 14-14-183 (a) 5 of the City of Portland's Land Use Zoning Ordinance, and of Section 28-57 of the City's Traffic and Motor Vehicle Ordinance, which prohibits cars being parked on the street for the purpose of "displaying it for sale" or "advertising" .

Based on your violation of the above-cited City Ordinances, I hereby order you to remove all cars from the property located at 783 Forest Avenue and from any of the streets surrounding such location within 30 days of the receipt of this letter. I also order you to cease any and all sales of automobiles from 783 Forest Avenue. If you fail to comply with this order within 30 days of receiving this letter, I will be forced to recommend that the City of Portland take immediate enforcement action against you. I remind you that each violation of the City's Ordinances is subject to a minimum fine of \$100 per violation. Each day that you continue to operate without a valid approval and each car sold in violation of the City's Ordinances constitute separate violations. Additionally, if the City prevails in any enforcement action against you, it will be entitled to recover its court costs and attorneys' fees from you.

Clearly it is in your best interest to resolve this matter out-of-court. Please contact the Zoning Office immediately to discuss your intentions regarding this violation.

You have the right to appeal this decision. If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

Very truly yours,

A handwritten signature in blue ink that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

Cc: Jean Fraser, Planning  
Barbara Barhydt, Planning  
Philip Dipierro, Planning  
Jennifer Thompson, Legal  
Ann Machado, Zoning  
City Clerk, licensing  
Bob Greenlaw, Agent for Site Plan and Conditional Use Application  
Stephen Mardigan, Property Owner



**LICENSE INSPECTION SLIP**

Applicant	<u>CHANGIZ S. FARD</u>	New	<u>X</u>
Business Name	<u>MAINE MOTOR COMPANY - PENDING</u>	Date	<u>03/03/2014</u>
Address	<u>783 FOREST AVE</u>	Expiration Date	_____
Phone	<u>(207)650-1100</u>	CBL	<u>137 C001001</u>
Type of License	<u>USED CAR DEALER</u>	Outside Dining	<u>N/A</u>
Occupancy	_____ Entertainment <u>N/A</u>	Public or Private	_____
Amusements	<u>N/A</u> Pool Tables <u>N/A</u>	Business ID	<u>7986</u>

Contact: Changiz Fard - 650-1100

Zoning:  Approved  Denied Zone B-2

CHANGE OF USE PERMIT  Not Required  Required Issue Date \_\_\_\_\_  
3/3/14 Date Margy Schmeckel Signature of Zoning Enforcement Office

Comments Needs to establish the use - Conditional Use & site PLAN review

Health Inspection Services:  Approved  Denied

\_\_\_\_\_  
Date Signature of Inspector

\_\_\_\_\_  
Date Signature of Chief or Asst. Chief of Inspections

Comments

Fire Prevention Bureau:  Approved  Denied

\_\_\_\_\_  
Date Signature of Inspector

Comments

**Marge Schmuckal - Maine Motor Company - 785 Forest Ave.**

**From:** Business Licensing  
**To:** Schmuckal, Marge; Second Dealers/Fire Permits  
**Date:** 3/3/2014 11:02 AM  
**Subject:** Maine Motor Company - 785 Forest Ave.  
**Attachments:** Maine Motor Company.pdf

Hello,

For your approval:

Changiz S. Fard d/b/a Maine Motor Company has applied for a Used Car Dealer license for 785 Forest Ave.

Owner:  
Changiz S. Fard, d.o.b. 9/23/59, of 684 Baxter Blvd., 650-1100

Landlord:  
Stephen E. Mardigan, 460 Baxter Blvd.

The owner is looking to open the business as soon as possible.

Slip attached. Please put feedback in UI.

Thanks,  
Janice





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

*Jeff Levine, AICP, Director  
Marge Schmuokal, Zoning Administrator*

January 25, 2013

Stephen E. Mardigan  
460 Baxter Blvd.  
Portland, ME 04103

RE: 783-789 Forest Avenue – 137-C-001 – B-2 Zone

Dear Mr. Mardigan,

It has come to the City's attention that you have changed the use of the property located at 783 Forest Avenue. The last approved use was for an office and truck storage for CN Brown Heating Oil. A previous Citgo gas station was discontinued when the underground tanks were removed in 2005. Since then, the pumps and canopy have been removed. Currently the property is being used as a huge off-street parking lot and/or automobile sales lot. The lot is stuffed with 40-50 automobiles.

Please note that B-2 Zone does not list off-street parking as a permitted use (14-182). Automobile sales are considered a conditional use to the Planning Board (14-183). This office has not received any application for a change of use declaring the new use as required.

All automobiles shall be removed within 10 days of this letter. If you wish to change the use from the previous office and oil truck storage use, you will first be required to apply for a building permit stating your intended use. We will need appropriate plans showing your use. Depending upon what your requested use is, you may need to file for a site plan review and a conditional use appeal in the Planning Division.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuokal  
Zoning Administrator



# PLANNING BOARD REPORT PORTLAND, MAINE



Pre-owned Automobile Dealership  
Conditional Use and Site Plan Review Amendments

Changiz Fard, Applicant

**Project No:** 2015-035 & 2015-036

**CBL:** 130-C-001

Submitted to: Portland Planning Board Public Hearing Date: February 10 <sup>th</sup> , 2015	Prepared by: Jean Fraser, Planner Date: February 6 <sup>th</sup> , 2015
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**I. INTRODUCTION**

Changiz Fard, applicant, has requested Planning Board approval for proposed amendments to the Conditional Use and Level I: Site Alteration site plans that were previously approved in June 2014 for a used car dealership on a leased site at 783 Forest Avenue.

The site is located in a B-2 Community Business Zone, where automobile dealerships are listed as a conditional use and therefore are reviewed by the Planning Board.

Required Reviews:

- Conditional Use in the B2 zone;
- Level I (Site Alteration) Site Plan.

The project was previously before the Board in June 2014 and the approval letter and associated site plan from that review are included in as Attachment 1.

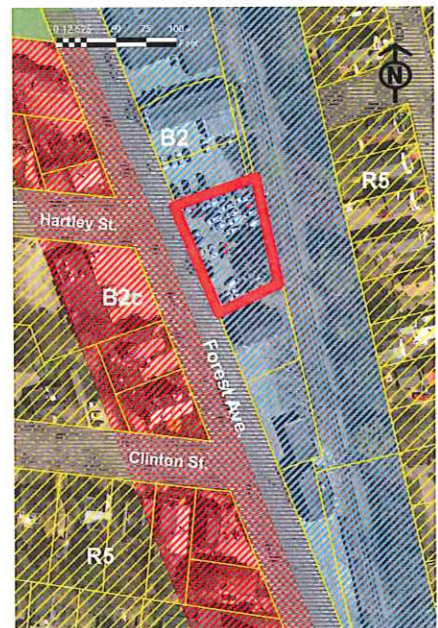
The applicant discovered that the approved layout, with the northern curb cut closed, was unworkable and therefore did not implement the associated required improvements. The site was then in violation of the ordinance and the applicant was asked by City staff to remove all the cars until the amended plans were approved and implemented. **The applicant has complied with this request.**

The amendment applications include the following revisions:

- Retain both existing curb cuts but narrow both substantially (the approved plan closed the northern curb cut)
- Extend the areas of landscaped buffer that are required under the B2 conditional use provisions;
- Reduce display parking area by approximately 2 car spaces; and
- Modify the sidewalk and apron repairs accordingly.

A total of 148 notices of the Hearing were sent to property owners within 500 feet and to interested citizens and a notice was published in the February 2<sup>nd</sup> and 3<sup>rd</sup>, 2015 editions of the *Portland Press Herald*. The applicant is not required to hold a neighborhood meeting for this proposal. **X** comments have been received regarding the amendment application (**XX**).

Required Waivers: The previous review required waivers for the width of the remaining curb cut, but the amended plan shows this reduced to the City's standard. However, the retention of the existing curb cut to the north now requires the following waiver even though the existing drive separation has been increased:



<i>Requested Waiver</i>	<i>Standard and any waiver provisions</i>
<b>Driveway Separation:</b> The existing curbcuts are not in compliance with the City standards; the proposals make them more in compliance by narrowing and moving the centerline away from nearest driveways.	<i>Technical Manual Section 1.7.1.7</i> sets out standards for minimum driveway separation and the Traffic Engineer supports the waiver as they are an existing condition and the traffic generation of the proposed use is low.



**II. PROJECT DATA:**

<b>Zone:</b>	B-2 Business
<b>Proposed Use:</b>	Automobile Sales
<b>Previous (Legal) Use:</b>	Office and oil truck storage (use of former Gas Station)
<b>Required Minimum Lot Area:</b>	10,000 sq ft
<b>Proposed Lot Area:</b>	12,111 sq ft
<b>Existing impervious area:</b>	10,408 sq ft
<b>Proposed impervious area:</b>	10,258 sq ft
<b>Total floorspace of existing bldg:</b>	652 sq.ft. (included in above impervious area )
<b>Required parking:</b>	not specified in ordinance
<b>Proposed parking:</b>	6 spaces for employees and customers, up to 13 vehicle display spaces
<b>Required Bicycle Parking:</b>	2 spaces
<b>Proposed bicycle parking:</b>	2 spaces
<b>Existing Driveways:</b>	2 for applicants leased area
<b>Proposed Driveways:</b>	2 narrowed from over 40 feet to 24 feet

**III. EXISTING CONDITIONS**

The site is located between a parking lot with drive access serving the adjacent restaurant and hairdressers to the north, and a driveway and commercial building to the south. Opposite the site (across Forest Avenue) is Hartley Street, a residential street with commercial uses nearest Forest Avenue where it is zoned B2c (see below under VII A Zoning Assessment). A pedestrian crosswalk is located across Forest Avenue just north of the site.

The parcel is largely a rectangle with 134 feet of frontage along Forest Avenue, but includes a sliver of land running along the back of the abutting lot along the railway (Plan P1.) **The site is currently vacant** - the aerial at right is now out of date as the cars have been removed in the last couple of months.

The 12,111 sq ft site was formerly a gas station; the gas tanks were removed and filled with sand in 2005 and the site is currently paved, with the former gas station building remaining on the rear part of the site. The site has a legal use as “office and oil truck storage” and the existing building was recently renovated by the applicant who leases the site from the owner Steve Mardigan (Attachment C).

The site backs onto the railway line and there are mature trees along the rear boundary (photo left). The B2 zone extends over the railway and some 50 feet beyond before the R5 zone begins.



Site at 783 Forest Ave.  
Prepared by Planning Division on City GIS 2008 aerial



**IV. PROPOSED AMENDMENTS**

In June 2014 the applicant received conditional use for the car sales use and site plan approval for improvements. These included curb stops, customer and employee parking, bicycle parking and dumpster enclosure which remain a part of the proposed improvements along with the key elements listed below together with the proposed amendments:



Approved June 2014	Proposed Amendment February 2015
Close northern curb cut/drive access	Keep open the northern curb cut / drive access, but narrow it from 38.9 feet to 24 feet in width
Keep open the southern curb cut / drive access, but narrow it from 40.6 feet to 28 feet in width	Keep open the southern curb cut/ drive access, but narrow it from 40.6 feet to 24 feet in width
Landscaped buffer approx. 240 sq ft in central section	Three sections of landscaped buffer totaling approx. 380 sq ft
No street trees	2 street trees
Display parking for 15/16 cars	Display parking for 13/14 cars
Create new sections of sidewalk totaling 56 feet	Create new sections of sidewalk totaling 32 feet
Repair 28 linear feet of apron	Repair of 48 linear feet of apron

The plans do not include any proposals for the existing building (former gas station) as the work has already been completed.

**V. PUBLIC COMMENT**

At the time of completing this report no public comments have been received.

**VI. RIGHT, TITLE AND INTEREST**

The lease is included in Attachment C and staff have discussed the current proposals with the owner Mr Mardigan. Mr Mardigan is supportive of the improvements as long as they are done correctly ie with granite curbing.

**VII. STAFF REVIEW**

**A. ZONING ASSESSMENT**

The site is located in the B-2 Community Business zone where automobile dealerships are permitted as a Conditional Use. The site is within a long band of B2 on the east side of Forest Avenue and is at least 90 feet from the R5 zone on the other side of the railway tracks (see aerial photograph with zoning shown, below). Marge Schmuckal submitted comments for the previous review in June 2014 and these would still apply (Attachment 2). The proposals and suggested conditions address the zoning requirements.

**B. CONDITIONAL USE REVIEW (Section 14-183):**

Sec. 14-183. Conditional uses identifies auto dealership in the B-2 zone as a 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 applicant has submitted an conditional use application (Attachment B) and an analysis of how the proposal complies with the conditional use standards in Attachment D.

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 (a) 5 (as in place at the time the applications were accepted) 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 not proposing any signs as part of the current applications. A potential condition requiring the separate sign review and approval is included in the proposed motion for the Board to consider.

- 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: This requirement is met both in the existing conditions and as proposed to be modified.

Clause 6 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 5 foot wide landscaped buffer along three sections of the Forest Avenue frontage, including a street tree in each of the two corner sections and low grass and shrubs in all three buffer areas (Plans P3 and P4). The City Arborist, Jeff Tarling, has confirmed the proposals are acceptable (Attachment 4).

The following standards apply to all conditional uses:

Section 14-474(c)(2) *Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:*

a. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*

Staff comment: Tom Errico, the Traffic Engineer, did not have any concerns regarding these aspects of the proposal (Attachment 5).

b. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*

Staff comment: The location of the proposed car dealership is within a large section of B2/B2c. The site abuts the railway to the east, where mature trees contribute to the buffering and screening of the site from the nearest residential zone. To the north and south are commercial premises and associated parking. During the June review the residents in Hartley Street, opposite the site, objected to the proposal based on the way the applicant has used the surrounding streets as part of the business. The conditions included in the June 2014 approval, requiring the use and associated activities stay on-site, have been included in the potential conditions for the amendments.

c. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

Staff comment: The impacts of this use, assuming it remains within the site, would not differ substantially from the impacts associated with the surrounding uses or other allowable uses in the zone.

## **C. 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.

### **1 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 A), narratives and plans have addressed the ordinance requirements.

### **2 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. A Level I site Alteration is not subject to all of the Site Plan Standards. Staff comments are listed below.

#### **A. Transportation Standards (1,2 and 4)**

1. Impact on Surrounding Street system and 2. Access and circulation

The proposed used car dealership is located on Forest Avenue along a straight stretch of single lane traffic with good visibility; there are two existing curb cuts on the site, each about 40 feet in width. The proposed use does not have high trip generation, with limited loading and servicing. The Technical Standards allow two drives for a commercial site but the existing curb cuts do not meet City Standards in terms of width and distance from other driveways.

The previous "solution" to close the northern curb cut is not workable for the applicant and Tom Errico confirmed at a meeting with the applicant on 1.12.2015 that retention of the existing drives is acceptable for this particular use as long as they are improved to be more in compliance with City Standards.

The applicant has reduced existing curb cuts to the City standard of 24 feet and move the centerline of the both drives so that they are further away from nearby driveways.

Tom Errico, the Traffic Engineering reviewer, has commented (Attachment 4):

*TE comments*

2. Access and circulation- Sidewalks

The proposal create 32 feet of new sidewalk where the driveway aprons have been narrowed. The driveway aprons need some repair and the plans confirm that these will be repaired with materials approved by DPS.

4. Parking Requirements

The ordinance does not specify minimum vehicle parking provision for this use. The Ordinance requires 2 bicycle parking spaces where the parking requirement is 0 to 10 vehicle parking spaces for this proposal, which have been included in the site improvements on Plan P2.

**B. *Environmental Quality Standards (1 and 3)***

1. 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. Planting along the frontage at the back of the sidewalk is proposed (see conditional use review above). The plans indicate that these will be preserved.

3. Water quality; Stormwater Management; Erosion control:

The applicant has reduced the overall impervious surface through the addition of the planted area at the front and therefore does not trigger Chapter 500 requirements. Dave Senus, the Peer Engineering reviewer, has commented that during the construction of the planter (and any other construction eg laying of new curbing) that (Attachment 1):

*The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.*

**C. *Public Infrastructure and Community Safety Standards (1)***

1. Consistency with Master Plans:

The proposals do not impact city infrastructure except the repairs/sidewalk reinstatement to the drive apron areas which is discussed above.

**D. *Site Design Standards (5,6,8,9)***

5. Historic Resources:

The proposed site alterations do not affect any historic resource.



6. Exterior Lighting:

The proposals do not include any specific lighting proposals. It is noted that two existing light bases are on site and if these are re-fitted or new lighting is proposed, the proposals would need to be reviewed and approved to ensure that they meet the City's Technical Standards.

The existing building includes bright lighting under the canopy (open fluorescent with no shield) and residents have stated it is on all night. This does not meet City Technical standards which require cut-off lighting and that the light levels should be halved during night time hours. A potential condition of approval is included in the motion for the Board to consider to address both of these issues.

8. Signage and Wayfinding:

The proposals do not include any new signs, but a potential condition of approval is included to clarify that any new signs would require separate permits.

9. Zoning Related Design Standards

There are B2 standards that would apply if there was a new building. The existing gas station building is legally nonconforming regarding setbacks. The B2 design standards do require landscaping and buffers, which is largely addressed by the Conditional Use requirement for a frontage buffer. Staff recommend the preservation of the mature trees along the rear of the site to address this requirement regarding the residential properties on the other side of the railway line.

**VIII. STAFF RECOMMENDATION**

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

**IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION**

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. Driveway Separation

The Planning Board **waives / does not waive** the requirements of *Technical Manual Section 1.7.1.7*, which sets out standards for minimum driveway separation, to allow the existing curb cuts/driveways to remain as modified by the approved proposals in Plan 2. This waiver is based on the fact that the driveways are an existing condition and the traffic generation of the proposed use is low.

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:

- i. That the site access/egress conditions for vehicles are considered to be acceptable in view of the low traffic generation and minimal service requirements of the used car sales use. If the use of the site changes so that the type and/ or number of associated vehicles changes, the project site should be reviewed by the Planning Authority to ensure that the layout provides for safe and efficient vehicle movements; and
- ii. That the number of vehicles to be parked on the site shall not exceed 19 in total (including display, customer and employee parking) in order to maintain the drive access and ensure that cars do not back out of either driveway; and

- iii. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including, but not limited to, any part of Hartley Street) nor overhang the the City's right-of-way, sidewalk or property outside of the site; if such parking is documented as taking place, enforcement action may be pursued by the City; and
- iv. That all car sales and other activities associated with the car dealership use shall take place only on the privately owned part of the site. No car sales or any other activities associated with the car dealership may take place in the City right of way, sidewalk, or on property outside of the site; and
- v. A Performance Guarantee shall be posted covering the cost of the improvements shown on the approved amended plans. No cars may be parked on the site and no car sales or other activities associated with the car dealership use may take place from the site until the Performance Guarantee described herein has been posted and a change of use permit has been obtained from the Inspections Division. All of the approved improvements shall be completed within 4 calendar months of the date the Performance Guarantee is posted.

Failure to comply with any of the above-stated conditions of approval, in whole or in part, shall render this approval void.

#### **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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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. No work shall commence on any site improvements until such time as the applicant has:
  - 1) posted a Performance Guarantee in accordance with the standard conditions of approval;
  - 2) obtained all required City permits including a street opening permit (obtained by a licensed contractor) from the Department of Public Services; and
  - 3) attended a mandatory preconstruction meeting with City staff.
- ii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards; and
- iii. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- iv. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- v. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vi. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- vii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting"; and
- viii. That separate permits are required for any signs on the site prior to their installation.

Failure to comply with any of the above-stated conditions of approval, in whole or in part, shall render this approval void.



## **ATTACHMENTS**

### **Report attachments**

1. Approval letter and plan as from June 2014 PB review
2. Peer Engineering Reviewer, Dave Senus 5.30.2014
3. Zoning Administrator, Marge Schmuckal 6.5.2014
4. City Arborist, Jeff Tarling, 2.4.2015
5. Traffic Engineering Reviewer, Tom Errico,
6. Department of Public Services,

### **Public Comments**

PC 1 ...

### **Applicants submittal**

- A. Level I: Amended Site Alteration Site Plan Application
- B. Amendment Conditional Use Application
- C. Right, title and interest
- D. Conditional use analysis (letter) January 2015

### **Plans**

- P1. Existing conditions/survey
- P2. Proposed improvements (Site Plan C2)
- P3. Details C5 Curb and sidewalk
- P4. Details C3

## Jean Fraser - Fwd: Re: 783 Forest- letter from Steve Mardigan and draft conditions of approval

---

**From:** Jean Fraser  
**To:** 'Robert Greenlaw'  
**Date:** 2/5/2015 1:05 PM  
**Subject:** Fwd: Re: 783 Forest- letter from Steve Mardigan and draft conditions of approval  
**Attachments:** second Draft suggested conds of Approval 783 Forest PB.pdf

---

Bob

One other issue- the Ordinance requires evidence of financial and technical capacity of the applicant to undertake the work.

We are aware that the cost of doing this work to city standards eg with granite curbs and proper soil prep for the trees and plants and concrete sidewalks etc is going to be substantial and we don't have any letter from a bank showing that Marco has the means to carry out the work nor an estimate of the cost.

It would be helpful if you had, at the PB Hearing, some idea of the cost and Marco could somehow confirm he has the financial capacity to undertake the work (does the owner want to chip in since it benefits his site?).

I am out for most of this afternoon but may try and call you tomorrow morning to understand where things have got to re the letter, draft conditions etc

thanks  
Jean

*Jean Fraser, Planner*

*City of Portland*

*874 8728*

>>> Jean Fraser 2/4/2015 5:29 PM >>>

Bob

I contacted Steve Mardigan today as I had not yet received a letter from him.

He raised a legal question with me regarding whether the letter would leave him vulnerable to having to pay for or complete the required improvement work. I spoke with our attorney and called him back with options to amend the letter and he asked me to send them to you so you could incorporate in the letter and he could consider further (please contact him).

Letter: As written but add:

- That SM expressly authorizes the works shown in the final plans and particularly wants all curbing to be granite;



- That SM disclaims any responsibility for the completion of the required improvements (or removal of unauthorized improvements) as associated with the conditional use approval.

If Steve is still uncomfortable with sending the letter, my attorney considers the original lease as valid RTI for us to review the project and if Steve came to the PB meeting and said whats in the letter I think that would serve the purpose of confirming that the owner is supportive.

Also I attach the draft conditions of approval (that would be recommended to the Planning Board if it is considered next week) and we are still finetuning these- ie they could change. Please make sure that Marco is aware of these (particularly the highlighted ones) as (if the project is approved) they will be enforced and if any are not complied with that would make the approval "void" and then the use would be in violation.

Please let me know if there are any concerns as I would prefer to discuss any with Marco before the Planning Board meeting rather than at the meeting.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

**Jean Fraser - Re: WORD version of the suggested condition 783 Forest**

**From:** Jennifer Thompson  
**To:** Jean Fraser  
**Date:** 2/4/2015 5:05 PM  
**Subject:** Re: WORD version of the suggested condition 783 Forest

Jean - in follow up to our call just now, I've looked at the site plan section of the code and, although it could be clearer, found this:

The Planning Authority shall determine whether the application contains all of the items required in (Sec 527) and the Zoning Administrator will conduct a zoning review for compliance with article III of this chapter. If the application is deemed incomplete or not in compliance with Chapter III, the applicant will be contacted in writing of the finding and the additional material required to complete the submission. A review of the application will not be conducted until the application is complete.

Here, I know that we reviewed the application - but we did that after he had abated the violations. It was only after the bulk of the review had been done that he brought the property back out of compliance. I think we can argue that the current violations render the application incomplete (??) such that the Board cant consider it. I'm not sure, however, whether that's a hard line folks want to draw at this point. I will say that I don't find any provision saying that the Board, once it takes up an application, can deny it based on existing violations. In the absence of express authorization in the ordinance for such a denial - I don't think we can recommend that.

So, again - this gets back to what you all want to do as a policy matter. If you're o.k. moving forward then fine. If you want to hold it until he moves the cars, I think there's support for that - but again, I don't think a recommendation to deny based on failure to do so is authorized.

>>> Jean Fraser 2/4/2015 3:54 PM >>>  
Jen

I left you a voice mail and would like a chat to pass on the comments from the owner and in particular answer the "legal" question he would like answered before he signs the "right, title and interest" letter that I have requested for the Board.

The owner has confirmed to me that cars are still parked on the 783 Forest lot as of now.

Regarding the conditions, your edits are good and thank you.

One question: the owner of the lot is a used car dealer and in his view the State will not license Marco's operation because the building does not have the required indoor repair area. We have included a condition requiring the State license prior to the start of car sales from the site. Is that condition a legal requirement for the car sales use? (I will also ask Ann about this but maybe its a business licensing issue)

thanks  
Jean

>>> Jennifer Thompson 2/4/2015 3:17 PM >>>  
some suggestions. Happy to talk if you'd like.

>>> Jean Fraser 2/4/2015 1:17 PM >>>  
Jen

This is attached as requested.

Thank you  
Jean

*not yet verified by staff for today  
but verified by Jen last week  
JFS*

*cars were removed from the site for awhile in mid Dec but photo is from Jan 26, 2015, and*

*\* on 1/30/15 Jen Thompson visited site + verified cars there + car sales taking place*



Jen observed cars +  
car sales.

**From:** Jennifer Thompson  
**To:** Fraser, Jean  
**CC:** Machado, Ann; Barhydt, Barbara; Margolis-Pineo, David; DiPierro, Philip  
**Date:** 1/29/2015 5:30 AM  
**Subject:** Re: letter to Marco re used car sales at 783 Forest

I went to 783 Forest yesterday. Initially, no one was there so I left my card with a note on the back telling him the cars need to be removed immediately or no planning board hearing. As I was leaving, a car pulled in. It was a man who told me he was meeting the dealer there (at a time he refused to give) to buy a car. He then got in the car (parked in the lot) and was checking it out.

So, it appears we now have parked cars and car sales. What are folks' thoughts on what they'd like to do here? I believe the conditional use permit can be denied for land use violations and I think an argument can similarly be made for site plan. I can also take him to court. Or we can proceed with the application. I'd welcome guidance.

>>> Jean Fraser 01/28/15 1:07 PM >>>  
Jen

1. Please see the draft "update" letter that I can mail to Marco or you could give to him if you see him;
2. Highlighted sections present a problem- Phil advises me that Marco will not be able to get a street opening permit from DPS until probably April and most of the work affects the "street" (ROW) - so (assuming Board approves plans etc) either we get a performance guarantee now and let him use the site for car sales without the improvements (Zoning would also have to give him the C/U permit before the work was completed) OR we delay him another 2-3 months until he can undertake the actual improvement work. How do you want to handle that?

Thanks  
Jean



Alex Jaegerman, FAICP  
 Division Director, Planning Division

January 29<sup>th</sup>, 2015

Changiz Fard  
 684 Baxter Blvd  
 Portland, ME 04103

Robert T Greenlaw, PLS  
 134 Portland Avenue  
 Old Orchard Beach, ME 04064

**Re: Site Plan Amendments: 783 Forest Avenue: Proposed automobile dealership  
 Conditional Use Application # 2014-235  
 Site Plan Application # 2014-236**

Dear Mr. Fard and Mr Greenlaw:

I am writing this update letter as I have not been able to reach Mr Fard by telephone or e-mail and wanted to be sure all parties involved with this project had the following information:

1. The proposed use is not yet approved- the following must take place before it is legal for cars to be parked on the site and/or for any car sales to take place on the site:
  - a. Final amendment proposals and plans need to be approved with conditions by the Planning Board;
  - b. Payment of a Performance Guarantee (which would be returned when the improvements are complete) and inspection fee;
  - c. Applicant to attend a pre-construction meeting with City staff before any work starts on the site;
  - d. Applicant get other permits and complete the improvements according to the final approval letter from the Planning Board;
  - e. Applicant obtain a Change of Use Permit from Inspections Division;
  - f. Applicant obtain the City Business License and the State Car Sales License.
2. The project is scheduled to be considered by the Planning Board on **Tuesday, February 10<sup>th</sup>, 2015** but I have been advised that if there are cars parked on the site then it can not go before the Planning Board. I suggest that you remove all cars immediately.
3. The attached plans were received today and are being reviewed; the general proposals are acceptable but there may be some minor details that still need to be revised.
4. Please note that for the Planning Board we also need (within the next few days) a letter from the owner of the site confirming that there is a current lease to Mr Fard for selling used cars from the site and that the proposed improvements (as shown on the plans) may also be undertaken by Mr Fard.

Please contact me at (207) 874-8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov) if you have any questions.

Thank you.

Sincerely,

Jean Fraser  
 Planner

CC.  
 Barbara Barhydt, Development Review Services Manager  
 David Margolis-Pineo, Deputy City Engineer  
 Ann Machado, Acting Zoning Administrator

Jeff Tarling, City Arborist  
 Thomas Errico, P.E., TY Lin Associates  
 Stephen E Mardigan, site owner

*Based on legal's com meetings - this letter checked + delivered to Mr Fard by Jen Thompson*



**Jean Fraser - RE: Final Notice of Violation for 783-785 Forest Ave.**

---

**From:** Ann Machado  
**To:** Marc Arnold  
**Date:** 1/26/2015 4:34 PM  
**Subject:** RE: Final Notice of Violation for 783-785 Forest Ave.  
**CC:** Jean Fraser

*State*

Marc -

As a condition of the final notice of violation dated 11/14/14 and received by certified mail on 11/20/14, Mr. Fard had thirty days to remove all the vehicles. An inspection showed that all the cars had been removed by 12/22/2014.

Mr Fard has applied to the Planning Division for a new Level I Site Alteration and a new Conditional Use application to go before the Planning Board. These has not been approved yet.

Once he gets the approvals from Planning, he also has to apply for a change of use permit with Inspections. Once that permit is issued and he receives a certificate of occupancy for the use he can get his state license approved by zoning.

He should not be parking any cars at the site until then.

Ann

Ann Machado  
Acting Zoning Administrator  
Planning & Urban Development  
Portland City Hall  
(207) 874-8709

>>> "Arnold, Marc" <Marc.Arnold@maine.gov> 1/22/2015 3:10 PM >>>

Hi Ann,

I see that Marco Fard has vehicles parked outside at 783 Forest Ave. again. He said he was all set with the City on zoning now.

Did he get approval from the City to park vehicles? Any restrictions? Can he apply for a used car dealer's license now?

Thanks!

from legal

Portland, Maine



Yes. Life's good here.

Danielle P. West-Chuhta  
Corporation Counsel

Jennifer L. Thompson  
Associate Counsel

Michael I. Goldman  
Associate Counsel

December 11, 2014

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

**RE: Project Name: Auto Dealership selling pre-owned cars**  
**Project ID: #2014-025 & #2013-044 CBL: 130-C-001**  
**Address: 783 Forest Avenue**

Dear Mr. Fard:

Thank you for meeting with us today. Barbara Barhydt, Development Review Services Manager, Jean Fraser, Planner, David Margolis-Pineo, Deputy City Engineer, and Rhonda Zarrara, Field Inspections Coordinator for Public Services were also in attendance. This letter is intended as a note of the key points of the meeting so that everyone with an interest in the property is aware of the City's expectations.

As we discussed, and as you have previously been told, your business is currently in violation of its approval from the Planning Board and the City's Code in a number of respects. Of primary concern is the fact that you are operating a car sales business, and storing cars associated with that business, on the property without having complied with the conditions of your approval. Specifically, you have failed to close the second curb cut as required by the Planning Board. Therefore, you are currently operating an unauthorized business. As you know, you have been issued a notice of violation and the City is preparing to take legal action to address those violations.

Following today's meeting we understand that, notwithstanding the Board's express requirement that you do so, you do not intend to close the northern curb cut because you and the owner of the property do not consider it workable for a number of reasons. You have indicated a desire to seek an amendment to the site plan and conditional use approval in order to remove that requirement. As we explained, that request must go back to the Planning Board for a final decision based on advice from staff.

Although we appreciate your desire to seek the necessary approvals, we also reiterate the fact that seeking an amendment to your prior approval does not relieve




you of your responsibility to comply with the City's Code now. Therefore, in order to bring your business and your use of this property into compliance, you agreed today that you would immediately remove all vehicles from the lot and stop all car sales from that location. At the very latest, this needs to be done prior to the date when the City would initiate enforcement proceedings (which would lead to a court hearing) which was advised to you as being on or just after December 21, 2014.

We agreed that once we have verified that the cars have been removed from the site, you would be able to seek an amendment to the previous site plan and conditional use requirements. At that time the Planning staff would work with you and your technical advisers to try and find a safe and workable amendment. The Traffic Engineer would need to understand why you need the two curb cuts, how you would limit the number of cars parked on the site, and how you would ensure safety for pedestrians on the sidewalk/crosswalk and for traffic in Forest Avenue. Until there is a specific proposal to address those concerns, the Traffic Engineer would not be able to confirm whether the northern curb cut can stay open or not.

Please note that the sidewalk along the frontage of the site is required to be cleared of snow per the City ordinances. Also please note that the site plan layout should identify the location for snow storage for snow from the site.

If you have any questions regarding the site plan / conditional use amendment process, please contact Barbara Barhydt (874 8699) or Jean Fraser (874 8728). If you have any questions regarding the legal enforcement process, I suggest you seek advice from your lawyer.

Sincerely,



Jennifer Thompson  
Associate Corporation Counsel

Copies to:

Alex Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Ann Machado, Acting Zoning Administrator  
Phil diPierro, Development Review Coordinator, Planning  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Thomas Errico, P.E., TY Lin Associates (Traffic Engineering Reviewer)  
City Business Licensing  
Owner of the property, Stephen E Mardigan (460 Baxter Blvd, Portland, ME 04103)



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

## FINAL NOTICE OF VIOLATION

November 14, 2014

Changiz Fard  
684 Baxter Blvd  
Portland, Maine 04103

RE: 783 Forest Avenue - #2013-044 &amp; 2014-025 – CBL: 137-C-001- B-2 Zone

Dear Mr. Fard,

On September 26, 2014 I hand delivered a first notice of failure to comply with conditions of approval. The City has not heard from you or any representatives for you during the previous 35 days to comply.

The property located at 783 Forest Avenue is currently in violation of the Planning Board approval dated June 24, 2014 for the display and sale of automobiles. The property is also in violation of permitted/conditional uses as outlined in sections 14-14-183 (a) 5 of the City of Portland's Land Use Zoning Ordinance, and of Section 28-57 of the City's Traffic and Motor Vehicle Ordinance, which prohibits cars being parked on the street for the purpose of "displaying it for sale" or "advertising" .

Based on your violation of the above-cited City Ordinances, I hereby order you to remove all cars from the property located at 783 Forest Avenue and from any of the streets surrounding such location within 30 days of the receipt of this letter. I also order you to cease any and all sales of automobiles from 783 Forest Avenue. If you fail to comply with this order within 30 days of receiving this letter, I will be forced to recommend that the City of Portland take immediate enforcement action against you. I remind you that each violation of the City's Ordinances is subject to a minimum fine of \$100 per violation. Each day that you continue to operate without a valid approval and each car sold in violation of the City's Ordinances constitute separate violations. Additionally, if the City prevails in any enforcement action against you, it will be entitled to recover its court costs and attorneys' fees from you.

Clearly it is in your best interest to resolve this matter out-of-court. Please contact the Zoning Office immediately to discuss your intentions regarding this violation.

You have the right to appeal this decision. If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.



Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

Very truly yours,

A handwritten signature in blue ink that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine

Cc: Jean Fraser, Planning  
Barbara Barhydt, Planning  
Philip Dipierro, Planning  
Jennifer Thompson, Legal  
Ann Machado, Zoning  
City Clerk, licensing  
Bob Greenlaw, Agent for Site Plan and Conditional Use Application  
Stephen Mardigan, Property Owner



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

## NOTICE OF FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

September 26, 2014

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

RE: 783 Forest Avenue - #2013-044 &amp; 2014-025 – CBL: 137-C-001

Dear Mr. Fard,

This letter is to inform you that although the Planning Board approved your Conditional Use on June 24, 2014, there are still steps that you must take in order to complete the approval process. Please review the list of conditions of approval that are listed on pages 3 and 4 of the letter from the Planning Board. All of these conditions must be completed before the site plan process is completed and before you may use your property in accordance with the Planning Board approval. If you have any questions concerning the listed conditions, please feel free to contact Jean Fraser in the Planning Division at (207) 874-8728.

Please note that until you comply with the required conditions of your approval, you are not permitted to store any vehicles on the property. Additionally, a building permit, a City Clerk's license for automobile sales and a State license for automobile sales, cannot be issued by the City until you have completed all of the conditions of approval. I encourage you to complete the site plan conditions as soon as possible. If you fail to do so within 35 days of the date of this letter (i.e. by October 31, 2014), the City may take enforcement action against you, which may include removal of the cars currently being stored on your lot and monetary penalties.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, Maine  
(207) 874-8695Cc: Planning Division  
Corporation Counsel  
City Clerk Licensing  
Bob Greenlaw, Agent for Site Plan and Conditional Use Application  
Stephen Mardigan, Property Owner





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

January 25, 2013

Stephen E. Mardigan  
460 Baxter Blvd.  
Portland, ME 04103

RE: 783-789 Forest Avenue – 137-C-001 – B-2 Zone

Dear Mr. Mardigan,

It has come to the City's attention that you have changed the use of the property located at 783 Forest Avenue. The last approved use was for an office and truck storage for CN Brown Heating Oil. A previous Citgo gas station was discontinued when the underground tanks were removed in 2005. Since then, the pumps and canopy have been removed. Currently the property is being used as a huge off-street parking lot and/or automobile sales lot. The lot is stuffed with 40-50 automobiles.

Please note that B-2 Zone does not list off-street parking as a permitted use (14-182). Automobile sales are considered a conditional use to the Planning Board (14-183). This office has not received any application for a change of use declaring the new use as required.

All automobiles shall be removed within 10 days of this letter. If you wish to change the use from the previous office and oil truck storage use, you will first be required to apply for a building permit stating your intended use. We will need appropriate plans showing your use. Depending upon what your requested use is, you may need to file for a site plan review and a conditional use appeal in the Planning Division,

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator



**Marge Schmuckal - 783 Forest Avenue**

**From:** Michael Charek <michaelcharek@gmail.com>  
**To:** Marge Schmuckal <mes@portlandmaine.gov>  
**Date:** 1/21/2013 2:46 PM  
**Subject:** 783 Forest Avenue

In the snow shot there are 8 cars parked in a row from Forest Ave up Hartley Street. 6 of them have no tags, 3 of those have dealer disclosure stickers in the window.









Department of  
The Secretary of State

Bureau of Motor Vehicles

RECEIVED

07 2012

Dept. of Building Inspections  
City of Portland Maine

## Recycler License Zoning Renewal

THE COMPLETION OF THIS FORM IS REQUIRED FOR THE RENEWAL OF YOUR RECYCLER LICENSE. IT MUST BE COMPLETED AND SIGNED BY AN AUTHORIZED CITY/TOWN OFFICIAL, AND THE OFFICIAL'S SIGNATURE MUST BE NOTARIZED.

This is to certify that Merlin Motors is in compliance with all  
Trade name of recycler business  
640 Forest Ave, Portland, ME 125-M-001 -B-2b Zone  
Local building and all zoning and land use regulatory states, laws and ordinances, including  
the issuance of all necessary permits required for the operation of this business.

Marge Schmuckel  
Signature of authorized city/town official

Zoning Administrator  
Official Title

Portland, ME  
Signing for Town/City of

### NOTARIZATION REQUIRED

State of Maine  
County of Cumberland Date August 8, 2012

Then personally appeared the above named MARGE Schmuckel  
Town/City Official Signature

And acknowledge for foregoing instrument to be his/her free act and deed.

Before Me Mary P.D.  
Notary Public / Justice of the Peace

Mary P. Davis, Notary Public  
State Of Maine  
My Commission Expires 07/27/2017  
Town/City Official's Signature to be Notarized



## Jean Fraser - Re: 783 Forest- letter from Steve Mardigan and draft conditions of approval

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 2/4/2015 5:29 PM  
**Subject:** Re: 783 Forest- letter from Steve Mardigan and draft conditions of approval  
**Attachments:** second Draft suggested conds of Approval 783 Forest PB.pdf

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Bob

I contacted Steve Mardigan today as I had not yet received a letter from him.

He raised a legal question with me regarding whether the letter would leave him vulnerable to having to pay for or complete the required improvement work. I spoke with our attorney and called him back with options to amend the letter and he asked me to send them to you so you could incorporate in the letter and he could consider further (please contact him).

Letter: As written but add:

- That SM expressly authorizes the works shown in the final plans and particularly wants all curbing to be granite;
- That SM disclaims any responsibility for the completion of the required improvements (or removal of unauthorized improvements) as associated with the conditional use approval.

If Steve is still uncomfortable with sending the letter, my attorney considers the original lease as valid RTI for us to review the project and if Steve came to the PB meeting and said whats in the letter I think that would serve the purpose of confirming that the owner is supportive.

Also I attach the draft conditions of approval (that would be recommended to the Planning Board if it is considered next week) and we are still finetuning these- ie they could change. Please make sure that Marco is aware of these (particularly the highlighted ones) as (if the project is approved) they will be enforced and if any are not complied with that would make the approval "void" and then the use would be in violation.

Please let me know if there are any concerns as I would prefer to discuss any with Marco before the Planning Board meeting rather than at the meeting.

thank you  
Jean

*Jean Fraser, Planner  
City of Portland  
874 8728*

**2.4.2015: DRAFT SUGGESTED CONDITIONS  
for PB Report for Feb 10<sup>th</sup> 2015**

**IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION**

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. *Driveway Separation*

The Planning Board **waives / does not waive** the requirements of *Technical Manual Section 1.7.1.7*, which sets out standards for minimum driveway separation, to allow the existing curb cuts/driveways to remain as modified by the approved proposals in Plan 2. This waiver is based on the fact that the driveways are an existing condition and the traffic generation of the proposed use is low.

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:

- i. That the site access/egress conditions for vehicles are considered to be acceptable in view of the low traffic generation and minimal service requirements of the used car sales use. If the use of the site changes so that the type and/ or number of associated vehicles changes, the project site should be reviewed by the Planning Authority to ensure that the layout provides for safe and efficient vehicle movements; and
- ii. That the number of vehicles to be parked on the site shall not exceed 19 in total (including display, customer and employee parking) in order to maintain the drive access and ensure that cars do not back out of either driveway; and
- iii. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including, but not limited to, any part of Hartley Street) nor overhang the the City's right-of-way, sidewalk or property outside of the site; if such parking is documented as taking place, enforcement action may be pursued by the City; and
- iv. That all car sales and other activities associated with the car dealership use shall take place only on the privately owned part of the site. No car sales or any other activities associated with the car dealership may take place in the City right of way, sidewalk, or on property outside of the site; and
- v. A Performance Guarantee shall be posted covering the cost of the improvements shown on the approved amended plans. No cars may be parked on the site and no car sales or other activities associated with the car dealership use may take place from the site until



**2.4.2015: DRAFT SUGGESTED CONDITIONS  
for PB Report for Feb 10<sup>th</sup> 2015**

the Performance Guarantee described herein has been posted and a change of use permit has been obtained from the Inspections Division. All of the approved improvements shall be completed within 4 calendar months of the date the Performance Guarantee is posted.

Failure to comply with any of the above-stated conditions of approval, in whole or in part, shall render this approval void.

*CONTINUED NEXT PAGE*

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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. No work shall commence on any site improvements until such time as the applicant has:
  - 1) posted a Performance Guarantee in accordance with the standard conditions of approval;
  - 2) obtained all required City permits including a street opening permit (obtained by a licensed contractor) from the Department of Public Services; and
  - 3) attended a mandatory preconstruction meeting with City staff; and
- ii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards; and
- iii. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- iv. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
- v. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vi. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- vii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting"; and
- viii. That separate permits are required for any signs on the site prior to their installation.

Failure to comply with any of the above-stated conditions of approval, in whole or in part, shall render this approval void.

## Jean Fraser - 783 Forest- urgently need SMardigan letter and revised plans

---

**From:** Jean Fraser  
**To:** Greenlaw, Robert  
**Date:** 2/3/2015 11:34 AM  
**Subject:** 783 Forest- urgently need SMardigan letter and revised plans  
**Attachments:** PB Lgl Ad 2-10-15.pdf

---

Bob

We are trying to take this to the Planning Board as previously advised; please see the attached Legal Ad which shows that your item is currently scheduled as the second item on the hearing agenda which starts at **7pm on tuesday Feb 10th**. The first item will not be short; nearer the meeting date I will try and give a better estimate regarding your item.

Have you sent me the letter from Steve Mardigan? This is really essential as its proof of Right, Title and Interest which is an Ordinance requirement.

Also I need revised plans that address all of the comments that I sent before (eg re no of trees; finish the revision to "Public Services Department"; add the comments on C5) . The latest time for us to get any docs to go into the Report is Thursday lunchtime. It would be better for me to have them today so reviewers can "sign off" on everything and the Report can be short and simple.

Thank you  
Jean

*Jean Fraser, Planner*  
*City of Portland*  
 874 8728

>>> Robert Greenlaw <bobgreenlaw504@gmail.com> 1/27/2015 5:54 PM >>>

I will have a meeting with Steve tomorrow to have him sign the letter about the lease and have a revised letter to you by the time you open. I have attached the revised plans you asked for.

Bob Greenlaw

On Mon, Jan 26, 2015 at 5:05 PM, Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)> wrote:

Bob

1. The site is currently in violation as cars have been re-parked on the site as shown in photo attached as taken today. Marco was advised by our Attorney that the site needs to be "legal" for us to take the project to the Planning Board hearing. So it will not go to the Planning Board if cars are parked there and he is jeopardizing the Feb 10th date that is currently tentatively scheduled. It would be best if he removed the cars immediately. I called Marco a few minutes ago to advise him of this but the 'phone is on voicemail and the



voicemail system is full. Maybe you can contact him- or maybe you can contact Steve who can contact Marco??

## 2. Comments on the plans submitted last week:

### Comments on **Plan C2:**

- The plan is OK from Tom Errico's viewpoint;
- Please correct the note #7 re the trees so that it refers to 5 trees and adds in low grass and shrubs; also add a symbol for "tree";
- The note on the plan re the trees and buffer should also refer to Plan C5 as that mentions the grass & shrubs;
- Please correct note #6 regarding the number of parking spaces;
- Note 12- please change to City of Portland Public Services Department;
- This plan should be Rev 1 as this is a new amendment application.

### Comments on **Plan C5:**

- Please correct the note that refers to the buffer so that it says 5 street trees over the 3 sections
- Please add the following notes:
  - Applicant shall obtain a Street Opening Permit by a licensed contractor BEFORE starting work;
  - Applicant must have a mandatory pre-construction meeting (before any work is started) with city staff as listed in the approval letter;
- Same comment re revisions number.

### **Plan C3 (as submitted 12.23.2014- see attached)**

- I am not sure that the detail for "crosswalk" is the correct one for the sidewalk extensions. I will get back to you on this as I think we need a sidewalk cross section.
- This plan also needs the notes as worded above re street opening permit and pre-construction meeting.

I do need the letter from Steve Mardigan and the letter you said you were preparing that addresses the new 14-474 text. It would be good to get these Wed AM at the latest so I can confirm to Barbara that this Hearing item can be advertized for the **Feb 10th** date (assuming that the parked cars don't cause others to remove it from the PB schedule at this stage).

thank you

Jean

PS the Portland City Hall offices are closed tomorrow (tuesday) so I am not available to discuss until Wednesday.

*Jean Fraser, Planner*

*City of Portland*

874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

**IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION**

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

1. *Driveway Separation*

The Planning Board **waives / does not waive** the requirements of *Technical Manual Section 1.7.1.7*, which sets out standards for minimum driveway separation, to allow the existing curb cuts/driveways to remain as modified by the approved proposals in Plan 2. This waiver is based on the fact that the driveways are an existing condition and the traffic generation of the proposed use is low.

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue 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:

- i. That the site access/egress conditions for vehicles are considered to be acceptable in view of the low traffic generation and minimal service requirements of the used car sales use. If the use of the site changes so that the type and/ or number of associated vehicles changes, the project site should be reviewed by the Planning Authority to ensure that the layout provides for safe and efficient vehicle movements; and
- ii. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented as taking place, enforcement action may be pursued by the City; and
- iii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if such activities are documented as taking place, enforcement action may be pursued by the City; and
- iv. That no cars shall be parked on the site and no car sales shall take place from the site until the Performance Guarantee has been posted covering the cost of the improvements shown on the approved amended plans; and until a change of use permit has been obtained from the Inspections Division. All of the approved improvements shall be completed within 4 calendar months of the date the Performance Guarantee is posted.

**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 for the public hearing on February 10<sup>th</sup>, 201 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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) →  
2) →  
3) →
- i. No work shall commence on any site improvements until such time as the applicant has 1) posted a Performance Guarantee in accordance with the standard conditions of approval; 2) obtained all required City permits including a street opening permit (obtained by a licensed contractor) from the Department of Public Services; and 3) attended a mandatory preconstruction meeting with City staff; and
  - ii. That the improvements to the sidewalks and curbing be completed in accordance with the City of Portland Technical Standards; and
  - iii. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
  - iv. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
  - v. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
  - vi. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
  - vii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting"; and
  - viii. That separate permits are required for any signs on the site prior to their installation.

## ATTACHMENTS

### Report attachments

1. Peer Engineering Reviewer, Dave Senus 5.30.2014
2. Zoning Administrator, Marge Schmuckal 6.5.2014
3. City Arborist, Jeff Tarling 6.
4. Traffic Engineering Reviewer, Tom Errico,
5. Department of Public Services,
6. Aerial showing site and parcel

### Public Comments

PC 1 ...

### Applicants submittal

- A. Level I: Amended Site Alteration Site Plan Application
- B. Amendment Conditional Use Application
- C. Right, title and interest
- D. Conditional use analysis (letter) January 2015

### Plans

- P1. Existing conditions/survey
- P2. Proposed improvements (site plan)
- P3. Details
- P4. Details



## 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:** 783 Forest Avenue

**CHART/BLOCK/LOT:** 137 C 001

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

Changiz Fard is the lessee of 783 Forest Ave. Stephen E. Mardigan is the owner

(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.

The property was previously used as an office for CN Brown Oil. It also had oil delivery trucks parked there when not in use. Before that it was a gas station. The tanks have been removed.

**TYPE OF CONDITIONAL USE PROPOSED:**

Used automobile dealer.

**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

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

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

Address the following criteria in your written application and any applicable conditional use standards

Dept. of Planning and Urban Development ~ Portland City Hall ~ 389 Congress St. ~ Portland, ME 04101 ~ ph (207)874-8721 or 874-8719 - 1 -



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; and
- d. Zone Related Criteria

**CONTACT INFORMATION:**

<p><b>Applicant's Contact for electronic plans</b>          Name: Robert T. Greenlaw PLS          e-mail: Bobgreenlaw504@gmail.com          work #: 207-289-4546</p>	
<p><b>Applicant – must be owner, Lessee or Buyer</b>          Name: Changiz Fard          Business Name, if applicable:          Address: 684 Baxter Blvd          City/State : Portland                      Zip Code: 04103</p>	<p><b>Applicant Contact Information</b>          Work #          Home#          Cell #    207-650-1100                      Fax#          e-mail:</p>
<p><b>Owner – (if different from Applicant)</b>          Name: Stephen E. Mardigan          Address: 460 Baxter Blvd          City/State : Portland                      Zip Code: 04103</p>	<p><b>Owner Contact Information</b>          Work #          Home#          Cell #    207-831-8762                      Fax#          e-mail:</p>
<p><b>Billing Information</b>          Name: Changiz Fard          Address: 684 Baxter Blvd          City/State : Portland                      Zip Code: 04103</p>	<p><b>Billing Information</b>          Work #          Cell # 207-650-1100                      Fax#          e-mail:</p>

## APPLICATION FEES:

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

\_\_\_ Conditional Use \$100.00

The City invoices separately for the following:

- Notices (\$.75 each)
- Legal Ad (% of total Ad)
- Planning Review (\$40.00 hour)
- Legal Review (\$75.00 hour)

Third party review is assessed separately.

### Site Plan Application

Please submit a separate application for the applicable site plan review. Fees and charges are listed within the site plan application

## 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](http://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.

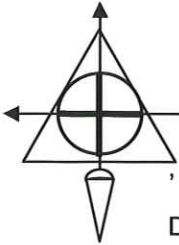
**This application is for a Conditional Use review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction,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

<b>Signature of Applicant:</b>  Robert T. Greenlaw	<b>Date:</b> <b>December 23, 2014</b>
--	--

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.



## ROBERT T. GREENLAW, PLS

December 23, 2014

City of Portland  
Planning and Urban Development Department  
Planning Division  
389 Congress Street  
Portland Maine 04101

Conditional Use Appeal for an Automobile Dealership at 783 Forest Ave

As a representative of the lessee of 783 Forest Avenue, Changiz Fard, I would like to ask the planning department and or Planning Board to grant our request to authorize a conditional use of the above address to operate as a Pre Owned Automobile Dealership.

Listed as a conditional use in section 14-183 of the zoning ordinance for the B-2 zone this property will continue to serve the neighborhood as it has since 1968. Originally a Citgo Gas Station, this property has always been associated with automobiles in some way.

Most recently C. N. Brown owned the property and used it as an oil delivery location.

The site will remain as it has with two entrances/exits that are not within 30 feet of intersection No entrance or exit for vehicles is 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 proposed conditional use is actually a traditional use along Forest Avenue. There are currently two used car dealers along Forest Avenue. This property is suited for the proposed use as there enough space to park at least 10 automobiles while still meeting the design guidelines of creating a 3 foot wide planted buffer in front of the property. The applicant will repair the sidewalk in front of the site to City of Portland specifications. They will also add approximately 15 feet of new curb on the southern most entrance to make the width 28 feet as requested by the City.

The parking lot is paved and in fair condition with the City of Portland concrete sidewalks providing safe passage for pedestrians.

To the north and south of the property are commercial buildings with the railroad to rear of the property. Commercial properties are directly across the street with two residences to the south of the commercial uses.

No sign is planned for the property at this time. There are two abandoned sign bases that are still in place but these will not be used at this time.

No mechanic work will take place on the parcel with very limited auto detailing taking place. Also, no dumpster is planned as the trash is currently picked up once a week by a private contractor.

We look forward to working with the planning staff in developing this conditional use.

Sincerely,  
Robert T. Greenlaw PLS

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

1



# ROBERT T. GREENLAW, PLS

## Written Response to Conditional Use Standards:

### Section 14-183:

(a) Business permitted to in the B-2 zone

#### **(a) 5. Automobile dealerships**

Signs:

No signs are planned on the street line side of the property.

Circulation:

**The existing entrances shall be used for the dealership as shown on the attached proposed site plan. They are not within 30 feet of any intersection.**

6. Drive through:

**No drive through window is planned for the dealership.**

(g) Conditions specific to major or minor auto service stations, car washes and automobile dealerships.

**i. A 3 foot wide landscape buffer is planned to be installed along the street line as shown on the attached "Proposed Site Plan".**

### Section 14-474

1. An application has been submitted with the appropriate fee

a. The applicant's name and address is Changiz Fard 684 Baxter Blvd Portland, Maine 04103. Changiz is a lessee of the of the subject property.

b. The owner is Stephen E. Mardigan 460 Baxter Blvd Portland Maine 04103

c. The address of the subject property is 783 Forest Ave Portland Maine

d. The subject parcel falls in the B2 zone and is currently a former gas station last used as a home oil delivery office.

e. As noted above, an automobile dealership is a conditional accepted use in the B2 zone as mentioned in Section 14-183.

f. The applicant seeks to use the property as a previously owned automobile dealership.

g. A preliminary site plan is attached hereto.

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

2

# ROBERT T. GREENLAW, PLS

## Assessment of Zoning Compliance:

The building was constructed in 1968 with gas pumps and a canopy in front of the building. The pumps, tanks and canopy have been removed and the site remediated. While the building does not meet the B2 zone requirement of having the building near the street it does meet setback requirements for the side and rear setbacks.

## Evidence of Financial and Technical capacity:

A statement of Mr. Fard's financial capability has been submitted to the Building Inspection Department.

## Required State and Federal Permits:

The State of Maine Car dealer's license has been submitted to the State and is waiting on the Conditional Use being approved by the City of Portland.

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

3





## **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 sq. ft., or creation of other impervious surface areas between 1,000 and 7,500 sq. ft..
- 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**  
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389 Congress Street  
(207) 874-8721 or (207) 874-8719

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







**Application Submittal**

Refer to the application checklist (page 5) for a detailed list of submittal requirements.

All site plans and written application materials must be submitted in digital format. Each plan shall be submitted as a separate file and named as noted on page \_\_\_\_?. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), 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).

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 Site Plan review only. A Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.**

<b>Signature of Applicant:</b> Robert T. Greenlaw	<b>Date:</b> December 23, 2014
--	-----------------------------------

**PROJECT DATA**

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

<b>Total Area of Site</b>	12,111.3	sq. ft.
<b>Proposed Total Disturbed Area of the Site</b>	555.4	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland		
<b>Impervious Surface Area</b>		
Impervious Area (Existing)	10299.7	sq. ft.
Impervious Area (Proposed)	9744.2	sq. ft.
<b>Parking Spaces</b>		
Parking Spaces (Existing)	18	
Parking Spaces (Proposed)	17	
Handicapped Spaces (Proposed)	1	



## General Submittal Requirements – Level I Site Alteration

Applicant Checklist	Planner Checklist	Number of Paper Copies	Submittal Requirement
<del>€</del> x	€	1	Completed application form.
€	€	1	Application fees.
<del>€</del> x	€	1	Written description of project.
<del>€</del> x	€	1	Evidence of right, title and interest.
€	€	1	Copies of required state and/or federal permits.
<del>€</del> x	€	1	Written assessment of proposed project's compliance with applicable zoning requirements.
€	€	1	Written description of existing and proposed easements or other burdens.
€	€	1	Written requests for waivers from individual site plan and/or technical standards.
<del>€</del> x	€	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
<del>€</del> x	€	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<del>€</del> x	€	1	<b>Site Plan Including the following:</b>
<del>€</del> x	€		▪ Existing structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone)
<del>€</del> x	€		▪ Location and dimension of existing and proposed paved areas.
<del>€</del> x	€		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, utility connections, roadway improvements).
<del>€</del> x	€		▪ 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.
€	€		▪ Details of proposed pier rehabilitation (Shoreland areas only).
<del>€</del> x	€		▪ Existing utilities.
<del>€</del> x	€		▪ Existing and proposed grading and contours.
<del>€</del> x	€		▪ Proposed stormwater management and erosion controls.
<del>€</del> x	€		▪ Total area and limits of proposed land disturbance.
<del>€</del> x	€		▪ Existing vegetation to be preserved and proposed site landscaping.
<del>€</del> x	€		▪ Existing and proposed easements or public or private rights of way.

**Reminder: All items submitted must be submitted in digital format in addition to the paper copies referenced above on page 4.**

## 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.



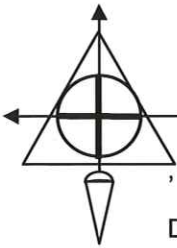
### PORTLAND FIRE DEPARTMENT SITE REVIEW FIRE DEPARTMENT CHECKLIST



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





## ROBERT T. GREENLAW, PLS

December 23, 2014

City of Portland  
Planning and Urban Development Department  
Planning Division  
389 Congress Street  
Portland Maine 04101

Conditional Use Appeal for an Automobile Dealership at 783 Forest Ave

As a representative of the lessee of 783 Forest Avenue, Changiz Fard, I would like to ask the planning department and or Planning Board to grant our request to authorize a conditional use of the above address to operate as a Pre Owned Automobile Dealership.

Listed as a conditional use in section 14-183 of the zoning ordinance for the B-2 zone this property will continue to serve the neighborhood as it has since 1968. Originally a Citgo Gas Station, this property has always been associated with automobiles in some way.

Most recently C. N. Brown owned the property and used it as an oil delivery location.

The site will remain as it has with two entrances/exits that are not within 30 feet of intersection No entrance or exit for vehicles is 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 proposed conditional use is actually a traditional use along Forest Avenue. There are currently two used car dealers along Forest Avenue. This property is suited for the proposed use as there enough space to park at least 10 automobiles while still meeting the design guidelines of creating a 5 foot wide planted buffer in front of the property. The applicant will repair the sidewalk in front of the site to City of Portland specifications. They will also add approximately 15 feet of new curb on the southern most entrance and 17 feet to the northern most entrance to make the width 24 feet as requested by the City.

The parking lot is paved and in fair condition with the City of Portland concrete sidewalks providing safe passage for pedestrians.

To the north and south of the property are commercial buildings with the railroad to rear of the property. Commercial properties are directly across the street with two residences to the south of the commercial uses.

No sign is planned for the property at this time. There are two abandoned sign bases that are still in place but these will not be used at this time.

No mechanic work will take place on the parcel with very limited auto detailing taking place. Also, no dumpster is planned as the trash is currently picked up once a week by a private contractor.

We look forward to working with the planning staff in developing this conditional use.

Sincerely,

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

1

# ROBERT T. GREENLAW, PLS

Robert T. Greenlaw PLS

Written Response to Conditional Use Standards:

Section 14-183:

(a) Business permitted to in the B-2 zone

**(a) 5. Automobile dealerships**

Signs:

No signs are planned on the street line side of the property.

Circulation:

**The existing entrances shall be used for the dealership as shown on the attached proposed site plan. They are not within 30 feet of any intersection.**

6. Drive through:

**No drive through window is planned for the dealership.**

(g) Conditions specific to major or minor auto service stations, car washes and automobile dealerships.

**i. A 5 foot wide landscape buffer is planned to be installed along the street line as shown on the attached " C-2 Proposed Site Plan".**

Section 14-474

1. An application has been submitted with the appropriate fee

a. The applicant's name and address is Changiz Fard 684 Baxter Blvd Portland, Maine 04103. Changiz is a lessee of the of the subject property.

b. The owner is Stephen E. Mardigan 460 Baxter Blvd Portland Maine 04103

c. The address of the subject property is 783 Forest Ave Portland Maine

d. The subject parcel falls in the B2 zone and is currently a former gas station last used as a home oil delivery office.

e. As noted above, an automobile dealership is a conditional accepted use in the B2 zone as mentioned in Section 14-183.

f. The applicant seeks to use the property as a previously owned automobile dealership.

g. A preliminary site plan is attached hereto.

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

2



# ROBERT T. GREENLAW, PLS

## Assessment of Zoning Compliance:

The building was constructed in 1968 with gas pumps and a canopy in front of the building. The pumps, tanks and canopy have been removed and the site remediated. While the building does not meet the B2 zone requirement of having the building near the street it does meet setback requirements for the side and rear setbacks.

The volume of traffic will be less than the surrounding businesses as the dealership will generate an average of 5 customers a day.

The site will have trash picked up by a private contractor once a week or as needed. Snow will be removed from the site by a private contractor. Lights shall be cut-off type lights that will not cast glare over the boundary line to abutting lots. Also the time of business shall be approximately 8:00 am to 6:00 pm thus limiting the activity on the site.

The planted buffer, reduced automobile display and prohibition of off-site parking will make this site more compatible with the surrounding neighborhood.

## Evidence of Financial and Technical capacity:

A statement of Mr. Fard's financial capability has been submitted to the Building Inspection Department.

## Required State and Federal Permits:

The State of Maine Car dealer's license has been submitted to the State and is waiting on the Conditional Use being approved by the City of Portland.

134 Portland Ave.  
Old Orchard Beach, Maine 04064  
Bobgreenlaw504@gmail.com  
207-289-4546

3

3/27/11

## MODIFIED GROSS LEASE

785 Forest Avenue, Portland, Maine

This LEASE AGREEMENT (the "Lease") is made as of July 12, 2011 between **Stephen E. Mardigan** ("Landlord"), and **Changiz(aka Marco) Fard** ("Tenant").

Landlord hereby agrees to lease to Tenant and Tenant hereby agrees to hire from Landlord, subject to all of the terms and conditions hereinafter set forth, a portion of the land and building at 785 Forest Ave, Portland, Maine (the "Leased Premises").

### BASIC LEASE TERMS

1. **Building:** 785 Forest Ave, Portland, Maine.
2. **Leased Premises and Leased Premises Areas:** Rentable Area of the Leased Premises: 660 square feet. See attached.
3. **Initial Base Rent:** Initial Rent Monthly Installments: \$2,000.00 through June 30, 2012. Beginning July 1, 2012 monthly rent will go up to \$2,500.00.
4. **Initial Term:** One (1) Year, commencing on July 1, 2011. Plus one (1) year renewal at \$2,500 per month.
5. **Tenant Responsibilities:** Tenant is responsible for all repairs and maintenance (including snow plowing and removal) on the property and building. Tenant is responsible for all utilities servicing the property.
6. **Tenant Insurance:** Tenant is required to carry liability insurance naming the Landlord as additional insured and must show proof of insurance prior to any work commencing on the property.
7. **Rent Commencement Date:** July 12, 2011. Rent will be due on the first of the month starting on August 1, 2011.
8. **Late Fee:** \$200 late fee will be assessed after the 3<sup>rd</sup> of the month.
9. **Termination:** If the rent is not paid by the 10<sup>th</sup> of the month, this agreement is terminated and the Tenant shall immediately vacate.
10. **Permitted Uses:** Used car sales and related business.
11. **Landlord's Work:** None. The Leased Premises are provided "AS IS." Tenant acknowledges that Tenant may be required to make additional improvements to the Leased Premises to make it usable for its purposes, and that the Rent reflects the "AS IS" nature of the Leased Premises and the limited nature of the Landlord's Work. Landlord is not responsible for any permitting or worked required by the State or City of Portland pertaining to the licensing or use of property for auto sales.



12. **Addresses for Notices:**

Landlord:  
460 Baxter Boulevard  
Portland, ME 04103  
Attn: Stephen E. Mardigan


Tenant:  
684 Baxter Boulevard  
Portland, ME 04103  
Attn: Changiz Fard

13. All payments payable under this Lease will be picked up by the Landlord on the 1<sup>st</sup> of every month.

IN WITNESS WHEREOF, the parties hereto have executed this Lease, consisting of the foregoing provisions incorporated herein by this reference, as of the date first above written.

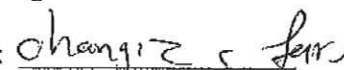
"Landlord"

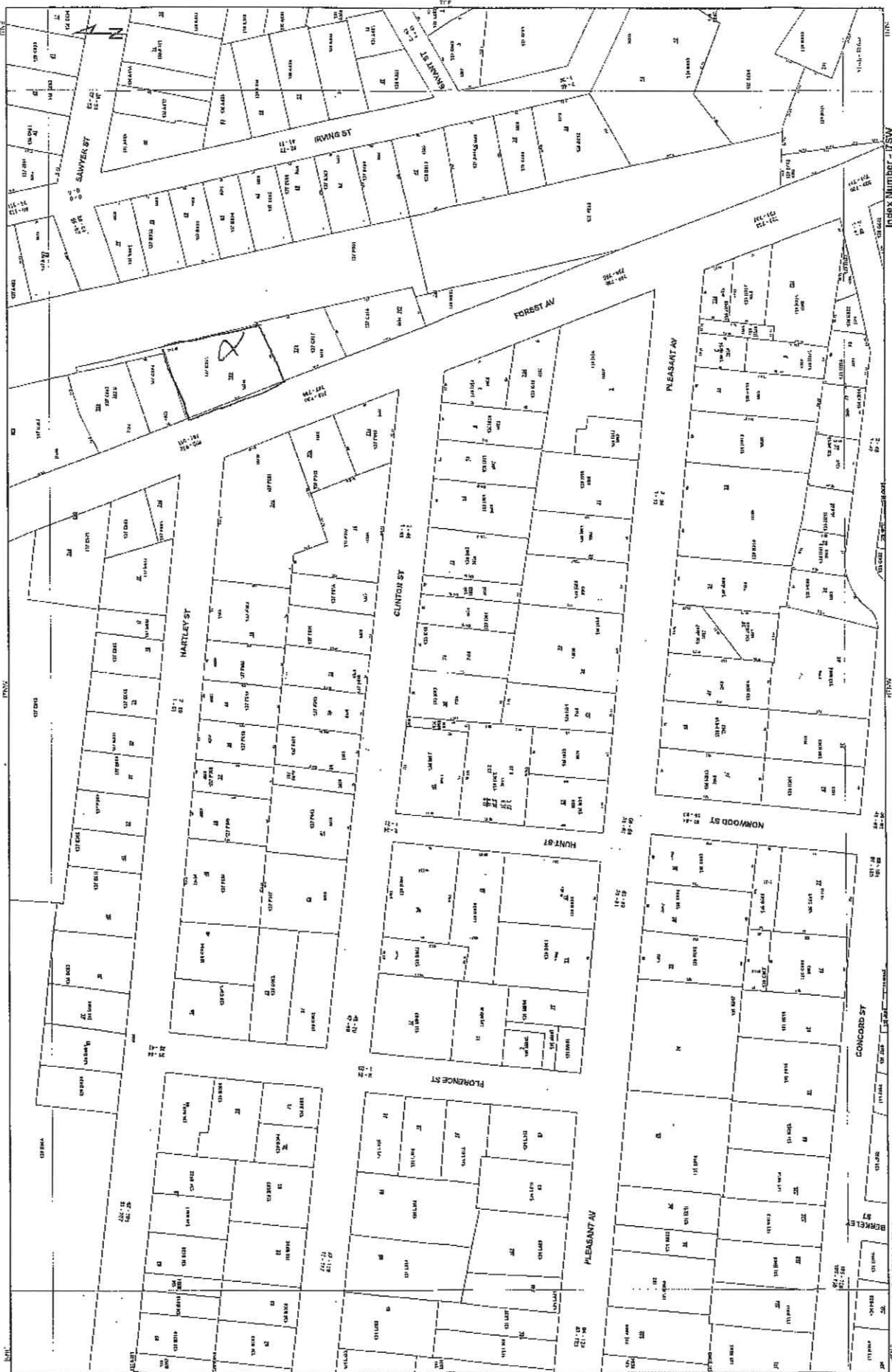
**Stephen E. Mardigan**

By:   
Stephen E. Mardigan

"Tenant"

**Changiz Fard**

By:   
Changiz Fard



Index Number - USW

April 1, 2006 by 2010



TRUSTEE'S DEED

**GERALD GROSS, in his capacity as Successor Trustee of the J.G. REALTY TRUST dated February 1, 1973 with any amendments thereto,**

of 17489 Via Capri, Boca Raton, FL 33496

for consideration paid, grants to

**STEPHEN E. MARDIGAN**


of 460 Baxter Blvd., Portland, ME 04103, with WARRANTY COVENANTS, the following described real property in Portland, County of Cumberland and State of Maine:

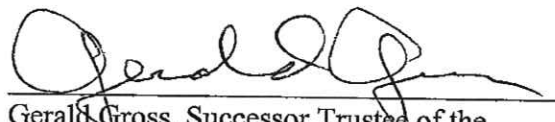
See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS hand and seal this 9th day of May, 2006.

WITNESS

  
\_\_\_\_\_

  
\_\_\_\_\_

Gerald Gross, Successor Trustee of the  
J.G. Realty Trust dated February 1, 1973  
With any amendments thereto

State of Maine  
Cumberland, ss.

May 9, 2006

Personally appeared before me the above-named Gerald Gross, Successor Trustee of the J.G. Realty Trust and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the J.G. Realty Trust dated February 1, 1973, with any amendments thereto.

Before me,

  
\_\_\_\_\_

James A. Hopkinson, Attorney-at-Law

MAINE REAL ESTATE TAX PAID

## EXHIBIT A

A certain lot or parcel of land with the buildings thereon, situated on Forest Avenue in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Beginning on the easterly side of Forest Avenue, at the southerly sideline of a parcel of land conveyed by Frederick E. Leighton to E.P. Jillson by deed recorded in Cumberland County Registry of Deeds, Book 874, Page 450; thence easterly 88 feet to the right of way of the Portland Terminal Co.; thence southerly along the westerly boundary of said Terminal Co., right of way 128 feet to land conveyed to Clifford S. Libby, et al.; thence westerly by said Libby land 68 feet to the easterly sideline of Forest Avenue; thence northerly along said sideline of Forest Avenue 134 feet to the point of beginning.

For title reference see Deed given by Gergro Realty Corp. of Maine to Laura A. MacMullin, Trustee of the J.G. Realty Trust, dated February 1, 1973 and recorded in the Cumberland County Registry of Deeds in Book 3359, Page 122.

H-MARDIGAN.ST.FA  
G:\CLIENTS\M\Mardigan\783.789Forest\ExhibitA.DOC

Received  
Recorded Register of Deeds  
May 10, 2006 09:50:50A  
Cumberland County  
John B O'Brien

After Recording Return to:  
Hopkinson, Abbondanza & Backer  
511 Congress Street, Ste. 801  
Portland, Maine 04101  
(207) 772-5845





AZIMUTH FROM MONUMENT ON 3' OFFSET FOUND IN FRONT OF SITE TO MONUMENT FOUND IN FRONT OF 835 FOREST AVE

FOREST AVENUE  
PAVED, ACCEPTED CITY AVENUE

HARTLEY STREET

BOOK 111  
S 77°35'12" Ws 77°35'12" W  
50.24' (49.2')

S 69°58'18" W  
55.17' (55.2')

N 159°05'46"  
109.05'  
N 21°09'27" W  
109.05'

PAVED PARKING FOR RESTAURANT AND STORE

N/F SOTHEARAN P OUM SANG  
BOOK 25060, PAGE 005

SPLIT RAIL FENCE  
WOODEN SIGN  
88.18' (88')  
N 74°21'30" E

EXISTING CURB CUT TOTAL  
38.9'

ELECTRIC BOX  
UP #93  
HYDRANT  
GRANITE MONUMENT

N:308771.78  
E:2921107.49  
Z:71.07

EXISTING CURB CUT TOTAL  
40.6'

EXISTING BUILDING  
FORMER HAIR SALON



*Robert T. Greenlaw*

STEPHEN E. MARDIGAN  
BOOK 27892, PAGE 326

TO WATERVILLE

BASELINE AS SHOWN ON PLAN REF. #1

TO RIGBY YARD

GENERAL NOTES:

- RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
- ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
- BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2006. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
- AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
- REFERENCE IS MADE TO THE FOLLOWING PLANS:
  - RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
  - CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
  - CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
- ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
REAR - 10 FT  
SIDE - NONE
- EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
- PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES. NAMELY 1 2-1/2" STREET TREE NOT MORE THAN 15' FEET APART.

LEGEND

- Capped 5/8" Rebar Found
- Iron Pipe or Solid Pin Found
- ▲ Survey Instrument Point
- Abutter Line
- Property Line
- Street Line
- (50.00') Distance from reference plan or deed.
- N/F Now Or Formerly
- Overhead Utility
- Utility Pole
- Edge of traveled way
- Set Back Line
- ♿ Handicap Parking Spot
- 72- Existing Contour Line

Detail # 1  
3 of 3  
Detail # Shown on Sheet 3 of 3

SURVEYORS STATEMENT:

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- NO WRITTEN REPORT
- NO PROPERTY CORNERS SET.

DATE: MAY 19, 2014

ROBERT T. GREENLAW P.L.S. #2303

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING  
134 PORTLAND AVENUE  
OLD ORCHARD BEACH, MAINE  
207-749-9471 BOBGREENLAW@MYFAIRPOINT.NET



GRAPHIC SCALE

REVISED 02-25-2013: VARIOUS EDITS FOR CLARITY  
REVISED 02-04-2013: ADDED SITE FEATURES

EXISTING CONDITIONS PLAN FOR A  
PROPOSED AUTO DEALER  
LOCATION  
783 FOREST AVE. PORTLAND, ME.

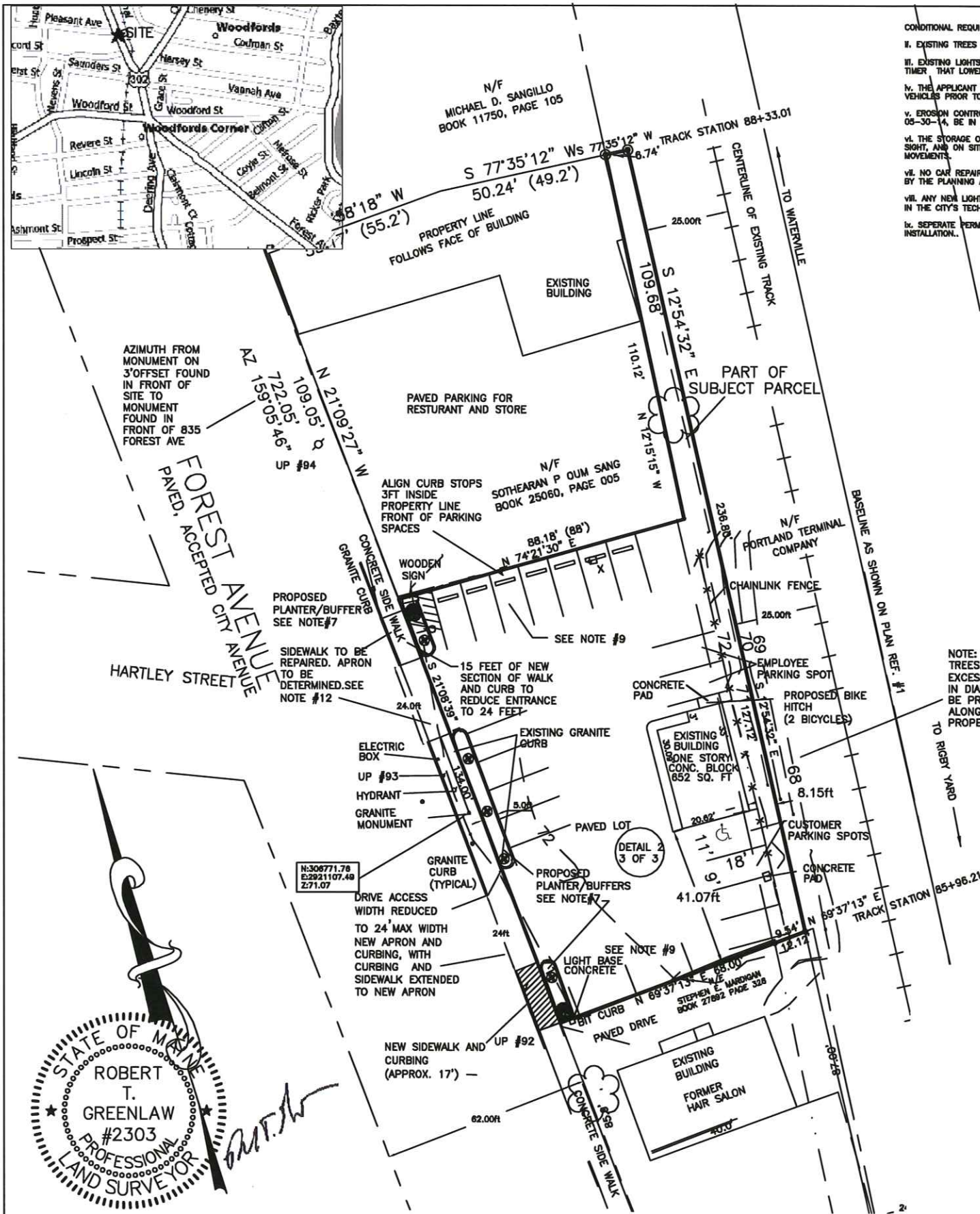
FOR  
CHANGIZ FARD

SCALE: 1" = 30' DATE OF SURVEY: OCTOBER 18, 2013

BACK BAY FILE# 2006090 SHEET C1 EXISTING CONDITIONS

C:\Program Files\Carlson Software 2004\WORK\2013\12-30-13.dwg, 5/19/2014 5:07:44 PM





- CONDITIONAL REQUIREMENTS:**
- i. EXISTING TREES TO THE REAR OF THE SITE ARE TO BE PRESERVED.
  - ii. EXISTING LIGHTS ON THE BUILDING SHALL MODIFIED TO BE "OUT-OFF" IN TYPE AND HAVE A TIMER THAT LOWERS THE LIGHT LEVEL AT NIGHT.
  - iii. THE APPLICANT SHALL OBTAIN A LICENSE FROM THE STATE OF MAINE BUREAU OF MOTOR VEHICLES PRIOR TO THE START OF CAR SALES.
  - iv. EROSION CONTROL MEASURES, AS OUTLINED IN THE PEER ENGINEER COMMENTS DATED 09-30-14, BE IN PLACE PRIOR TO THE START CONSTRUCTION OF THE PLANTER AND CURBING.
  - v. THE STORAGE OF SNOW SHALL NOT IMPEDE SIGHT DISTANCES FOR VEHICLES EXITING THE SITE, AND ON SITE PARKING OF VEHICLES SHOULD NOT BLOCK ACCESS AND EGRESS MOVEMENTS.
  - vi. NO CAR REPAIRS SHALL TAKE PLACE ON THE SITE UNLESS AN AMENDED SITE IS APPROVED BY THE PLANNING AUTHORITY.
  - vii. ANY NEW LIGHTING SHALL BE IN COMPLIANCE WITH SITE LIGHTING REQUIREMENTS AS SET OUT IN THE CITY'S TECHNICAL STANDARD 12 "SITE LIGHTING" AND THE APPROVED IMPROVEMENTS PLAN.
  - viii. SEPARATE PERMITS ARE REQUIRED FOR ANY SIGNS ON THE SITE PRIOR TO THEIR INSTALLATION.

- GENERAL NOTES:**
1. RECORD OWNER OF PARCEL: STEPHEN E. MARDIGAN AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
  - a.) ADDRESS OF OWNER: 460 BAXTER BLVD. PORTLAND MAINE 04103
  - b.) APPLICANT: CHANGIZ FARD 684 BAXTER BLVD. PORTLAND MAINE 04103
  2. BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT IN 2008. THE MONUMENT THE AZIMUTH EXTENDS TO IS A 3' OFFSET MONUMENT FOUND ON THE EASTERLY SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. IT'S COORDINATES ARE NORTH 307446.28, EAST 2920849.86.
  3. AREA OF PARCEL : 12111.3 SQ. FT., 0.28 ACRES
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    - a.) RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE. VALUATION SHEET 1A, MAP 2.
    - b.) CITY OF PORTLAND MAINE STREETLINE SHEET OF FOREST AVE. DATED 3/4/27
    - c.) CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK C-LOT 1.
  5. ZONING: B-2 ZONE - SETBACKS: FRONT - NONE  
REAR - 10 FT  
SIDE - NONE
  6. EXISTING PARKING: 10 9'X19' SPACES, 1-11'-19' HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY. PROPOSED 19 SPACES WHICH INCLUDES ONE HANDICAP SPACE.
  7. PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES (LOW GRASS AND SHRUBS). A MINIMUM OF TWO STREET TREES SHALL BE PLANTED ALONG THE STREET SIDE OF THE PROPERTY. TREES SHALL BE A MINIMUM OF 2-1/2 INCHES IN DIAMETER. REFER TO PLAN C5 FOR SPECIFICATIONS ON PLANTINGS.
  8. AS NOTED IN THE N.F.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STRUCTURE WITH CINDER BLOCK WALLS. THE ONLY INTERIOR PARTITION WALL ENCLOSES THE BATHROOM. THE BUILDING IS COVERED WITH A WOOD FRAMED FLAT ROOF COVERED IN RUBBER.
  - a.) FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY INFRONT OF THE SUBJECT PARCEL.
  9. PARKING SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF CARS FOR SALE.
  10. SOLID WASTE IS REMOVED FROM THE SITE ONCE A WEEK BY A PRIVATE CONTRACTOR. NO DUMPSTER IS PLANNED FOR THE SITE.
  11. SNOW WILL BE REMOVED BY PRIVATE CONTRACTOR TO OFFSITE DUMP.14
  12. THE FINAL DRIVEWAY APRON MATERIAL WILL BE DECIDED BY THE CITY OF PORTLAND SERVICES DEPARTMENT.

- LEGEND**
- Capped 5/8" Rebar Found
  - Iron Pipe or Solid Pin Found
  - △ Survey Instrument Point
  - Abutter Line
  - Property Line
  - Street Line
  - (50.00') Distance from reference plan or deed.
  - N/F Now Or Formerly
  - Overhead Utility
  - ⊕ Utility Pole
  - Edge of traveled way
  - Set Back Line
  - ♿ Handicap Parking Spot
  - 72— Existing Contour Line
  - New Curb
  - New City Street Tree
  - ⊗ New Shrub/Low Grass

PREPARED BY:  
**Robert T. Greenlaw PLS**  
LAND SURVEYING  
32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE  
207-289-4546 BOBGREENLAW504@GMAIL.COM

REV 12: 01-27-15: ADDED TWO STREET TREES, REVISED NOTES.
REV 11: 01-18-15: REMOVED HATCHING ON NORTHERN ENTRANCE, ADDED DIMENSIONS AND NOTES
REV 10 12-23-14: REMOVED PROPOSED CURB ON NORTH ENTRANCE
REV 10 07-01-14: ANNOTATED EXISTING CURB AND NEW CURB, MOVED ENTRANCE
REV 9 08-30-14: ADDED NEW CURB AND LABELS PER CITY COMMENTS

PLAN SHOWING IMPROVEMENTS FOR A  
**PROPOSED AUTO DEALER**  
LOCATION  
**783 FOREST AVE. PORTLAND, ME.**  
FOR  
**CHANGIZ FARD**

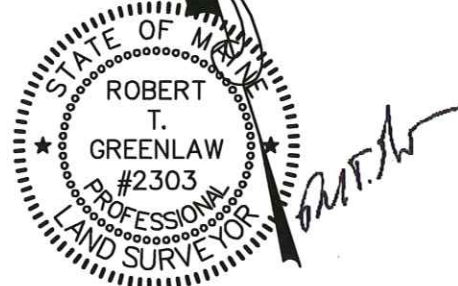
SCALE: 1"= 30' DATE OF SURVEY: FEBRUARY 25, 2013  
BACK BAY FILE# 2006090 C2 PROPOSED AUTO DEALER IMPROVEMENTS

**SURVEYORS STATEMENT:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:



- a) NO WRITTEN REPORT
- b) NO PROPERTY CORNERS SET.

DATE: JANUARY 27, 2015  
ROBERT T. GREENLAW P.L.S. #2303

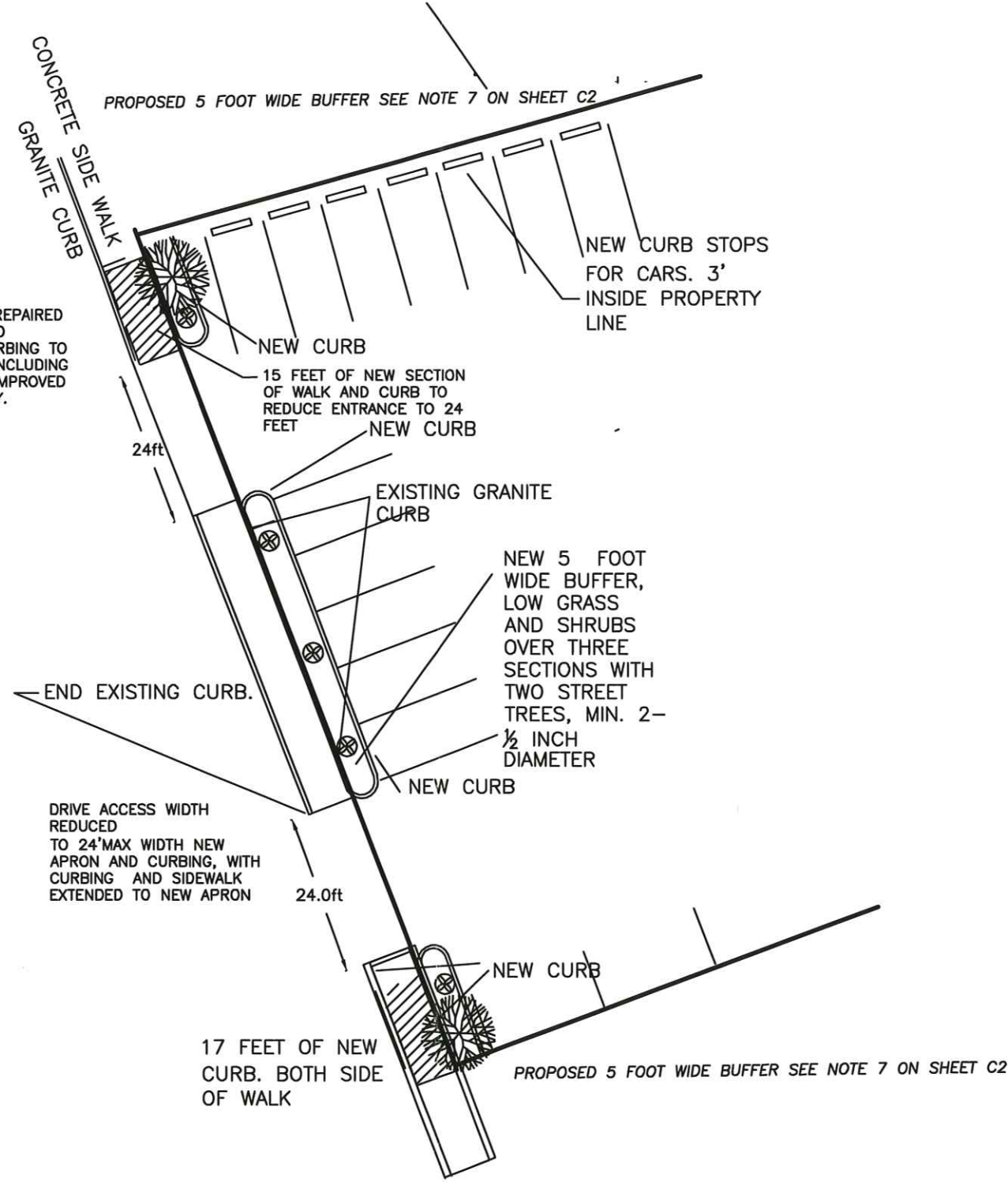




LEGEND:

-  SHRUB WITH LOW GRASS
-  MINIMUM 2-1/2 INCH DIAMETER TREE

SIDEWALK TO BE REPAIRED WITH CITY DETAILED SIDEWALK AND CURBING TO MATCH EXISTING, INCLUDING SIDEWALK TO BE IMPROVED TO SITE BOUNDARY.



SEE SHEET C3-DETAIL SHEET FOR SPECIFIED CONSTRUCTION REQUIREMENTS.

REVISED 01-27-15: ADDED LEGEND AND REVISED NOTES PER COMMENTS  
 REVISED 01-16-15: REDUCED ENTRANCE WIDTHS AND ADDED NOTES  
 REVISED 12-23-14: REMOVED PROPOSED CURB FROM NORTHERN ENTRANCE  
 REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

**CURB & WALK DETAIL SHEET**  
 783 FOREST AVENUE PORTLAND, MAINE

FOR:  
 A PROPOSED AUTOMOBILE DEALER

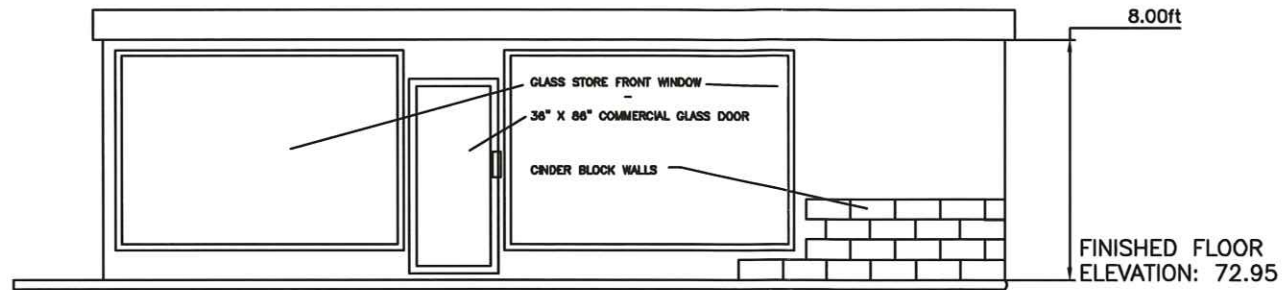
DRAWN BY: RTG  
 CHECKED BY: KGG  
 SCALE: NOT TO SCALE  
 DATE: FEBRUARY 25, 2013  
 JOB NUMBER: 2004013  
 PRINT DATE: 02/25/2013  
 SHEET: C4 CURB DETAILS

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
 LAND SURVEYING

32 OLD ORCHARD STREET  
 OLD ORCHARD BEACH, MAINE  
 207-749-9471 Bobgreenlaw@myfairpoint.net

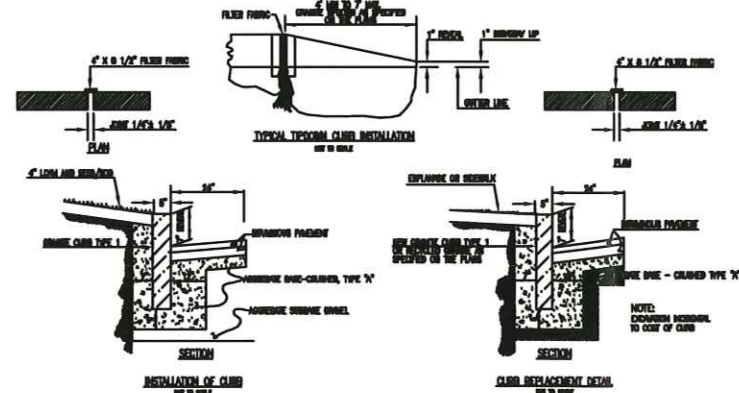
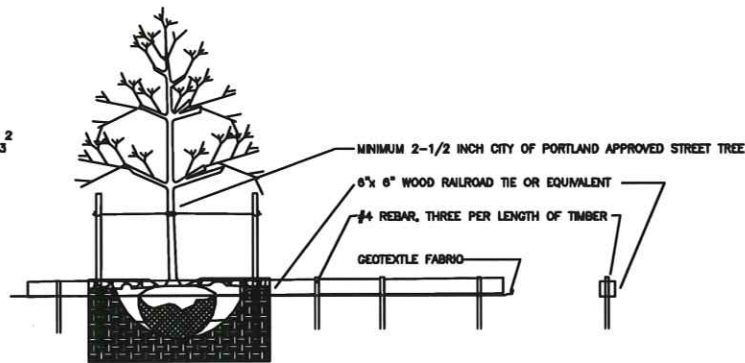


DRAWER: 2013 NO: 005



STREET VIEW 783 FOREST AVENUE

DETAIL 2  
3 OF 3



TYPICAL INSTALLATION OF CURB  
NOT TO SCALE

CONCRETE SPECIFICATION:

- 5750 PORTLAND CEMENT
- 2 1/2\"/>

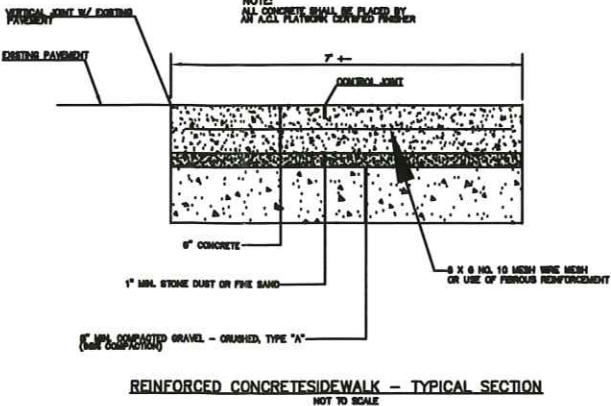
CONTROL JOINT SPECIFICATION:

- SPACING OF JOINTS - 30 FEET OR OTHER ALONG LENGTH
- SAW CUT JOINTS AT 1 1/2\"/>

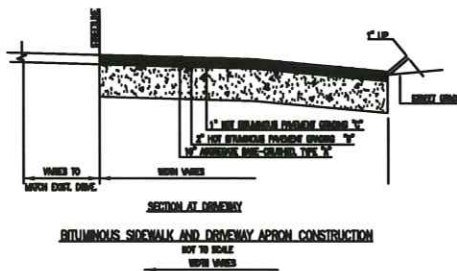
FINISH SPECIFICATION:

- BRUSH SWEPT FINISH
- AFTER CONSTRUCTION JOINTS HAVE BEEN FILLED AND SEALED, APPLY 'CONCRETEK SEALER'

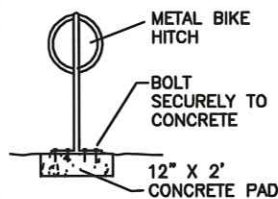
NOTE:  
ALL CONCRETE SHALL BE PLACED BY  
AN ACCEL PLACEMENT CURVED PATTERN



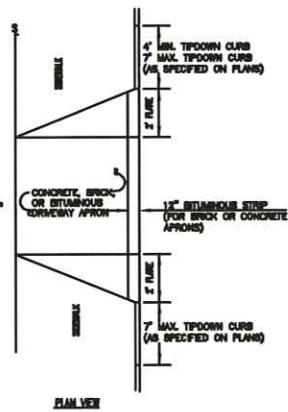
REINFORCED CONCRETESIDEWALK - TYPICAL SECTION  
NOT TO SCALE



BITUMINOUS SIDEWALK AND DRIVEWAY APRON CONSTRUCTION  
NOT TO SCALE



NOTE:  
CONCRETE SHALL BE PLACED BY AN ACCEL PLACEMENT CURVED PATTERN



TYPICAL DRIVEWAY APRON LAYOUT  
NOT TO SCALE

REVISED 01-27-15: REVISED SIDEWALK DETAIL  
REVISED 06-10-14: ADDED TIP DOWN, WALK AND BIKE DETAIL

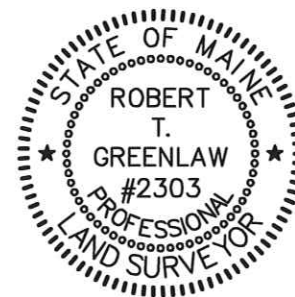
**DETAIL SHEET**  
783 FOREST AVENUE PORTLAND, MAINE

FOR:  
**A PROPOSED AUTOMOBILE DEALER**

DRAWN BY: RTG  
CHECKED BY: KGG  
SCALE: NOT TO SCALE  
DATE: FEBRUARY 25, 2013  
JOB NUMBER: 2004013  
PRINT DATE: 02/25/2013  
SHEET: C4 CURB DETAILS

PREPARED BY:  
**ROBERT T. GREENLAW PLS**  
LAND SURVEYING

32 OLD ORCHARD STREET  
OLD ORCHARD BEACH, MAINE  
207-749-9471 Bobgreenlaw@myfairpoint.net



DRAWER: 2013 NO: 005



# PLANNING BOARD REPORT PORTLAND, MAINE



Pre-owned Automobile Dealership  
Conditional Use and Site Plan Review Amendments

Changiz Fard, Applicant

Project No: 2015-035 & 2015-036

CBL: 130-C-001

Submitted to: Portland Planning Board Public Hearing Date: February 10 <sup>th</sup> , 2015	Prepared by: Jean Fraser, Planner Date: February 6 <sup>th</sup> , 2015
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## I. INTRODUCTION

Changiz Fard, applicant, has requested Planning Board approval for proposed amendments to the Conditional Use and Level I: Site Alteration site plans that were previously approved in June 2014 for a used car dealership on a leased site at 783 Forest Avenue.

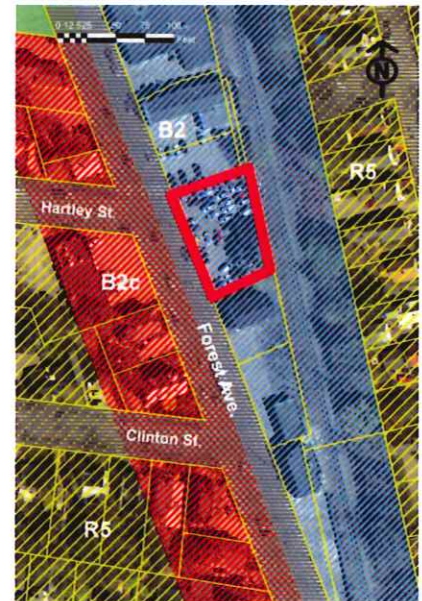
The site is located in a B-2 Community Business Zone, where automobile dealerships are listed as a conditional use and therefore are reviewed by the Planning Board.

### Required Reviews:

- Conditional Use in the B2 zone;
- Level I (Site Alteration) Site Plan.

The project was previously before the Board in June 2014 and the approval letter and associated site plan from that review are included in as Attachment 1.

The applicant discovered that the approved layout, with the northern curb cut closed, was unworkable and therefore did not implement the associated required improvements. The site was then in violation of the ordinance and the applicant was asked by City staff to remove all the cars until the amended plans were approved and the associated conditions met. The applicant removed all of the cars in December 2014; at the time of preparing this Report there are no display cars though a several cars are parked along the rear of the site near the small building.



The amendment applications include the following revisions:

- Retain both existing curb cuts but narrow both substantially (the approved plan closed the northern curb cut)
- Extend the areas of landscaped buffer that are required under the B2 conditional use provisions;
- Reduce display parking area by approximately 2 car spaces; and
- Modify the sidewalk and apron repairs accordingly.

A total of 148 notices of the Hearing were sent to property owners within 500 feet and to interested citizens and a notice was published in the February 2<sup>nd</sup> and 3<sup>rd</sup>, 2015 editions of the *Portland Press Herald*. The applicant is not required to hold a neighborhood meeting for this proposal. The Planning office has not received any public comments regarding the amendment application, although several were received during the June review.

Required Waivers: The previous review required a waiver for the width of the remaining curb cut, but the amended plan shows this reduced to the City's standard. However, the retention of the existing curb cut to the north now requires the following waiver even though the existing drive separation has been increased:

<i>Requested Waiver</i>	<i>Standard and any waiver provisions</i>
<p><b>Driveway Separation:</b> The existing curbcuts are not in compliance with the City standards; the proposals make them more in compliance reducing the width of driveways, better defining driveways and moving the centerlines farther from nearby driveways..</p>	<p><i>Technical Manual Section 1.7.1.7</i> sets out standards for minimum driveway separation and the Traffic Engineer supports the waiver as they are an existing condition and the proposed use has limited traffic volumes entering and exiting the site and there is no history of safety issues (<u>Att 5</u>).</p>



**II. PROJECT DATA:**

<b>Zone:</b>	B-2 Business
<b>Proposed Use:</b>	Automobile Sales
<b>Previous (Legal) Use:</b>	Office and oil truck storage (use of former Gas Station)
<b>Required Minimum Lot Area:</b>	10,000 sq ft
<b>Proposed Lot Area:</b>	12,111 sq ft
<b>Existing impervious area:</b>	10,408 sq ft
<b>Proposed impervious area:</b>	10,258 sq ft
<b>Total floorspace of existing bldg:</b>	652 sq.ft. (included in above impervious area )
<b>Required parking:</b>	not specified in ordinance
<b>Proposed parking:</b>	6 spaces for employees and customers, up to 13 vehicle display spaces
<b>Required Bicycle Parking:</b>	2 spaces
<b>Proposed bicycle parking:</b>	2 spaces
<b>Existing Driveways:</b>	2
<b>Proposed Driveways:</b>	2 (narrowed from over 40 feet to 24 feet)

**III. EXISTING CONDITIONS**

The site is located between a parking lot with drive access serving the adjacent restaurant and hairdressers to the north, and a driveway and commercial building to the south. Opposite the site (across Forest Avenue) is Hartley Street, a residential street with commercial uses nearest Forest Avenue where it is zoned B2c (see below under VII A Zoning Assessment). A pedestrian crosswalk is located across Forest Avenue just north of the site.

The parcel is largely a rectangle with 134 feet of frontage along Forest Avenue, but includes a sliver of land running along the back of the abutting lot along the railway (Plan P1.) The aerial at right is now out of date as the cars were removed in the last couple of months and currently there are a few cars parked at the rear facing the railway.

The 12,111 sq ft site was formerly a gas station; the gas tanks were removed and filled with sand in 2005 and the site is currently paved, with the former gas station building remaining on the rear part of the site. The site has a legal use as “office and oil truck storage” and the existing building was recently renovated by the applicant who leases the site from the owner Steve Mardigan (Attachment C) .



The site backs onto the railway line and there are mature trees along the rear boundary (photo left ). The B2 zone extends over the railway and some 50 feet beyond before the R5 zone begins.



**IV. PROPOSED AMENDMENTS**

In June 2014 the applicant received conditional use for the car sales use and site plan approval for improvements. These included curb stops, customer and employee parking and bicycle parking which remain a part of the proposed improvements along with the key elements listed below, as compared with the proposed amendments (see Plans P2, P3 and P4):



Approved June 2014	Proposed Amendments February 2015
Close northern curb cut/drive access	Keep open the northern curb cut / drive access, but narrow it from 38.9 feet to 24 feet in width
Keep open the southern curb cut / drive access, but narrow it from 40.6 feet to 28 feet in width	Keep open the southern curb cut/ drive access, but narrow it from 40.6 feet to 24 feet in width
Landscaped buffer approx. 240 sq ft in central section	Three sections of landscaped buffer totaling approx. 380 sq ft
No street trees	2 street trees
Display parking for 15/16 cars	Display parking for 13/14 cars
Create new sections of sidewalk totaling 56 feet	Create new sections of sidewalk totaling 32 feet
Repair 28 linear feet of apron	Repair of 48 linear feet of apron

The plans do not include any proposals for the existing building (former gas station) as the work has already been completed.

**V. PUBLIC COMMENT**

At the time of completing this report no public comments have been received. During the June 2014 review we received three letters of objection from neighbors in Hartley Street. In the fall of 2014 staff received some complaints about the use impacting areas outside of the site, but staff discussed this with the applicant and no further complaints have been received.

**VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPABILITY**

The lease is included in Attachment C and staff have discussed the current proposals with the owner Mr Mardigan. It is understood that Mr Mardigan is supportive of the improvements as long as they are done correctly ie with granite curbing.

Staff have not seen an estimate of the costs of these improvements but anticipate these would be substantial given the 30+ feet of new concrete sidewalk, the need for considerable lengths of granite curbing, and the need to prepare the landscaped areas adequately for planting. The applicant has already done some work in the ROW using unlicensed contractors and staff are concerned that the applicant may not be able to fund the cost of implementing the improvements using licensed contractors and materials/details as required by the approved plans/conditions of approval and the City Standards.

**VII. STAFF REVIEW**

**A. ZONING ASSESSMENT**

The site is located in the B-2 Community Business zone where automobile dealerships are permitted as a Conditional Use. The site is within a long band of B2 on the east side of Forest Avenue and is at least 90 feet from the R5 zone on the other side of the railway tracks. Marge Schmuckal submitted comments for the previous review in June 2014 and these would still apply (Attachment 3). The proposals and suggested conditions address the zoning requirements.

**B. CONDITIONAL USE REVIEW (Section 14-183):**

Sec. 14-183. Conditional uses identifies auto dealership in the B-2 zone as a 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 applicant has submitted a conditional use application (Attachment B) and an analysis of how the proposal complies with the conditional use standards in Attachment D.

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 (a) 5 (as in place at the time the applications were accepted) 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 not proposing any signs as part of the current applications. A potential condition requiring the separate sign review and approval is included in the proposed motion for the Board to consider.

- 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: This requirement is met both in the existing conditions and as proposed to be modified.

Clause 6 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 5 foot wide landscaped buffer along three sections of the Forest Avenue frontage, including a street tree in each of the two corner sections and low grass and shrubs in all three buffer areas (Plans P2, P3 and P4). The City Arborist, Jeff Tarling, has confirmed the proposals are acceptable (Attachment 4).

The following standards apply to all conditional uses:

Section 14-474(c)(2) *Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:*

- a. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*

Staff comment: Tom Errico, the Traffic Engineer, did not have any concerns regarding these aspects of the proposal as shown on the submitted plans (Attachment 5).

- b. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*

Staff comment: The location of the proposed car dealership is within a large section of B2/B2c. The site abuts the railway to the east, where mature trees contribute to the buffering and screening of the site from the nearest residential zone. To the north and south are commercial premises and associated parking. During the June review the residents in Hartley Street, opposite the site, objected to the proposal based on the way the applicant has used the surrounding streets as part of the business. The conditions included in the June 2014 approval, requiring the use and associated activities stay on-site, have been included in the potential conditions for the amendments.

- c. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

Staff comment: The impacts of this use, assuming it remains within the site, would not differ substantially from the impacts associated with the surrounding uses or other allowable uses in the zone.

### C. 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.



**1 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 A), narratives and plans have addressed the ordinance requirements.

**2 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. A Level I site Alteration is not subject to all of the Site Plan Standards. Staff comments are listed below.

**A. Transportation Standards (1,2 and 4)**

**1. Impact on Surrounding Street system and 2. Access and circulation**

The proposed used car dealership is located on Forest Avenue along a straight stretch of single lane traffic with good visibility; there are two existing curb cuts on the site, each about 40 feet in width. The proposed use does not have high trip generation, with limited loading and servicing. The Technical Standards allow two drives for a commercial site but the existing curb cuts do not meet City Standards in terms of width and distance from other driveways.

The previous "solution" to close the northern curb cut is not workable for the applicant and Tom Errico confirmed at a meeting with the applicant on 1.12.2015 that retention of the existing drives is acceptable for this particular use as long as they are improved to be more in compliance with City Standards.

The applicant has reduced existing curb cuts to meet the City standard of 24 feet and better define their location within the sidewalk; the proposals also move the centerline of both drives so that they are further away from nearby driveways.

Tom Errico, the Traffic Engineering reviewer, has commented (Attachment 5):

- *Given limited traffic volumes entering and exiting the site and no history of safety issues (the non-compliant driveway separation is a current issue), I support a waiver from the City's Technical Standards as it relates to driveway separation. I would note that the applicant is reducing the width of driveways and better defining driveways and thus will improve upon existing conditions.*
- *The approval of the proposed driveway design is based upon the assumption that the project will not generate a significant amount of traffic. If changes in the business operations occur that increase traffic levels, the applicant shall be required to provide a review of traffic impacts associated with the change for review and approval by the City.*
- *The location of parked vehicles shall not encroach on parking circulation aisles, sidewalks and block the proposed driveways. The number of vehicles allowed to park on the site shall conform to those illustrated on the site plan.*

Two suggested conditions of approval (for the conditional use application) require the applicant to address the Traffic Engineer's comments.

**2. Access and circulation- Sidewalks**

The proposal creates 32 feet of new sidewalk where the driveway aprons have been narrowed. The driveway aprons need some repair and the plans confirm that these will be repaired with materials approved by DPS.

David Margolis-Pineo of DPS has commented (Attachment 6):

1. *The plan view and detail of the driveway apron area is shown incorrectly. Please correct by referring to the City of Portland Technical Manual, Figures I-9, I-13 and I-15.*
2. *The reinforced concrete sidewalk detail is incorrect. Please correct by referring to the City of Portland Technical Manual, Figures I-14.*
3. *Either asphalt or concrete is acceptable as a driveway apron material in this area.*
4. *Please indicate that the sidewalk cross slope will not exceed 2% required by City Code.*
5. *Add notes stating:*
  - a. *Obtain a Street Opening Permit by a licensed contractor before starting work.*
  - b. *A mandatory pre-construction meeting with City staff to include Rhonda Zazzara, Phil DiPierro and David Margolis-Pineo shall take place on site after issuance of the Street Opening Permit and prior to starting work.*



A suggested condition of approval requires the applicant to address the DPS comments.

4. Parking Requirements

The ordinance does not specify minimum vehicle parking provision for this use. The Ordinance requires 2 bicycle parking spaces where the parking requirement is 0 to 10 vehicle parking spaces for this proposal, which have been included in the site improvements on Plan P2.

**B. *Environmental Quality Standards (1 and 3)***

1. 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. Planting along the frontage at the back of the sidewalk is proposed (see conditional use review above). The plans indicate that these will be preserved.

3. Water quality; Stormwater Management; Erosion control:

The applicant has reduced the overall impervious surface through the addition of the planted area at the front and therefore does not trigger Chapter 500 requirements. Dave Senus, the Peer Engineering reviewer, has commented that during the construction of the planter (and any other construction eg laying of new curbing)that :

*The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site. (Att.2):*

**C. *Public Infrastructure and Community Safety Standards (1)***

1. Consistency with Master Plans:

The proposals do not impact city infrastructure except the repairs/sidewalk reinstatement to the drive apron areas which is discussed above.

**D. *Site Design Standards (5,6,8,9)***

5. Historic Resources:

The proposed site alterations do not affect any historic resource.

6. Exterior Lighting:

The proposals do not include any specific lighting proposals. It is noted that two existing light bases are on site and if these are re-fitted or new lighting is proposed, the proposals would need to be reviewed and approved to ensure that they meet the City's Technical Standards.

The existing building includes bright lighting under the canopy (open fluorescent with no shield) and residents have stated it is on all night. This does not meet City Technical standards which require cut-off lighting and that the light levels should be halved during night time hours. A potential condition of approval is included in the motion for the Board to consider to address both of these issues.

8. Signage and Wayfinding:

The proposals do not include any new signs, but a potential condition of approval is included to clarify that any new signs would require separate permits.

9. Zoning Related Design Standards

There are B2 standards that would apply if there was a new building. The existing gas station building is legally nonconforming regarding setbacks. The B2 design standards do require landscaping and buffers, which is largely addressed by the Conditional Use requirement for a frontage buffer. Staff recommend the preservation of the mature trees along the rear of the site to address this requirement regarding the residential properties on the other side of the railway line, and this has been noted on the Site Plan (Plan P2).

**VIII. STAFF RECOMMENDATION**

Staff recommends that the Planning Board approve the Pre-owned Automobile Dealership amended conditional use and site plan, with the proposed waiver and suggested conditions of approval.



**IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION**

**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 for the public hearing on February 10<sup>th</sup>, 2015 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue) relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

6-0  
Baker  
Tim S  
1. *Driveway Separation*

The Planning Board **waives** / **does not waive** the requirements of *Technical Manual Section 1.7.1.7*, which sets out standards for minimum driveway separation, to allow the existing curb cuts/driveways to remain as modified by the approved proposals in Plan P2. This waiver is based on the fact that the driveways are an existing condition with no history of safety issues, and the proposed use involves limited traffic volumes entering and exiting the site; and the applicant is reducing the width of and better defining the driveways and thus will improve upon existing conditions.

**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 for the public hearing on February 10<sup>th</sup>, 2015 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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 Auto Dealership at 783 Forest Avenue in the B-2 zone **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:

- Tim  
Guaranteed  
6-0
- i. That the site access/egress conditions for vehicles are considered to be acceptable in view of the low traffic generation and minimal service requirements of the used car sales use. If changes in the business operations occur on the site that increase traffic levels, the Planning Authority will require the applicant to provide a review of traffic impacts associated with the change, for review and approval by the Planning Authority; and
  - ii. The location of parked vehicles shall not encroach on parking circulation aisles, sidewalks nor block the proposed driveways. The number of vehicles allowed to park on the site shall conform to those illustrated on the site plan and not exceed 20 in total (including display, customer and employee parking); and
  - iii. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including, but not limited to, any part of Hartley Street) nor overhang the the City's right-of-way, sidewalk or property outside of the site; if such parking is documented as taking place, enforcement action may be pursued by the City; and
  - iv. That all car sales and other activities associated with the car dealership use shall take place only on the privately owned part of the site. No car sales or any other activities associated with the car dealership may take place in the City right of way, sidewalk, or on property outside of the site; and
  - v. A Performance Guarantee shall be posted covering the cost of the improvements shown on the approved amended plans. No cars may be parked on the site and no car sales or other activities associated with the car dealership use may take place from the site until the Performance Guarantee described herein has been posted and a change of use permit has been obtained from the Inspections Division. All of the approved improvements shall be completed within 4 calendar months of the date the Performance Guarantee is posted.

Failure to comply with any of the above-stated conditions of approval, in whole or in part, shall render this approval void.

### 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 for the public hearing on February 10<sup>th</sup>, 2015 for amendment applications #2014-035 and #2014-036 (783 Forest Avenue), 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:

- Both read  
Halt 2nd ed  
6-0.*
- i. No work shall commence on any site improvements until such time as the applicant has:
    - 1) posted a Performance Guarantee in accordance with the standard conditions of approval;
    - 2) obtained all required City permits including a street opening permit (obtained by a licensed contractor) from the Department of Public Services; and
    - 3) attended a mandatory preconstruction meeting with City staff.
  - ii. That the site plan and detail plans shall be revised to address the comments of David Margolis-Pineo dated 2.5.2015, for review and approval of the Planning Authority and Department of Public Services prior to any work starting on the site; and
  - iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards (which include specifications requiring granite curbing); and
  - iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
  - v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and
  - vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
  - vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
  - viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting"; and
  - ix. That separate permits are required for any signs on the site prior to their installation.

Failure to comply with any of the above-stated conditions of approval, in whole or in part, shall render this approval void.

### ATTACHMENTS

#### Report attachments

1. Approval letter and plan as from June 2014 PB review
2. Peer Engineering Reviewer, Dave Senus 5.30.2014
3. Zoning Administrator, Marge Schmuckal 6.5.2014
4. City Arborist, Jeff Tarling, 2.4.2015
5. Traffic Engineering Reviewer, Tom Errico, 2.6.2015
6. Department of Public Services, David Margolis-Pineo 2.5.2015

#### Applicants submittal

- A. Level I: Amended Site Alteration Site Plan Application
- B. Amendment Conditional Use Application
- C. Right, title and interest
- D. Conditional use analysis (letter) January 2015

#### Plans

- P1. Existing conditions/survey
- P2. Proposed improvements (Site Plan C2)
- P3. Details C5 Curb and Sidewalk
- P4. Details C3



# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Stuart O'Brien, Chair  
Timothy Dean, Vice Chair  
Elizabeth Boepple  
Sean Dundon  
Bill Hall  
Carol Morrisette  
Jack Soley

July 7<sup>th</sup>, 2014

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

Robert T. Greenlaw, PLS  
134 Portland Ave.  
Old Orchard Beach, ME 04064

Project Name: **Auto Dealership selling pre-owned cars**  
Project ID: #2014-025 & #2013-044 CBL: 130-C-001  
Address: 783 Forest Avenue  
Applicant: Changiz Fard  
Planner: Jean Fraser

Dear Mr Fard and Mr Greenlaw:

On June 24<sup>th</sup>, 2014, the Planning Board considered the proposed change of use and site alterations for an Auto Dealership selling pre-owned cars at 783 Forest Avenue. The Planning Board reviewed the proposals for conformance with the standards of the Conditional Use and Site Plan Ordinances.

The approval is based upon the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on June 24, 2014 for application #2013-044 and 2014-025 (attached), and the testimony presented at the Planning Board hearing. The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) to approve the application with the following waivers and conditions as presented below:

### WAIVER

1. The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) to waive the requirements of *Technical Manual Section 1.7.1.4* which specifies a maximum of 24 feet wide for a minor commercial driveway, to allow one driveway (only) at this site at a maximum of 28 feet wide.

### CONDITIONAL USE

The Planning Board voted 4-0 (Hall and Soley absent; O'Brien abstaining) that the proposed conditional use for an Auto Dealership at 783 Forest Avenue in the B-2 zone does meet the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:

- i. That no vehicles associated with this site and the dealership use shall be parked on any adjoining or nearby streets (including any part of Hartley Street) nor overhang the ROW, sidewalk or property outside of the site; if such parking is documented by the City as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- ii. That all activities associated with the car dealership use shall take place on the privately owned part of the site; if activities in violation of this requirement are documented as taking place, enforcement action may be pursued by the City in accordance with the Portland City Code, 30-A M.R.S. § 4452, M.R. Civ. P. 80K, or in any other manner available by law; and
- iii. That the “Improvements Plan” (Plan P2 in this report) shall be revised for review and approval by the Planning Authority prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night (one hour after the business closing to one hour before business opening, per City Technical Standards 12.2.8) ; and
- iv. That no car sales take place from this site until all of the improvements shown on the revised and finally approved “Improvements Plan” are completed to the satisfaction of the Planning Authority.

#### **SITE PLAN**

The Planning Board voted 4-0 (Hall and Soley absent; O’Brien abstaining) that the proposed site plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. No work shall be done on any site or Right of Way improvements until such time as the applicant has: 1) posted a Performance Guarantee in accordance with the standard conditions of approval; and 2) obtained all required City permits, including a street opening permit from the Department of Public Services and a Change of Use permit from the Inspections Division; and 3) held a Preconstruction Meeting; and
- ii. That a revised final site plan (“Improvements Plan”) shall be submitted for review and approval prior to implementation, to: 1) expand the planted buffer along Forest Avenue to be approximately twice the length shown on the plan; 2) show that the existing trees along the rear of the site are to be preserved; and 3) show that the existing lights on the building shall be modified to be “cut-off” in type and on a timer that lowers the light levels at night; and
- iii. That the improvements to the sidewalks, aprons and curbing be completed in accordance with the City of Portland Technical Standards and the final approved site plan (“Improvements Plan”), and that no car sales may commence from this site until the Department of Public Services confirms the completed improvements meet the Technical Standards for these improvements; and
- iv. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- v. That erosion control measures, as outlined in the Peer Engineer comments dated 5.30.2014, be in place prior to the start of construction of the planter and relocation of curbs; and



- vi. That the storage of snow shall not impede sight distance for vehicles exiting the site, and on-site parking of vehicles should not block access and egress movements; and
- vii. That no car repairs shall take place on the site unless an amended site plan is approved by the Planning Authority, with the amendments showing where and how these would be accommodated, and all other necessary permits are obtained; and
- viii. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting" and the approved Improvements Plan; and
- ix. That separate permits are required for any signs on the site prior to their installation.

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 for the public hearing on June 24, 2014 for application #2013-044 and #2014-025 (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 any 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.

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,



Stuart O'Brien, Chair  
Portland Planning Board

**Attachments:**

1. City Technical Standards: *Site Lighting* (extract including 12.2.8 and "cut-off" type requirements)
2. Peer Engineer, Dave Senus of Woodard & Curran, comments dated 5.30.2014
3. Planning Board Report for the public hearing on June 24, 2014
4. Performance Guarantee Packet

**Electronic Distribution:**

cc:

Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, 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  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



**Extract from City of Portland Technical Manual Section 12- Site Lighting as adopted 7.19.2010****12.2. STANDARDS**

12.2.1. Unless otherwise specified below, exterior lighting shall conform to the recommendations put forth in Lighting for Exterior Environments RP-33-99, or its successor, published by the Illuminating Engineering Society of North America (IESNA). Proposed uses that demonstrate a need to exceed the specific site lighting limits shown below for safe and reasonable exercise of the proposed use must provide a professionally produced lighting plan which adheres to the current Illuminating Engineering Society of North America (IESNA) recommendations for the proposed use.

12.2.2. Uniformity: As measured in foot candles at grade, maximum to minimum illumination levels shall not exceed a ratio of twenty (20) to one (1.)

12.2.3. Illumination Levels: Minimum, Maximum, and Average illumination levels for areas intended to be lighted, as measured at grade, shall be:

<b>Minimum</b>	0.2 foot candles (fc)
<b>Maximum</b>	5.0 foot candles (fc)
<b>Average</b>	1.25 foot candles (fc)

12.2.4. Wattage: No fixture shall exceed 250 watts, except in industrial areas.

12.2.5. Light Trespass: The maximum illumination level at a property line shall not exceed 0.1 foot candle, as measured at grade, except where abutting industrial, or other non-sensitive uses. All residential uses and natural resource protection areas are to be considered sensitive to light trespass. In certain instances where a proposed development is adjacent to a sensitive use, house-side shielding may be necessary to comply with this standard.

12.2.6. Luminaire Types: All fixtures, including pole mounted and wall mounted luminaires, shall be a "cut-off" type where lenses, refractors or lamp sources do not extend below the surface of the fixture housing and no direct light shall be directed at or above the horizontal plane. Sites which are part of an historic district or require specific decorative lighting fixtures as means to achieve compatibility within an existing architectural context may propose non-cutoff fixtures providing that they have built in reflectors to mitigate uplighting and that photometrics fall within IESNA guidelines. Low pressure sodium bulbs are prohibited.

12.2.7. Fixture Height: Fixtures shall be mounted at the lowest height necessary with no fixture height to exceed twenty (20) feet above grade, except in sites proposed for large industrial and/or commercial uses, where the fixture height shall not exceed thirty (30) feet above grade. For the purposes of this standard only, a large industrial and/or commercial use is defined to have greater than fifty thousand (50,000) gross square feet of building space.

12.2.8. Lighting Curfew: For non-residential uses, lighting in vehicle parking areas containing twenty (20) or more parking spaces shall be reduced to 50% of permitted levels from one hour after the business closing to one hour before business opening. If lighting levels are already below 50% of permitted levels, no curfew adjustment is required. Motion sensor activated lighting shall be permitted during closed hours to activate additional lighting above the 50% permitted, for the purposes of public safety.

**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, "Thomas Errico@tylin.com" <Thomas.Errico@tylin.com>, "Barbara Barhydt (bab@portlandmaine.gov)" <bab@portlandmaine.gov>  
**Date:** 5/30/2014 10:16 AM  
**Subject:** RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)

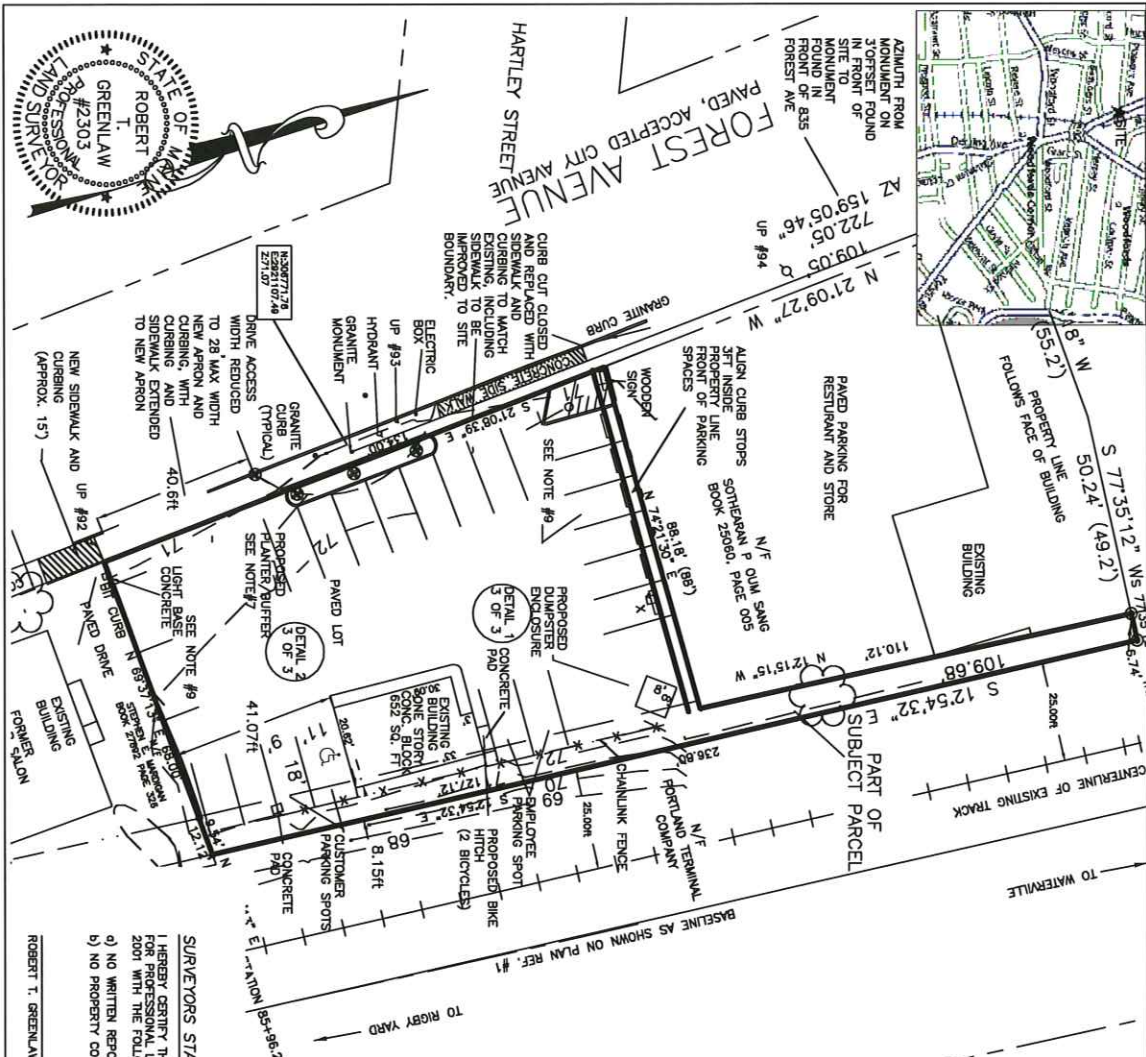
Hi Jean:

The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.

Thanks,  
Dave

David Senus, PE (Maine), Project Manager  
Woodard & Curran, Inc.  
41 Hutchins Drive  
Portland, ME 04102  
Phone: (800) 426-4262 x3241  
Cell: (207) 210-7035  
Fax: (207) 774-6635





STATE OF MAINE  
ROBERT T. GREENLAW  
P.L.S. #2303  
LAND SURVEYOR

NEW SIDEWALK AND UP #92  
CURLING (APPROX. 15')  
EXISTING BUILDING  
FOUNDER SALON

PAVED DRIVE  
LIGHT BASE  
CONCRETE  
SEE NOTE #9

PROPOSED  
PLANTER/BUFFER  
SEE NOTE #7

EXISTING  
CONC. BLOCK  
652 SQ. FT.

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PARKING SPOT  
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- GENERAL NOTES:
- RECORD OWNER OF PARCEL: STEPHEN E. MARROW AS RECORDED IN BOOK 25010, PAGE 160 IN THE CUMBERLAND COUNTY REGISTER OF DEEDS.
  - ADDRESS OF OWNER: 460 BAXTER BLVD, PORTLAND MAINE 04103
  - APPLICANT: CHANGIZ FARD 694 BAXTER BLVD, PORTLAND MAINE 04103
  - BEARINGS ARE BASED UPON THE MAINE STATE GRID WEST ZONE 1983 DATUM. BASIS OF BEARINGS IS THE MONUMENT SHOWN HEREON IN FRONT OF THE SUBJECT PARCEL. THE COORDINATES ARE LABELED HEREON AND WERE SUPPLIED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT. THE MONUMENT THE AZIMUTH EXTENDING TO IS A 3" OFFSET MONUMENT FOUND ON THE EASTERN SIDE OF FOREST AVENUE IN FRONT OF #835 FOREST AVE. ITS COORDINATES ARE NORTH 357444.28, EAST 2202049.86.
  - AREA OF PARCEL: 12111.3 SQ. FT., 0.28 ACRES
  - REFERENCE IS MADE TO THE FOLLOWING PLANS:
    - RIGHT OF WAY AND TRACK MAP PORTLAND, MAINE CITY OF PORTLAND MAINE VALUATION SHEET 1A, MAP 2.
    - CITY OF PORTLAND MAINE STREELINE SHEET OF FOREST AVE, DATED 3/4/27
    - CITY OF PORTLAND MAINE ASSESSORS PLAN #137-BLOCK G-LOT 1.
  - ZONING: B-2 ZONE - SETBACKS: FRONT - NONE REAR - 10 FT SIDE - NONE
  - EXISTING PARKING: 10 2X18' SPACES, 1-11'-10" HANDICAP SPACE. THE PARKING SPACES NOT DESIGNATED ARE FOR AUTOMOBILE DISPLAY.
  - PROPOSED 5 FOOT WIDE BUFFER SHALL CONTAIN PLANTINGS THAT CONFORM TO THE CITY OF PORTLAND ORDINANCES.
  - AS NOTED IN THE N.E.P.A. SECTION 220 THIS BUILDING IS CLASSIFIED AS A TYPE III (ORDINARY) EXTERIOR PROTECTED. THE EXISTING STRUCTURE IS A SINGLE STORY STRUCTURE WITH CHORR COVERED WITH A WOOD RAISED FLAT ROOF COVERED IN RUBBER. THE BUILDING IS CONFINED WITH A FIRE PROTECTION IS ACHIEVED WITH TWO HARD WIRED SMOKE DETECTORS AND A FIRE EXTINGUISHER LOCATED NEAR THE FRONT DOOR. A CITY OF PORTLAND FIRE HYDRANT IS ALSO LOCATED DIRECTLY NEARBY OF THE SUBJECT PARCEL.
  - PARKING SPACES NOT MARKED CUSTOMER PARKING, EMPLOYEE OR HANDICAP ARE FOR THE DISPLAY OF VEHICLES FOR SALE.

DATE: JUNE 19, 2014

ROBERT T. GREENLAW P.L.S. #2303

DATE: JUNE 19, 2014

SURVEYORS STATEMENT:  
I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSEURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF ADOPTED APRIL 01, 2007 WITH THE FOLLOWING EXCEPTIONS:  
a) NO WRITTEN REPORT  
b) NO PROPERTY CORNERS SET.

PLAN SHOWING IMPROVEMENTS

**From:** David Senus <dsenus@woodardcurran.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, "Thomas.Errico@tylin.com" <Thomas.Errico@tylin.com>, "Barbara Barhydt ([bab@portlandmaine.gov](mailto:bab@portlandmaine.gov))" <bab@portlandmaine.gov>  
**Date:** 5/30/2014 10:16 AM  
**Subject:** RE: Site Plan & Cond Use 783 Forest Ave Car Dealership (2014-025)

Hi Jean:

The plans should show or note catch basin inlet protection (silt sacks) to be installed at the first down-gradient catch basin in Forest Ave during construction. The plans should state that the Forest Ave Right-of-Way shall be kept clean from dust and construction debris and swept daily or as requested by the City of Portland during construction to minimize dust and sediment originating from the site.

Thanks,  
 Dave

David Senus, PE (Maine), Project Manager  
 Woodard & Curran, Inc.  
 41 Hutchins Drive  
 Portland, ME 04102  
 Phone: (800) 426-4262 x3241  
 Cell: (207) 210-7035  
 Fax: (207) 774-6635

Woodard & Curran  
[www.woodardcurran.com](http://www.woodardcurran.com)<<http://www.woodardcurran.com>>  
 Commitment & Integrity Drive Results



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**MEMORANDUM**

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2014-025  
**Date:** 6/19/2014

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**Comments Submitted by: Marge Schmuckal/Zoning on 6/5/2014**

This property is located in the B-2 business zone. This is an after-the-fact application. Automobile sales are considered a conditional use appeal to the Planning Board. There may be a question as to which conditional use standards to use for the PB meeting since the new standards just went into effect.

The existing building is legally nonconforming for the maximum front yard setback. It is noted that the current car parking arrangement is not reflected in the existing conditions plan

The applicant is showing a 5' strip of landscaped buffer. As required. Once the use has been approved by the PB, separate permits are required to establish that use on the property. Separate permits are required for any signage for this lot.

Marge Schmuckal  
Zoning Administrator

**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 2/4/2015 3:44 PM  
**Subject:** 783 Forest Avenue

Hi Jean -

I have reviewed the proposed tree / landscape improvements for the 783 Forest Avenue project and find them acceptable. We are willing to work with the project team if they need any recommendations when planting.

Thanks,

Jeff Tarling  
City Arborist



**From:** Tom Errico <thomas.errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**CC:** David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>  
**Date:** 2/5/2015 3:48 PM  
**Subject:** 783 Forest Avenue

Hi Jean - I have reviewed the site plan for the project and I find it to be acceptable with the following comments:

- \* Given limited traffic volumes entering and exiting the site and no history of safety issues (the non-compliant driveway separation is a current issue), I support a waiver from the City's Technical Standards as it relates to driveway separation. I would note that the applicant is reducing the width of driveways and better defining driveways and thus will improve upon existing conditions.
- \* The approval of the proposed driveway design is based upon the assumption that the project will not generate a significant amount of traffic. If changes in the business operations occur that increase traffic levels, the applicant shall be required to provide a review of traffic impacts associated with the change for review and approval by the City.
- \* The location of parked vehicles shall not encroach on parking circulation aisles, sidewalks and block the proposed driveways. The number of vehicles allowed to park on the site shall conform to those illustrated on the site plan.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE  
 Senior Associate  
 Traffic Engineering Director  
 [T.Y. Lin International]T.Y. Lin International  
 12 Northbrook Drive  
 Falmouth, ME 04105  
 207.781.4721 (main)  
 207.347.4354 (direct)  
 207.400.0719 (mobile)  
 207.781.4753 (fax)  
 thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>  
 Visit us online at www.tylin.com<http://www.tylin.com>  
 Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

**From:** David Margolis-Pineo  
**To:** Barbara Barhydt; Jean Fraser  
**Date:** 2/5/2015 1:43 PM  
**Subject:** Review comment for 783 Forest Ave – Proposed Auto Dealership

The following comments have also been entered into Urban Insight.

February 5, 2015

**Memo To:** Jean Fraser  
Barbara Barhydt  
Urban Insight  
**From:** David Margolis-Pineo  
**Re:** 783 Forest Ave – Proposed Auto Dealership

The Department of Public Services has the following comments for this proposed project.

1. The plan view and detail of the driveway apron area is shown incorrectly. Please correct by referring to the City of Portland Technical Manual, Figures I-9, I-13 and I-15.
2. The reinforced concrete sidewalk detail is incorrect. Please correct by referring to the City of Portland Technical Manual, Figures I-14.
3. Either asphalt or concrete is acceptable as a driveway apron material in this area.
4. Please indicate that the sidewalk cross slope will not exceed 2% required by City Code.
5. Add notes stating:
  - a. Obtain a Street Opening Permit by a licensed contractor before starting work.
  - b. A mandatory pre-construction meeting with City staff to include Rhonda Zazzara, Phil DiPierro and David Margolis-Pineo shall take place on site after issuance of the Street Opening Permit and prior to starting work.



①

783 Forest - Hearing.

BH

BP

JS

SD

JF pres.

TD.

SO.

No public comment.

Smart O'B asking about violations

Tim Dean asked if app. OK w/ conds.

Sen T. confirmed violations aren't basis for denial

Sean - <sup>feels</sup> burden on applicant

Tim -

Jack - ? re enforcement

Sen T. - outlined history of enforcement not basis for denial

15-19K  
Sean  
based on  
DPS



PG. cond.

? radars - State lic.  
Pres lic.

SO Enforcement not our jurisdiction

②

Approve w/conds or  
remove conds.

Jack - appl. fully aware of reqs  
& know what getting into.

Marro = referred to other <sup>used</sup> car lots

- explained imp to bldg

- good to have 2 driveways  
so looked good.

- imp to apron 2x\$2900 for concrete  
but → trouble.

- \$19,000 is alot.

Jack - landlord should contribute



## HEARING 2.10.2015: AMENDMENTS 783 Forest Avenue - Used Car Dealership

### Staff presentation

1. The applicant previously received approvals to a change of use from office/oil truck storage (on the site of a former gas station) to a used car dealership, and associated level I Site Plan improvements. The previous approvals were based on the closure of one of the existing 2 driveways. The applicant has requested an amendment to the previous approvals to allow both of the existing driveways to remain open, with both narrowed and similar improvements as part of the site plan.
2. The amended proposal is subject to Planning Board review as an automobile dealership is a conditional use in the B2 zone. The Site Plan element is minor and falls under a Level I Site Alteration review which would normally be a staff review. One waiver has been requested for the driveway separation, which is supported by staff as it would be improved over the existing condition.
3. Staff have not received any written public comments during this review of the amendment applications but note that there were three written comments submitted during the earlier reviews which raised concerns that the used car dealership use had been overflowing into the neighboring sidewalk and streets, and had some over-bright lighting on the recently refurbished former gas station building. **The related conditions of approval included in the June approval have been recommended for inclusion if the Board approves the amendments.**
4. The conditional use review is on page 3 of the report; the standards include the recently revised section 14-474 which refers to the effects of the volume and type of traffic generation.
  - The distinction for this use is the number of vehicles parked for display which potentially could impede on-site circulation and lead to vehicles backing out onto Forest Avenue, which would be a hazard to the sidewalks, nearby crosswalk and nearby drives and streets. A potential condition (ii under Cond Use) of approval addresses this issue by **including a limit of 20 cars** that can be parked on the site.
  - The **landscape buffers** are a conditional use requirement and staff have requested the three sections to minimize parked or display cars impeding the driveways or sidewalks.
5. The site plan review starts on page 5 of the report and confirms that generally the proposals address the Level I Site Alteration standards, which include the impact on surrounding street systems and site access and circulation. Several of the specifications on the submitted plans need to be clarified and revised, but essentially comprise:
  - The **narrowing of the driveways** that has been requested by the Traffic Engineer. The narrowing entails the need to extend the 7 ft wide concrete sidewalks by about 32 feet with granite curbing on both sides- this is about 20 feet less than proposed as part of the June 2014 project;
  - Staff would like the **landscaped buffers to be edged with granite curbing** within the site to ensure that cars do not park over the planted area;
  - The **existing aprons** were reconstructed of concrete in June 2014 by an unlicensed contractor and are not in accordance with City standards. DPS have indicated that concrete or asphalt would be acceptable here but want the aprons upgraded to City standards; DPS have requested conditions stressing the need to meet City standards and obtain all required permits in view of the previous unauthorized work.
6. The fifth condition under the Conditional Use on **page 7** anticipates that the applicant would be unable to obtain the necessary permits until the snow is gone. It therefore allows the use to commence as long as the **Performance Guarantee** covering the work, to the required standard, is posted, and that the improvement work is completed within 4 months of the posting of the Performance Guarantee.
7. DPS staff have requested me to stress to the Board and to the applicant that the improvement work must be undertaken by a licensed contractor and meet the City standards and that ideally there would be granite curbing around the planted buffer areas. Staff are aware that the likely costs of this work, including granite curbing and upgraded aprons, is likely to be quite expensive and **therefore want to ensure that the applicant is aware that non-standard substitutions are not acceptable and that any approval is based on implementation of all the approved plans and conditions.** It should be noted that evidence of financial and technical capacity is not an explicit requirement for Level I Site Plan applications (per 14-527) and therefore the applicant was not requested to provide a letter from a bank or similar documentation.

**From:** Matthew Albert <thealberts@maine.rr.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 6/18/2014 1:52 PM  
**Subject:** 783 Forest Avenue

Dear Ms. Faser,

My family and I have lived on Hartley Street for 14 years and have watched responsible businesses grow and become successful in the general vicinity of our home. We have been supportive of several of the small businesses that have developed since we moved here 14 years ago. Unfortunately we are not supportive of the business being conducted and up for review by the Planning Board at 783 Forest Avenue. For two years a car dealership has operated out of that address without the proper licensing to operate such a business at that location. They load and unload cars on Hartley St, conduct car sales and negotiations in front of homes close to Forest Avenue, allow customers to park on Hartley St without regard to the residential nature of the street. Additionally, the current business and business owners at 783 Forest Avenue have demonstrated a complete and utter lack of regard or respect for the city ordinances that govern that property. I am aware of the plan that they presented to the planning board, they have recently made some "upgrades" to their property that are not shown on those plans. The owners are connected with Merlin Motors and seem to be an alternate lot for selling additional cars, a quick review of Merlin Motors website shows vehicles for sale which are parked in the overcrowded lot at 783 Forest Ave. I cannot support the application presented for 783 Forest Avenue.

Thank you for allowing public comment on this important issue.

Sincerely,

Christine S. Albert  
19 Hartley Street  
Portland, Maine 04103



**From:** Michael Charek <michaelcharek@gmail.com>  
**To:** Jean Fraser <jf@portlandmaine.gov>  
**Date:** 6/16/2014 1:08 PM  
**Subject:** 783 Forest Avenue

Ms. Fraser,

I am writing as a Hartley Street resident, among the group of neighbors contacted by the City of Portland about a pending Site Plan and Conditional Use application for 783 Forest Avenue. We have lived at our current address for 31 years, and have seen the neighborhood change over that time, with businesses on Forest Avenue developing and, for the most part, flourishing. We recognize that we live fairly near a busy street with its attendant traffic and business activity, and accept what goes with that proximity. However, we are concerned about what has been going on at 783 Forest Avenue for several years now.

I have reviewed the report that had been prepared for the June 10 meeting, and understand the application was tabled until June 24. I also understand that the plan available at that time was not complete, but that representations have been made by the tenant as to what they are proposing to do.

The application indicates that the northerly curb cut is to be closed in and the sidewalk built up to the level of the adjacent sidewalk, and the southerly curb cut and drive are to be narrowed from approximately 40 feet to 28 feet, with sidewalk and curbing extended to the new apron. This seems to be at odds with work that was done on Friday June 13 and today, June 16, essentially removing and replacing the concrete sidewalk at both curb cuts, with no filling in or narrowing. Concrete was placed and broom-finished, with tooled control joints. There are no expansion joints in the new concrete, and the material was placed without formwork, but rather "blended in" to the adjacent concrete and bituminous surfaces, as if it were bituminous paving instead of concrete. It does not look as though City of Portland engineering details were followed in the placement of the concrete.

This just-completed repair follows the behavior we have seen over the past two years that the current business has been in operation at this address, in complete disregard of land use regulations. As far as I have seen, no permission was ever asked or granted for the storage of vehicles at this address, or for used car sales to take place there. This is what we have observed:

A large number of passenger vehicles, between 40 and 50, are parked on the lot at all times.

Most of the vehicles have no license plates. They may not have current state inspection stickers.

Many of the vehicles have some sort of window sticker similar to car dealer's stickers, with particulars about the vehicle listed.

People often drive to the property and inspect the vehicles on display there.

At times the vehicles parked along the Forest Avenue side hang over the sidewalk, making it difficult, and at times in the winter, impossible, to walk along the property on the sidewalk.

On many occasions, vehicles are delivered or picked up by flatbed truck on Hartley Street.

Vehicles without plates, and with window stickers, are often parked on Hartley Street for short periods.

This is especially so in the winter, when vehicles are moved from the lot for snow removal.

Vehicles entering Forest Avenue from the driveway opposite Hartley Street make it difficult at times to enter Forest Avenue from Hartley Street.

There is no sign anywhere on the property to indicate what sort of business is going on there.

Unshielded exterior lights under the building canopy shine straight out from the building and cause glare in the eyes of drivers and pedestrians coming down Hartley Street toward Forest Avenue.

I would like to speak in support of a business trying to make a go of it in the City. Unfortunately, this particular business seems to have no interest in being a good neighbor and following the rules. Given past and very recent behavior of the owner and/or tenant, I cannot support their application. I would rather see the property revert to a vacant lot or to its current use of record, a gas station, than continue to be used as a mass storage lot for automobiles. As far as permitting the conditional use – used car dealership – that is being applied for, it is difficult to believe that anything shown on the plan or represented by the applicant will come to pass if the conditional use permission is granted.

Thank you for this opportunity to comment.

Sincerely,  
Michael Charek



**From:** <jimellen@maine.rr.com>  
**To:** <jf@portlandmaine.gov>  
**Date:** 6/11/2014 4:02 PM  
**Subject:** 783 Forest Ave Site Plan and Conditional Use Review

Hello Jean,

My wife and I have resided in our home at 38 Hartley St since 1996 and are very happy with the area we chose to buy our home in.

Over the years we have seen neighbors come and go but still a tight knit community with a lot more kids in the area as of recent years.

The car dealership at 783 Forest Ave (Merlin Motors) has been a concern to many of us since they started up.

More and more cars are on the lot, overflowing onto the street and sidewalk of Forest Ave making what has always been a difficult area to make a left turn onto than ever before.

Even more of a nuisance is the fact that they park the cars that they cannot cram on their lot onto our residential street. Not only do these cars take up valuable parking (especially in the winter months), but are not registered and many not having current Maine State Inspection stickers on them which brings up another concern. Many times I have seen these cars being "test driven" without plates (even though I know they have dealer plates that are mostly used for their 2nd location by Woodford's Corner).

Not only is this "car lot" unsightly during the day, but they leave their VERY BRIGHT fluorescent lights on all night pointing up our street creating light pollution.

Thank you for addressing our concerns,  
Jim Parsons  
38 Hartley St.  
Portland, ME 04103

