

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

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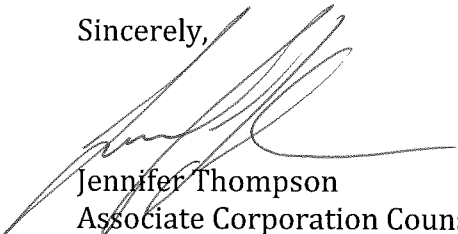
you of your responsibility to comply with the City's Code now. Therefore, in order to bring your business and your use of this property into compliance, you agreed today that you would immediately remove all vehicles from the lot and stop all car sales from that location. At the very latest, this needs 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)