

# Sebago Technics

Engineering & Planning for the Future

Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

## 302 Presumpscot Street, Parking Lot Compound, Unpermitted Use

Dear Marge:

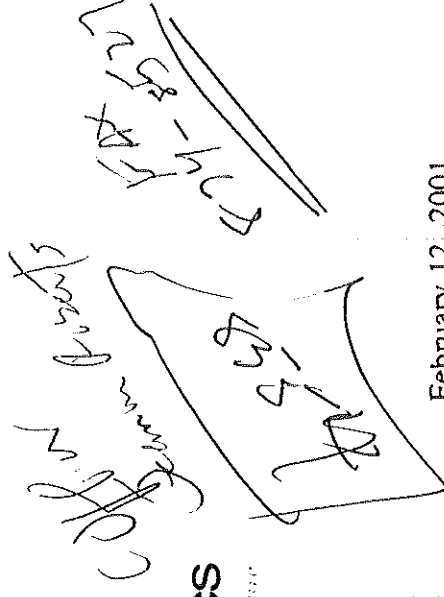
Thank you for your assistance with the search for land use records for the Edward Benjamin lot located off Presumpscot Street, shown as Tax Map 423, Block A, Lot 9. We believe this property's address is approximately 302 Presumpscot Street based on City tax maps. Per your search and discussions with the owner, it is apparent that no plan or application had been submitted or approved for the current use as an off-street parking lot for impounded vehicles.

After reviewing the permitted and prohibited uses under the Land Use Ordinance for the I-L Zone, it is difficult to find a section pertaining to vehicle impoundments or fenced parking areas. However, after discussions with you, it was determined that under Section 14-463-Certificate of Occupancy Required (4), a certificate of occupancy shall be required for any occupancy and use or change of use of vacant land, except for the raising of crops. Therefore, the site is currently operating without a certificate of occupancy or approved site plan, whether it be by ignorance or lack of clarity by the Ordinance.

Prior to an issuance of a stop order on the property, Mr. Benjamin would like to assure the City that he will begin plan preparation and the necessary surveys to bring the site into compliance. However, a survey of the property will take a period of time because of the winter conditions and heavy workload of the survey profession at this time. Mr. Benjamin has requested that we schedule field work now so that plans could be started as soon as possible.

Due to the project's zoning in the I-L Zone, a vehicle compound could be approved as an accessory use to another land use. Prior to this discovery of the unpermitted use, Mr. Benjamin had discussed construction of a garage or repair shop on the property. Therefore, it is likely that a minor plan will show both a new auto repair garage and provide the necessary amenities for a Portland Police licensed impoundment.

February 12, 2001  
01050



Ms. Schmuckal

-2-

February 12, 2001

At this time, we request that Mr. Benjamin or the operator of the property be allowed to continue the impounded car lot with the assurance that no further expansion or improvements will be made to the land until it has been approved by the necessary planning authorities. The lot, as mentioned, has provided a necessary use for the Police Department. To date, the owner has not received any complaints from abutters regarding unsightliness, noise, or general land use. Although not approved, it has not noticeably offended neighbors and has assisted a municipal need. We anticipate approximately three to four months will be needed to complete a site plan application. We hope that a compromise or reasonable deadline can be reached while Mr. Benjamin proceeds with preparation of the necessary information for a minor site plan submittal.

Please feel free to contact our office regarding our scheduling or application preparation. If you have direct questions regarding the history of the land use on the lot to date or the actions that have led to this issue, please contact Mr. Benjamin directly. We look forward to working with the City and this owner to correct this situation.

Sincerely,

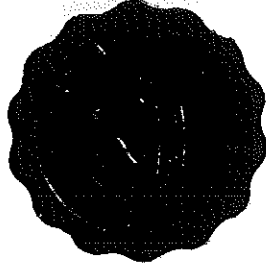
SEBAGO TECHNICS, INC.



James R. Seymour  
Project Engineer

JRS:jc  
Enc.

cc: Edward Benjamin  
Mark Adelson, Director Housing & Neighborhood Services



MARK

Zoning Division  
Marge Schmuckal  
Zoning Administrator

Department of Urban Development  
Joseph E. Gray, Jr.  
Director



CITY OF PORTLAND

March 5, 2001

James R. Seymour  
C/o Sebago Technics, Inc.  
One Chabot Street  
P.O. Box 1339  
Westbrook, ME 04098-1339

RE: 326 Presumpscot Street - 422-B-009 - IL zone

Dear Jim,

I am in receipt of your letter dated February 12, 2001 in which you request that Mr. Benjamin or the operator of the property be allowed to continue the impounded car lot. I have discussed this request with Mark Adelson, who is the Director of Housing and Neighborhood Services. We both agree that the illegal tow lot use can not continue, and your request can not be honored.

This morning I have spoken to Mr. Benjamin concerning this matter. I explained that as of this date, he or his operator of the property can no longer tow cars to this lot. The police department will be notified. The cars (10 or so per our conversation) that remain on the property are apparently there because owners have abandoned them after they were towed there. As explained to me, the State requires that a title be reissued to the operator before it can be sold for scrap. This procedure takes a while to complete. These cars shall be removed as soon as the State gives proper title. As explained, no further active towing shall be allowed to this location until all approvals have been obtained.

I understand that during the meantime, a site plan application is being worked on for submittal. I am looking forward to reviewing that application. Please call if you have any questions.

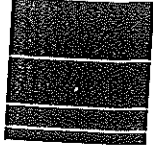
Very truly yours,



Marge Schmuckal  
Zoning Administrator

Cc: File

Mark Adelson, Director of Housing & Neighborhood Services  
Edward Benjamin, 4 Diamond Ridge Way, Falmouth, ME 04105  
Scott Butterfield, PO Box 3905, Portland, ME 04101  
Arthur Rowe, Code Enforcement Officer



# Sebago Technics

Engineering & Planning for the Future

February 12, 2001  
01050

Received 14, 2001

Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

## 302 Presumpscot Street, Parking Lot Compound, Unpermitted Use

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SEBAGO TECHNICS, INC.



James R. Seymour  
Project Engineer

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cc: Edward Benjamin  
Mark Adelson, Director Housing & Neighborhood Services

