

158-160 DANFORTH STREET

SHAW-WALKER

TERRIEN ARCHITECTS 5 Moulton Street Portland Maine 04101 207-774-6016

FILE

December 22, 1980

Mr. Walter Hilton
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Hilton:

I am writing on behalf of Tracy and Donald Booth, owners of the buildings at 156 and 158 Danforth Street, who plan to develop the first floor for an office and renovate the existing apartments on the second and third floors.

In my letter of December 9, 1980, I reiterated my understanding of our conversations regarding egress for the existing apartments at 158 Danforth Street. The existing stair will continue to serve these apartments. The second and third floor apartments at the front of the building will continue to use existing fire escapes as a second means of egress. The two story apartment at the rear of the building will also be served by the existing stair and the second means of egress will be a new unenclosed fire escape from the second floor directly to the ground and built with the dimensions specified in the December 9th letter. While the code does not allow a new fire escape (NFPA 101 Code, Appendix A, Section A-5-2.9.1.1.1., pages 209-210), we rely on your judgement to interpret the code and allow one. This rule making authority (BOCA Code Section 108.6, page 5) grants the local building official power to interpret the code according to local conditions such as climate or conditions of an existing building.

Similarly we would like to request a waiver of the code restrictions with regard to the width of the existing stair at 158 Danforth Street which will serve the apartments on the second and third floors. This existing stair will be separate from the proposed first floor office uses with the necessary fire-rated partitions and fire doors.

As the building is presently laid out, one must pass through the stairwell area in order to get to the rear wing of the building on the first floor. In order to avoid this (and clearly separate the tenant and office uses in the building) we propose to open the passage beneath the stairs at the first floor. To get the necessary headroom in this passage, we intend to move the existing stair forward. Opening this passage would clearly separate the tenant and office uses in the building and separates the first floor circulation from the egress stair.

George B. Terrien William Burlin Richard K. Renner Robert L. Howe Jenny P. Scheu Nancy L. Klintz

Page 2

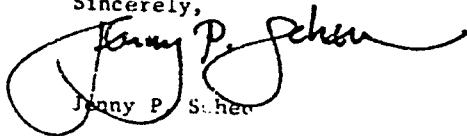
While there is room to move the stair forward, there is no way to widen the existing tenant stair. It is a scissor stair and widening one side will only diminish the width of the other. The present width is 2'-9 1/2", less than the 3'-0" required by the code.

In this case the conditions of the existing building restrict the lateral expansion of this stair. Based on my conversation with you on Thursday, December 18th, I request a waiver as regards this stair.

At your convenience, I would certainly be glad to show you this existing stair or go over the plans further.

Best wishes for a fine holiday.

Sincerely,



Jenny P. Schen

JPS/dt

cc: Lt. James Collins
Tracy Booth
Mark Weiss

TERRIEN ARCHITECTS 5 Muldoon Street Portland Maine 04101 20

FILE

December 9, 1980

Mr. Walter Hilton
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. Hilton:

I am writing to confirm my understanding of our conversation on December 8, 1980 with regard to the egress requirements of the two existing apartments and one proposed apartment at 158 Danforth Street.

The second and third floor apartments at the Danforth Street (north-east) end of the building will each continue to be served by the existing stairs. These existing apartments each have a fire escape which is, in each case, the second means of egress.

One two-story apartment has been proposed for the second and third floor at the southwest end of the building. The existing stair will serve the entrance to this apartment at the second floor. There will be no entrance to this apartment at the third floor. Circulation within this two-story apartment will be accommodated by a separate circular stair. The second means of egress will be a new un-enclosed fire escape from the second floor directly to the ground. The width of this stair will be 22" minimum. The tread dimension will be 9" minimum, and the riser dimension will be 9" maximum.

The existing stair will be upgraded to meet all the requirements of the BOCA and NFPA codes. It will be separated from the offices at the first floor with the necessary fire-rated doors.

The proposed use at the first floor at 158 Danforth Street is for medical offices, pending an appeal to the zoning board on December 11, 1980. Access to the southwest end of the building at the first floor will be by way of a corridor which passes underneath the existing stairs which will serve all three apartments above. The walls and ceiling of the corridor as it passes beneath these stairs will be fire-rated as required by the code. This corridor will make circulation within the offices possible without passing through the existing stairwell for the apartments on the second and third floors. A fire-rated door will be installed to assure the safety of the stair, separate office from tenant use, and serve as an emergency egress for the office.

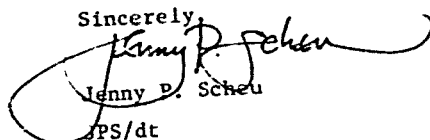
George B. Terrien William Burlin Richard K. Renner Robert E. Howe Jenny P. Scheu Nancy L. Klutz

Page 2

As you noted, the proposed use for the building has changed since your initial conversations with Mrs. B. We will submit further drawings and make the necessary changes in the application for the building permit to reflect these changes.

Thank you for your attention to this matter. Please let me know if my understanding of our conversation is incorrect.

Sincerely,


Jenny P. Scheu

JPS/dt

cc: Tracy Booth



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

158

PERMIT ISSUED

MAR 9 1981

Portland, Maine, March 6, 1981 CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 158 Danforth St. Use of Building multi No. Stories New Building Existing " Existing " Name and address of owner of appliance Dr. Donald Booth-35 Foreside Rd. Installer's name and address Audi-the Lumber-1231 Forest Ave. Cumb Foreside phone

General Description of Work

To install gas conversion burner - replace oil

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath? If so, how protected? Kind of fuel? gas Minimum distance to burnable material, from top of appliance or casing top of furnace From top of smoke pipe From front of appliance From sides or back of appliance Size of chimney flue Other connections to same flue If gas fired, how vented? thru chimney Rated maximum demand per hour 295,000 per hour Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion?

IF OIL BURNER

Name and type of burner Weill-McLain Labelled by underwriters' laboratories? yes Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? Type of floor beneath burner Size of vent pipe Location of oil storage Number and capacity of tanks Low water shut off Make No. Will all tanks be more than five feet from any flame? How many tanks enclosed? Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath? If so, how protected? Height of Legs, if any Skirting at bottom of appliance? Distance to combustible material from top of appliance? From front of appliance From sides and back From top of smokepipe Size of chimney flue Other connections to same flue Is hood to be provided? If so, how vented? Forced or gravity? If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed: 5.00 cost of work 2,000 10.00

APPROVED: 15.00

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?

Signature of Installer

[Handwritten signature]

CS 300

FILE COPY

(4)

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION #158 Danforth St.

Issued to Roman Catholic Bishop of Portland
510 Ocean Ave.

Date of Issue April 18, 1968

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 68/153, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

First and second floors only.

Chancery Building.

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

Nelson F. Cartwright
Inspector

A. Allen
Inspector of Buildings

(Date)

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



RG RESIDENCE ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class
Portland, Maine, March 4, 1968

PERMIT ISSUED

MAR 5 1968

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 158 Lanfortl. St. Within Fire Limits? Dist. No.
Owner's name and address Roman Catholic Bishop of Portland, 510 Ocean Ave. Telephone
Lessee's name and address
Contractor's name and address Meguire & Jones Co, 33 Pearl St. Telephone 772-7453
Architect Specifications Plans yes No. of sheets 1
Proposed use of building Chancery No. families
Last use Dwelling No. families
Material brick No. stories 2 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ 500.00 Fee \$ 3.00

General Description of New Work

To erect metal fire escape on right hand side of building from second floor to ground as per plan.

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT ISSUED TO contractor

Details of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work?
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber-Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof
If one story building with masonry walls, thickness of walls? height?

If a Garage

No. cars now accommodated on same lot, to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVED:

O.K. - 4/3/68 - Allen

Miscellaneous

Will work require disturbing of any tree on a public street?
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Roman Catholic Bishop of Portland
Meguire & Jones Corp.

65 301

INSPECTION COPY

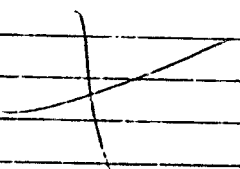
Signature of owner by: Clifford M. Tupper

Handwritten initials

NOTES

3-27-68 Work started *WB*

4-17-68 Completed *WB*



Permit No. 65116.3

Location *1500 W. 1st St. S. Phoenix, Ariz.*

Owner *Walter W. Brown, Jr. Phoenix, Ariz.*

Date of permit *3/5/68*

Notif. closing-in

Insur. closing-in

Final Notif.

Final Insprn.

Cert. of Occupancy Issued

Staking Out Notice

Form Check Notice

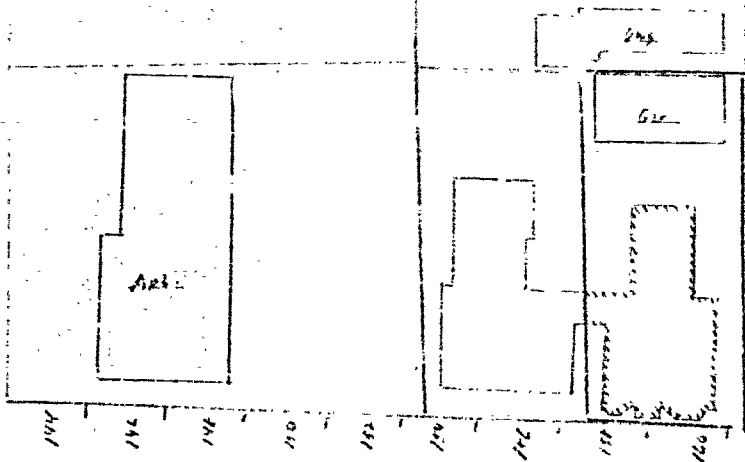
Danforth St

217 1/4

Allen

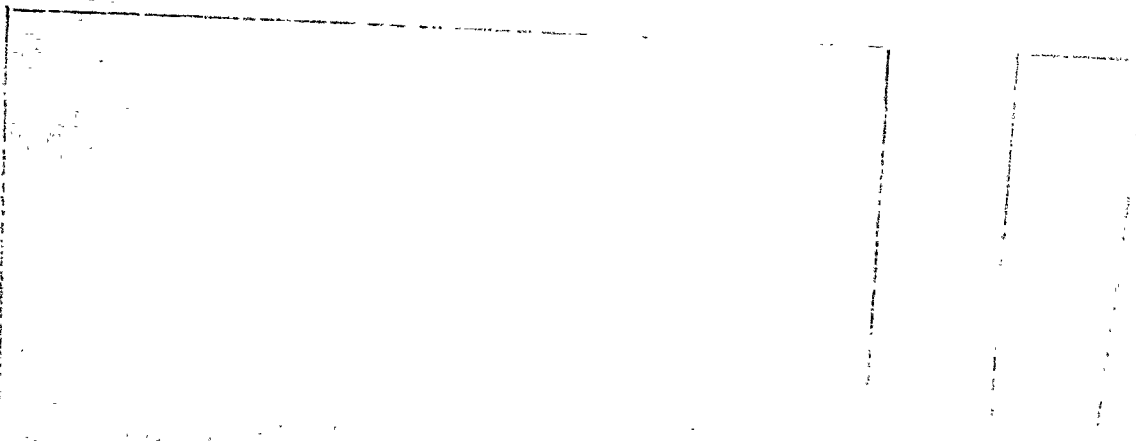
174-6-21

Stone St



Thyng St

174-6-21



158-160 Danforth St.

Feb. 7, 1968

Rev. Peter Gerety
Roman Catholic Bishop of Portland
510 Ocean Avenue

cc to: F. W. Cunningham & Sons
181 State Street
cc to: Corporation Counsel

Dear Rev. Gerety:

Permit to change use of building (right hand section) at the above named location from a dwelling to a chancery building is not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-6 Residence Zone in which the property is located unless authorized by the Board of Appeals as provided by Section 7-A-7f of the ordinance.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 shall be paid at this office for a use appeal at the time the appeal is filed.

Very truly yours,

Gerard L. Hayberry
Director Building & Inspection Services

GER:ra



R6 RESIDENCE ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class

Portland, Maine, January 23, 1968

PERMIT ISSUED

MAR 7 1968 158

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 156 Danforth Street Within Fire Limits? _____ Dist. No. _____
Owner's name and address Roman Catholic Bishop of Portland Telephone _____
Lessee's name and address 510 Ocean Ave. Telephone _____
Contractor's name and address F. W. Cunningham & Sons, 181 State St. Telephone 773-0246
Architect _____ Specifications _____ Plans yes No. of sheets 2
Proposed use of building Offices ~~Residence~~ Chancery No. families _____
Last use Dwelling No. families _____
Material brick No. stories 2 Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ 1900. Fee \$ 5.00

General Description of New Work

To Change Use of building from dwelling to offices - 1st and 2nd floors only. with alterations as per plans

Map 773-7711

Appeal sustained 2/29/68

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO F. W. Cunningham & Sons

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
Has septic tank notice been sent? _____ Form notice sent? _____
Height average grade to top of plate _____ Height average grade to highest point of roof _____
Size, front _____ Depth _____ No. stories _____ Solid or filled land? _____ earth or rock? _____
Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
Kind of roof _____ Rise per foot _____ Roof covering _____
No. of chimneys _____ Material _____ of lining _____ Kind of heat _____ fuel _____
Framing Lumber-Kind _____ Corner posts _____ Sills _____
Size Girder _____ Column _____ Size _____ Max. on centers _____
Studs (outside walls and carry) _____ O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st _____, 2nd _____, 3rd _____, roof _____
On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

APPROVED:

O.K. - 4/1/68 - Allen

Miscellaneous

Will work require disturbing of any tree on a public street? _____ no _____
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? _____ yes _____

Roman Catholic Bishop of Portland
F. W. Cunningham & Sons

Signature of owner By: Paul E. Bellon

CS 301

INSPECTION COPY

Signature of owner By:

Permit No. 18/153

Location 158 Danforth St.

Owner Roman Catholic Building

Date of permit 7/1/65

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued 4/18/68 = O'Keefe, Seale

Staking Out Notice

Form Check Notice

NOTES

4-17-68 Completed

X

158 Danforth St.

February 28, 1974

Rosengren Construction Co.
32 Cliff Ave.
Cape Elizabeth, Maine

Dear Sir:

In checking your application for a change of use from offices to drug rehabilitation center at the above named location, we find that we are unable to continue processing your permit until further information is provided as follows:

1. The application states "City of Portland" as owner, according to the assessors records the Catholic Diocese of Portland is the owner.
2. Will this be a boarding house?
3. What use will the second floor be put to?
4. All rooms will have to be labeled as to use and size.

Very truly yours,

Malcolm G. Ward
Plan Examiner

MGW:k



APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION R-6 PORTLAND, MAINE, Feb 26, 1974

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION .. 158 Danforth St. (CATHOLIC DIOCESE OF PORTLAND)
 1. Owner's name and address .. City of Portland .. Fire District #1 #2 Telephone ..
 2. Lessee's name and address .. Telephone ..
 3. Contractor's name and address .. Rosengren Contr Co, 32 Cliff Ave, Cape Elizabeth .. Telephone 799-5238
 4. Architect .. Specifications .. Plans .. No. of sheets ..
 Proposed use of building .. Drug rehabilitation center .. No. families ..
 Last use .. offices .. No. families ..
 Material .. No. stories .. Heat .. Style of roof .. Roofing ..
 Other buildings on same lot ..
 Estimated contractual cost \$ 1,000.00 .. Fee \$ 5.00

FIELD INSPECTOR—Mr. Cartwright .. GENERAL DESCRIPTION

This application is for: @ 775-5451 .. Change of use as above with alterations per plan
 Dwelling .. Ext. 234 ..
 Garage ..
 Masonry Bldg. ..
 Metal Bldg. ..
 Alterations ..
 Demolitions ..
 Change of Use ..
 Other ..

Stamp of Special Conditions

nothing done

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 2 3 4
Other: ..

DETAILS OF NEW WORK

Is any plumbing involved in this work? yes .. Is any electrical work involved in this work? yes
 Is connection to be made to public sewer? .. If not, what is proposed for sewage? ..
 Has septic tank notice been sent? .. Form notice sent? ..
 Height average grade to top of plate .. Height average grade to highest point of roof ..
 Size, front .. depth .. No. stories .. solid or filled land? .. earth or rock? ..
 Material of foundation .. Thickness, top .. bottom .. cellar ..
 Kind of roof .. Rise per foot .. Roof covering ..
 No. of chimneys .. Material of chimneys .. of lining .. Kind of heat .. fuel ..
 Framing Lumber—Kind .. Dressed or full size? .. Corner posts .. Sills ..
 Size Girder .. Columns under girders .. Size .. Max. on centers ..
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
 Joists and rafters: 1st floor .., 2nd .., 3rd .., roof ..
 On centers: 1st floor .., 2nd .., 3rd .., roof ..
 Maximum span: 1st floor .., 2nd .., 3rd .., roof ..
 If one story building with masonry walls, thickness of walls? .. height? ..

IF A GARAGE

No. cars now accommodated on same lot .., to be accommodated .. number commercial cars to be accommodated ..
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? ..

APPROVALS BY: .. DATE ..

BUILDING INSPECTION—PLAN EXAMINER ..

ZONING: ..

BUILDING CODE: ..

Fire Dept.: ..

Health Dept.: ..

Others: ..

MISCELLANEOUS

Will work require disturbing of any tree on a public street? ..

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes ..

Signature of Applicant Bernard Rosengren Phone # 799-5238

Type Name of above .. Rosengren .. 1 2 3 4

Other .. and Address ..

FIELD INSPECTOR'S COPY

158 Danforth Street

March 14, 1974

Drug Rehabilitation, Inc.
Day One
158 Danforth Street, 04102

Gentlemen:

In reply to your letter to me of last week to change the use of this building at the above named location to a drug rehabilitation Center, I have given my recommendations to the Director of this department. It is my understanding however that you plan to change the use to a lodging house. As soon as this information is received we will be glad to check it against the zoning Ordinance requirements.

Very truly yours,

A. Allan Soule
Asst. Director Building & Inspection
Services

AAS:m

DRUG REHABILITATION, INC.
158 DANFORTH STREET
PORTLAND, MAINE 04102



A. Allen Soule
Assistant Director
Building and Inspecting Services
City Hall
Portland, Maine

ADDRESS 158 DANFORTH ST
2/11/74

ROUTING SLIP
FROM

DEPARTMENT OF BUILDING AND INSPECTION SERVICES

- FIRE DEPARTMENT
- PLANNING BOARD
- RENEWAL
- MAINE WAY
- OTHERS

APPROVED *McDonough F.P.B.*

DISAPPROVED BY REASON OF
(quote section of pertinent ordinance or other governing factors)

SPECIAL COMMENTS _____

KEEP SECOND COPY AND RETURN ORIGINAL TO BUILDING AND INSPECTION SERVICES

PORTLAND FIRE DEPT.
REC'D. 2-12-74
RETURNED 2-12-74
BY [Signature]





APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP

00112 FEB 14 1974

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION PORTLAND, MAINE, Feb 11, 1974

CITY of PORTLAND

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 158 Danforth St Fire District #1 [], #2 []
1. Owner's name and address Catholic Diocese of Portland Telephone
2. Lessee's name and address Telephone
3. Contractor's name and address Curran Electric, 49 Dartmouth Telephone 772-5424
4. Architect Specifications Plans No. of sheets
Proposed use of building Drug rehabilitation center No. families
Last use No. families
Material brick No. stories 3 Heat oil Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ Fee \$ 5.00

FIELD INSPECTOR—Mr. Cartwright
This application is for: @ 775-5451
Dwelling Ext. 234
Garage
Masonry Bldg.
Metal Bldg.
Alterations
Demolitions
Change of Use
Other

GENERAL DESCRIPTION
To install a fire alarm system. Panel is Firelite model CAD800, spot fire locators 136 and 190 deg. 3-6" gongs and break stations throughout the entire building.

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 [] 2 [] 3 [x] 4 []
Other:

DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work? yes
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber—Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor 2nd 3rd roof
On centers: 1st floor 2nd 3rd roof
Maximum span: 1st floor 2nd 3rd roof
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot, to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: N.F.C. DATE 2-13-74 MISCELLANEOUS
BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street?

ZONING:
BUILDING CODE: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Fire Dept.: M.C. Monaghan, F.P.B.
Health Dept.:
Others:

PORTLAND FIRE DEPT.

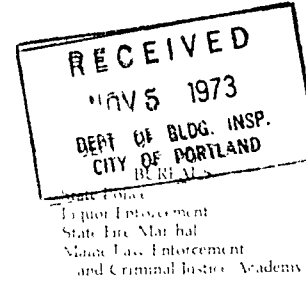
Signature of Applicant Richard E. Curran Phone #
Type Name of above Richard E. Curran 1 [] 2 [] 3 [x] 4 []
Other and Address

REC'D 2-12-74
FILED IN RECORDED COPY 74
BY

Parker F. Hennessey
Commissioner



DEPARTMENT OF PUBLIC SAFETY
36 HOSPITAL STREET • AUGUSTA, MAINE 01330



October 31, 1973

File
Mr. Charles Sharpe
Drug Rehabilitation Inc.
158 Danforth Street
Portland, Maine

Dear Mr. Sharpe:

Re: Drug Rehabilitation Inc.
(Proposed Dormitory for Drug Counseling Use.)

A recent inspection of your property by a Supervising State Fire Inspector revealed the existence of conditions which are in violation of the laws pertaining to fire and structural safety.

Accordingly, the following steps are to be taken to remedy these conditions:

FIRST FLOOR:

1. All doors leading into corridors from offices to be 1 3/4" solid core with self-closers.
2. Rear stairway from first to third floor to be enclosed with half hour fire resistive material and to be cut-off from corridors at each level also cut-off at bottom. Doors to be solid core 1 3/4" with self-closers.
3. Kitchen to be enclosed with one hour fire resistive material. Door to be solid core with self-closer, 1 3/4".
4. Toilet under stairs, first floor, to have solid core 1 3/8" door with closer installed and door to open with traffic. This requirement due to location of toilet under only stairway from upper floors of building.
5. Rear exit door to be rehung to open with traffic and have anti-panic hardware.
6. Kitchen to have fixed fire extinguishing system over ranges.
7. Rooms, one on second floor and one on third floor that lead to fire escape are not to be occupied and doors to have all locks removed.
8. Two Underwriters Laboratories approved 2 1/2 gallon pressurized water fire extinguishers to be mounted in each exit corridor, one at each end of corridor.
9. All carpeting to meet U.S. Government tunnel test standards.
10. Window second floor rear bedroom, near fire escape to have wire glass and metal frame.
11. Type II emergency lighting to be provided for all exitways.
12. Illuminated exit signs to be provided for all exits.
13. A manual fire alarm system with sounding devices audible to all persons on each floor to be installed, pull for system to be installed at each principal exit. Alarm device to be vermin proof.
14. Handrails to be installed on exterior steps, front and rear.
15. A platform 40" in the clear with treads not less than 10 1/2" to nosing and risers not more than 7" to be installed at third floor fire escape exit.

Mr. Charles Sharps

-2-

November 1, 1973

16. Third floor fire escape exit to be minimum 6'8" x 28" and to open with traffic and be equipped with anti-panic hardware.
17. Boiler room to be enclosed with one hour fire resistant material. Door to be self-closing and air for boiler to be taken directly from the outside.

Please advise this office within ten days of the action which you propose to take.

By direction of the Commissioner

Charles P. Rogan
State Fire Marshal

WHR:jsm
cc: Building Inspector
Fire Chief
Richard W. Carbonneau

PERMIT TO INSTALL PLUMBING

Date Issued **September 8, 1969**
 Portland Plumbing Inspector
 By **ERNOLD R. GOODWIN**

Address **158 Danforth Street** PERMIT NUMBER **6117**
 Installation For **Pine Tree Legal Ass.**
 Owner of Bldg: **Pine Tree Legal Ass.**
 Owner's Address **158 Danforth Street**
 Plumber: **Reuben Katz** Date: **September 8, 1969**

App. First Insp.
 Date **9/10/69**
 By **WALTER H. WALLACE**
SENIOR PLUMBING INSPECTOR

App. Final Insp.
 Date **9/10/69**
 By **WALTER H. WALLACE**
SENIOR PLUMBING INSPECTOR

- Type of Bldg:
- Commercial
 - Residential
 - Single
 - Multi Family
 - New Construction
 - Remodeling

NEW	REPL		NO.	FEE
		SINKS		
		LAVATORIES		
		TOILETS		
		BATH TUBS		
		SHOWERS		
		DRAINS FLOOR SURFACE		
		HOT WATER TANKS		
		TANKLESS WATER HEATERS		
		GARBAGE DISPOSALS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS		
		AUTOMATIC WASHERS		
		DISHWASHERS		
		OTHER		
	1	SET TUB	1	2.00
TOTAL			1	2.00

Building and Inspection Services Dept.: Plumbing Inspection

1515 Pa 2/13/68

68/12

Granted 2/29/68

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

VARIANCE APPEAL

Roman Catholic Bishop of Portland owner of property at 153-160 Danforth Street
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland,
hereby respectfully petitions the Board of appeals for a variance from the provisions of
said Ordinance to permit: changing the use of one-half of the building from a dwelling
to a Chancery Building. This permit is presently not issuable under the Zoning Ordinance
because the proposed use is not allowable in the R-8 Residence Zone in which the property
is located.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds
that the strict application of the provisions of the Ordinance would result in undue
hardship in the development of property which is inconsistent with the intent and purpose
of the Ordinance; that there are exceptional or unique circumstances relating to the
property that do not generally apply to other property in the same zone or neighborhood,
which have not arisen as a result of action of the applicant subsequent to the adoption
of this Ordinance whether in violation of the provisions of the Ordinance or not; that
property in the same zone or neighborhood will not be adversely affected by the granting
of the variance; and that the granting of the variance will not be contrary to the intent
and purpose of the Ordinance.

Roman Catholic Bishop of Portland
By: Philip K. Robinson, Attorney
APPELLANT - for Roman Catholic
Bishop

DECISION

After public hearing held February 29, 1968, the Board of Appeals finds that
all of the above conditions do exist with respect to this property and that a
variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance
should be granted in this case.

Franklin G. Hillery
Henry M. Smith
W. W. [unclear]
BOARD OF APPEALS

158-160 Danforth E.

Feb. 7, 1968

at. Rev. Peter Carey
Roman Catholic Bishop of Portland
510 Ocean Avenue

cc to: J. W. Cunningham & Sons
181 State Street
cc to: Corporation Counsel

Dear Rev. Carey:

Permit to change use of building (right hand section) at the above named location from a dwelling to a chancery building is not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-6 Residence Zone in which the property is located unless authorized by the Board of Appeals as provided by Section 7-A-7f of the ordinance.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, your authorized representative should come to this office in room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 shall be paid at this office for a use appeal at the time the appeal is filed.

Very truly yours,

Gerald M. Layberry
Director Building & Inspection Services

GEM:m

February 26, 1968

Mr. Robert Robinson,
120 Exchange St.

cc: Rt. Rev. Peter Carey
510 Ocean Avenue

Dear Mr. Robinson:

February 29, 1968

ROBERT T. HAYDEN
102 EXCHANGE STREET
PORTLAND, MAINE

REAL ESTATE APPRAISER

TELEPHONE 772-5161
AREA CODE 207

February 19, 1968

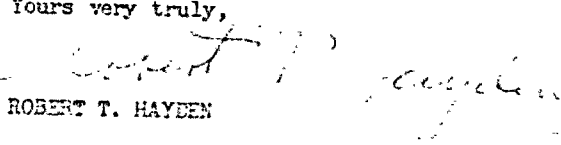
City of Portland, Maine,
Board of Appeals,
Portland, Maine.

Att. Franklin G. Hinkley

Dear Sir:-

Referring to your letter of February 19th, regarding request for change of the Zoning Ordinance to permit changing the use of one-half of the building at 158-160 Danforth Street, we would be very much in favor of this Zoning change.

Yours very truly,


ROBERT T. HAYDEN

RTH/w.

DATE: February 29, 1960

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Roman Catholic Bishop of Portland
AT 158-160 Danforth street

Public Hearing on the above appeal was held before the Board of Appeals.

BOARD OF APPEALS

	YES	VOTE	NO
Franklin G. Hinckley	(x)		()
Ralph A. Young William B. Kirpatrick	(x)		()
Harry M. Shwartz	(x)		()

Record of Hearing

Saint Ignatius Residence
156-158 Danforth St.

Jan. 9, 1968

Roman Catholic Bishop of Portland
510 Ocean Avenue

Gentlemen:

An electrical inspection of these premises was made recently and the following hazards were noted and would appreciate your immediate attention:

1. Separate service installed in 158 and isolated from 156.
2. All old EX cable in cellar should be removed and replaced with proper size romex at both 156-158 Danforth street.
3. All old pendant fixtures shall be removed if dangerous, or replaced.
4. Duplex recep. should be installed to limit use of extension cords.

Very truly yours,

Frank Herbert
Electrical Inspector
City of Portland

FHM:m



Original Permit No. 12/336

Amendment No. 1

AMENDMENT TO APPLICATION FOR PERMIT

Portland, Me., April 6, 1942

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby apply for an amendment to Permit No. 12/336 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location 156-158 Danforth Street Within Fire Limits? yes Dist. No. 3
 Owner's or Lessee's name and address Roman Catholic Bishop
 Contractor's name and address F. W. Cunningham & Sons, 181 State Street
 Plans filed as part of this Amendment yes No. of Sheets 1
 Is any plumbing work involved in this work? no Is any electrical work involved in this work? no
 Increased cost of work _____ Additional fee .25
 Framing Lumber: Kind? _____ Dressed or Full Size? _____

Description of Proposed Work

To eliminate front stairway, first to third floor in 158 as shown on plans.
To provide new all metal passageway, third floor level between the two buildings.

Sent to Fire Dept. 4/4/42
Rec'd from Fire Dept. 4/6/42

Approved: _____

Chief of Fire Department.

Commissioner of Public Works.

ORIGINAL

Roman Catholic Bishop

Signature of Owner F. W. Cunningham & Sons

By Joseph DePeter

Approved: 4/6/42 - [Signature]
Inspector of Buildings



APPLICATION FOR PERMIT

PERMIT ISSUED

Class of Building or Type of Structure Second Class

Portland, Maine, March 12, 1912

APR 1 1912

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 154-158 Danforth Street Within Fire Limits? yes Dist. No. 3
 Corner TYNG
 Owner's or Lessee's name and address Roman Catholic Bishop Telephone _____
 Contractor's name and address F. W. Cunningham & Sons, 181 State St Telephone 2-0275
 Architect _____ Plans filed yes No. of sheets 6
 Proposed use of building Priest's Residence (2) No. families _____
 Other buildings on same lot _____
 Estimated cost \$ 5,000 Fee \$ 1.50

Description of Present Building to be Altered

Material brick No. stories 2 Heat steam Style of roof _____ Roofing _____
 Last use School - factory No. families _____

General Description of New Work

To provide one story brick passageway, first floor, 10' x 110' to connect the two buildings changing windows to doors to lead to same (existing brick arches over openings)
 To provide brick basement entrance on Tyng St. side, 5' x 6', 5 1/2" high
 To put in two new partitions, first floor, 158, 2x4 and 2x6 studs, 16" OC gypsum lath
 To put in two new partitions to provide three bed rooms, of one existing room, 158 and new bath room on second floor, all as per plans
 To remove cupola on roof and provide scuttle

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Is any plumbing work involved in this work? yes
 Is any electrical work involved in this work? yes Height average grade to top of plate _____
 Size, front _____ depth _____ No. stories _____ Height average grade to highest point of roof _____
 To be erected on solid or filled land? solid earth or rock? earth
 Material of foundation stone in mortar (passageway) Thickness, top 16" bottom 12" cellar no
 Material of underpinning _____ Height _____ Thickness _____
 Kind of roof flat Rise per foot _____ Roof covering tar & felt
 No. of chimneys _____ Material of chimneys _____ of lining _____
 Kind of heat _____ Type of fuel _____ Is gas fitting involved? _____
 Framing lumber—Kind spruce or hemlock Dressed or full size? dressed
 Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____
 Material columns under girders _____ Size _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.
 Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____
 On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
 Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
 If one story building with masonry walls, thickness of walls? 12" or 14" height? 9'

If a Garage

No. cars now accommodated on same lot _____ to be accommodated _____
 Total number commercial cars to be accommodated _____
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will above work require removal or disturbing of any shade tree on a public street? no
 Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Signature of owner By F. W. Cunningham & Sons
Joseph DeFets
 ORIGINAL

Permit No. 10/205 P
Location 151-153 Danforth Street
Owner Roman Catholic Bishop
Date of permit 1/1/12
Notif. closing-in
Inspn. closing-in
Final Notif.
Final Inspn.
Cert. of Occupancy issued

NOTES

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Room 21, City Hall

Gentlemen:

In connection with the installation of oil burning equipment as indicated in statement below, please sign this statement and return to this office as promptly as possible so that the permit may be issued if everything else is found in order, retaining the copy for your file.

Very truly yours,

(Signed) Warren McDonald
Inspector of Buildings.

* * * * *

1. This statement is to become as much a part of the application for a permit to cover installation of oil burning equipment for Thomas Catholic Station at 150-151 North St., as though written on the application form.

2. A switch or other manual control capable of completely stopping flow of oil to the burner will be provided, such device to be so located as to be conveniently reached and operated without being exposed to danger that may exist at or near the burner. If feasible this switch or similar device will be located at or near the top of the cellar stairs. In case the burner is of a type without electrical controls, a quick-closing valve will be provided in the oil supply line so located and arranged that the valve may be manually closed from the top of the cellar stairs, or outside of the room where the burner is located or from outside the building.

3. A quick action, self-closing valve designed to close at 160 to 165 degrees Fahrenheit will be provided in oil supply line.

4. Readily accessible shut-off valves, one of which may be the self-closing valve indicated in No. 3 if capable of manual operation, will be installed in oil supply line near each burner and close to supply tank. Shut-off valves will be installed on each side of oil strainers which are not a part of the oil burner unit or which are connected to oil burner unit without intervening piping or tubing. Shut-off valves will be provided both on the discharge side and the suction side of oil pumps, if any, which pump directly to the burner but which are not a part of the burner unit.

5. If there is to be a shut-off valve in the discharge line of an oil pump, a suitable pressure relief valve will be connected into the discharge line between pump and shut-off valve and arranged to return surplus oil to the storage tank or to by-pass it around the pump.

Community Oil Co.
Installer

(Date) 3-20-42

By J. C. [Signature]



FILL IN COMPLETELY AND SIGN WITH INK **PERMIT ISSUED**

Permit No. 0292

MAR 29 1942

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, March 20, 1942

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 155-158 North Street Use of Building Private Residence No. Stories 3 New Building
Existing "

Name and address of owner of appliance Canon Catholic Bishop

Installer's name and address Community Oil Co., 512 Cumberland Avenue Telephone 6-7181

General Description of Work

To install Oil Burning Equipment in connection with existing steam heat

IF HEATER, POWER BOILER OR COOKING DEVICE

Is appliance or source of heat to be in cellar? yes If not, which story _____ Kind of Fuel Oil

Material of supports of appliance (concrete floor or what kind) concrete

Minimum distance to wood or combustible material, from top of appliance or casing top of furnace, _____
from top of smoke pipe _____ from front of appliance _____ from sides or back of appliance _____

Size of chimney flue _____ Other connections to same flue _____

IF OIL BURNER

Name and type of burner Silent Glow Labeled and approved by Underwriters' Laboratories? yes

Will operator be always in attendance? _____ Type of oil feed (gravity or pressure) gravity pressure

Location oil storage basement No. and capacity of tanks 2- 275 gal.

Will all tanks be more than seven feet from any flame? yes How many tanks fireproofed? _____

Amount of fee enclosed? 1.00 (\$1.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

Signature of Installer [Handwritten Signature]
Community Oil Co.
3/20/42
676

INSPECTION COPY

Permit No. 42/292

Location 156-158 Danforth St.

Owner Roman Catholic Bishop

Date of Permit 3/23/42

Post Card sent _____

Notif. for insp. _____

Approval Tag issued _____

Oil Burner Check List (date) _____

1. Kind of heat _____
2. Label _____
3. Anti-siphon _____
4. Oil storage _____
5. Tank distance _____
6. Vent Pipe _____
7. Fill Pipe _____
8. Gauge _____
9. Rigidity _____
10. Feed safety _____
11. Pipe sizes and material _____
12. Control valve _____
13. Ash pit vent _____
14. Temp. or pressure safety _____
15. Instruction card _____
16. _____

NOTES



City of Portland, Maine

Appeal denied

4/7/41

[Handwritten signature]

4/11

Appeal to the Municipal Officers to Change the Decision of the
Inspector of Buildings Relating to the Property Owned

by **Roman Catholic Bishop** at **156-158 Danforth Street, corner Tyng**
of Portland

March 15, 19 41

Action of Committee

Morton - no
Barry - no
Ward - yes
Beighton - no
Forsyth - no
+ may
1 year

To the Municipal Officers:

Your appellant, **Roman Catholic Bishop of Portland**

who is the **owner** of property at **156-158 Danforth Street, corner Tyng**

respectfully petitions the Municipal Officers of the City of Portland to change the decision of the Inspector of Buildings relating to this property, as provided by Section 13, Paragraph c. of the Zoning Ordinance, on the ground that the enforcement of the ordinance in this case involves unnecessary hardship and because relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

The decision of the Inspector of Buildings ^{denies a permit to cover con-}
~~struction of one or more buildings and the installation of equipment to establish~~
~~on this property a gasoline filling and motor vehicle service station because such~~
~~uses do not conform with the provisions of the Zoning Ordinance in the Apartment~~
~~House Zone where the property is located.~~

The reasons for the appeal are as follows: The proposed development would
be a distinct betterment to the neighborhood, and is necessary to a relevation
of anything approaching a fair return from the property.

Roman Catholic Bishop of Portland

(Signed by) Francis W. Sullivan
Its Agent

Copy returned from
Ernest F. Emery Westbrook, Me.
Copy returned from
Abbie Yeary Cook Kings
16 Gray St., Portland, Me.

Plans in
municipal
files

9001c

Appeal

April 8, 1941

Roman Catholic Bishop of Portland
c/o Mr. Francis Sullivan
477 Congress Street,
Portland, Maine

Dear Sir:

On April 7, 1941, the Board of Municipal Officers voted to deny your appeal under the Zoning Ordinance at 156-158 Danforth Street, corner of Tyng Street, relating to the proposal to construct and maintain there a gasoline filling and motor vehicle service station.

Very truly yours,

WJCD/H

Inspector of Buildings

41/11

PUBLIC HEARING ON THE APPEAL UNDER THE ZONING ORDINANCE OF ROMAN CATHOLIC BISHOP
OF PORTLAND AT 156-158 DANFORTH ST., CORNER TYNG STREET

April 4, 1941

A public hearing on the above appeal was held before the Committee on Zoning and Building Ordinance Appeals today. Present for the city were Chairman Martin, Councilors Berry, Leighton, Libby and Ward and the Inspector of Buildings.

Francis Sullivan, attorney, appeared for the appellant in favor of the appeal saying that the building on the corner lot is very old and has been vacant and barricaded for a long time, that the building on the next lot is used for the rectory and has been for half a century, that the rectory is very unsatisfactory for that purpose because the corner of Danforth and Tyng Street is very dark contributing to more or less nuisance at night, because of the noise and disturbance of the heavy traffic of Route No. 1 especially on account of the stop light nearby, because it is next to the hospital driveway where emergency cases are taken in at all times of night, because the pastor and others must cross Danforth Street to get to the church. He said that the appellant owner, if successful in disposing of the property in question, plans to buy the dwelling house across Danforth Street, owned by the Estate of the late Elias Thomas if that property which is under the jurisdiction of the court can be sold, the Thomas home then to be used as the rectory which would adjoin the church property.

He said that the Colonial Beacon Oil Company has agreed, subject to sustaining the appeal, to lease the property in question for ten years with ample renewal provisions, to construct there a cement block station building covered with stucco to cost from \$8000 to \$10,000. He anticipated the possible objections of the State Street Hospital nearby and said that the filling station on Congress Street on the former Dr. Brock property has been located next to Queen's Hospital for a number of years without any objectionable features whatever as far as the hospital is concerned.

Mr. Sullivan said that there would be no trucks allowed on the property and conditions excluding them in sustaining the appeal would be acceptable. He quoted Mrs. Elias Thomas as being willing to have the filling station there, even though the Thomas Estate property could not be sold and she still lived across the street from it. He said that the area in the rear of the lot would be available for parking facilities for the neighborhood.

Mr. Sullivan introduced Mr. Menke, engineer for the Colonial Beacon Oil Company, who confirmed the proposal of the lease, said the proposed station would be the best of that type which the company builds, and that the company would be willing, if the State Street Hospital desired, to allow the hospital to use the rear of the lot for a driveway for exit thus avoiding the present need of backing out of the present hospital driveway onto Danforth Street.

(Although not included in testimony before the Committee, Mr. Sullivan told the Inspector of Buildings in private that if the appeal were successful the Colonial Beacon would lease the property, then the Bishop would endeavor to sell it, lease and all, thus making it possible to buy the Thomas property)

Clark D. Chapman, Jr., attorney, representing the State Street Hospital, appeared in opposition to the appeal and his presentation before the Committee is filed herewith in typewritten form.

Clark D. Chapman, Sr., attorney, representing Mrs. Wamba, Harry Woods and Mrs. Evelyn Taylor who jointly own the property on the opposite corner of Tyng and Danforth Street, objected to the entire establishment, particularly the proposition of parking in the rear of the lot since Tyng Street is a very narrow street and entrances from Tyng Street to the parking lot would be dangerous. He said his clients have made the building which they own attractive in every way, at considerable outlay, and were receiving satisfactory revenue from it as an apartment house, that the bedrooms of three of the apartments faced on Tyng Street and that the filling station as proposed would be objectionable. He said that it is certainly unfair to waive precise ordinance requirements to satisfy the convenience of any property owner intent only on clearing up his own interests from a financial standpoint, and leaving neighboring property owners to run the risk of depreciation of their property and other objections.

Thomas Murphy, representing his parents who own the property at 168 Danforth Street, called attention to the school diagonally across Danforth Street from the proposed site of the filling station and the probable devaluation of the property in the vicinity.

Mr. O'Donnell of 172 Danforth Street said that the proposed station would decrease value of property in the neighborhood and contradicted the statement which Mr. Sullivan had made to the effect that much of the property in the neighborhood was in a state of deterioration.

Mrs. Loomis, representing her mother, Mrs. Charles H. Ross, who owns property at 35 Tate Street said that they did not necessarily object to the station but, came merely to find out whether or not the station would increase fire insurance rates and fire hazard. She was told that such stations are not usually considered a fire hazard and seldom increase insurance rates of surrounding property.

Julia Driscoll of 2 Tyng Street expressed her opposition to the appeal.

Dr. J. B. Drummond, owner of State Street Hospital, when called upon, expressed strong opposition to the proposed station, saying especially that he wanted to call attention to the need of surroundings as ideal as possible when people are in ill health.

Elias Thomas, Jr. when called upon by Mr. Sullivan, merely stood as being in favor of the station. Mr. Sullivan said that Mrs. Blumenthal who owns the Stateway Apartments nearby is not opposed to it. A note was received from a Mr. Delano favoring the station, and Mr. Christian Aragelund, who owns several pieces of property in the neighborhood said that he could see no possibility of depreciation in the property on account of the station.

Mr. Sullivan called attention to the fact that the objections expressed thus far were all theoretical, and compared with them the experience of the Queen's Hospital with the station on the Dr. Brock property as being practical and actual experience in a similar circumstance.

Warren McDonald

41/11

April 7, 1941

To The Municipal Officers:

The Committee on zoning and building ordinance appeals to which was referred the appeal under the zoning ordinance of the Roman Catholic Bishop of Portland at 156-158 Lanforth Street, corner Tyng Street, seeking the right to construct a building and install equipment to establish there a gasoline filling and motor vehicle service station, contrary to the provisions of the ordinance in the Apartment House Zone where the property is located, reports that the appeal ought to be denied.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS

Chairman

41/11

Room 21, City Hall
April 2, 1941

Mr. Francis Sullivan, Agt.
Roman Catholic Bishop of Portland
477 Congress Street,
Portland, Maine

Dear Sir:

The Committee on Zoning and Building Ordinance Appeals of the Municipal Officers will hold a public hearing at the Council Chamber, City Hall on Friday, April 4, 1941 at four-thirty o'clock in the afternoon upon the appeal under the zoning Ordinance of the Roman Catholic Bishop of Portland relating to the proposition of constructing and establishing a gasoline filling and motor vehicle service station on the property at 158-1/2 Danforth Street, corner Lyng Street.

Please see that the appellant owner is represented at the hearing.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS

Harry E. Martin, Chairman

41/11

The owner of premises at 156-158 Danforth Street, which premises are located in an apartment house zone under the Zoning and Building Ordinance of the City of Portland, seeks a variance in the terms of the Ordinance to permit a non-conforming use, namely, the use of the premises as a gasoline filling and motor vehicle service station. The Inspector of Buildings has refused to issue the required permits and the owner now comes to the municipal officers asking them to authorize the desired variance.

State Street Hospital, for which we appear, is the owner of land immediately adjoining the premises in question, and objects to the proposed use.

The appellant has alleged that refusal of his request will work unnecessary hardship and that the proposed use may be made without substantially derogating from the intent and purpose of the Ordinance. These allegations must be proved by the appellant, because they constitute the only circumstances under which the municipal officers may grant the variance requested. The remedy is to be used only in unusual situations to avoid unforeseen hardship. That a strict check upon its use was intended appears from the requirement that to sustain an appeal in proceedings of this sort a four-fifths vote of the entire membership of the City Council is necessary.

The hardship complained of appears from the application for variance to be inability to otherwise derive a proper return from the property. Such, however, is not the sort of hardship contemplated by the language

41/11

of the Ordinance. Neither is the fact that buildings may deteriorate in appearance sufficient complaint for variance. Courts of other States have so held in similar situations.

In *Conley vs. Boyle*, 115 Conn. 406, it was held that "a lot owner's inability to obtain financial benefit from the lot was not a practical difficulty authorizing removal of the building restrictions."

In *Hayes vs. Board of Appeals of City of Hartford*, 114 Conn. 15, it was held that the fact that appearance of particular property would be improved by construction of a building not in harmony with Zoning Ordinance is of slight importance compared with preservation of essentials of Zoning Ordinance and that disadvantage in property value or income or both to a single property owner resulting from zoning restrictions does not ordinarily warrant special relaxation of the restrictions.

In *Strain vs. Sims*, 123 Conn. 275, the court held that ordinarily change in zoning regulations involving a single or a very few properties should be made only where new or additional facts or other considerations materially affecting the merits have intervened since adoption of regulations.

In *McCross vs. Board of Appeal*, 255 Mass. 177. "Financial consideration alone - - cannot govern the action of the board. They are bound to take a broader view than the apparent monetary distress of the owner. Otherwise, there would be no occasion for any zoning law."

Such decisions and the argument of the objectors in these proceedings are as we would expect to find them, because the fundamental purpose of the Zoning Ordinance is to serve the general welfare of the City and its inhabitants at large and not the particular interest of any one individual property owner.

That some hardship results in some instances in accomplishing public welfare is not unusual. That the premises in question might be more valuable, if permitted to be used for general business, was not, however, an unforeseen hardship but readily foreseeable and reasonably to be expected. That such circumstances apply to many lots in restricted zones

41/11

in the city may be readily conceived, but the consequent injury to surrounding property should and under the zoning Ordinance does forbid such use. It is only in very recent years that the present zoning Ordinance was adopted by vote of the citizens of the City and no material change has since occurred in the neighborhood under consideration. The kind of damage which the ordinance is designed to prevent will result to State Street Hospital and owners of other nearby property if the requested variance shall be granted.

The hospital is located at the southwesterly corner of State and Danforth Streets. Its entire rear property line adjoins the easterly side line of the premises at 156 Danforth Street and the distance from the hospital building to those premises is but approximately forty feet. The use of the hospital premises as such is a conforming use in an apartment house zone.

Additional dirt, smoke and fumes, but primarily lights at night and noise at all times and the actual appearance and existence of a business plant, however well-kept and neat, are the injuries complained of. Quiet, cleanliness and freedom from annoying forces are prime requisites to a successful hospital. Constant effort has been made to reduce noise in the vicinity of the hospital. The Police Department has posted quiet zone signs and passing motorists are considerate of the requirement. Although not opened for that purpose, the construction of the new street from the traffic circle at the westerly end of Danforth Street to Congress Street has resulted in diverting considerable traffic that previously passed the premises.

41/11

No agreement of the appellant or his tenants can overcome the damage from noise and light because neither of these are in his control. The bustle and commotion of business in the station, the opening and closing of doors, the raising and lowering of hoods, the maintenance of pressure in an air tank and the general commotion of business cannot but be transmitted to the hospital. More serious than this must be the blowing of horns by customers to attract the attention of the operator of the station, the blowing of horns by customers to get in and out of traffic on the busy street and the blowing of horns by that traffic to warn customers as they attempt to enter it. These noises and the brilliant illumination of the station at night and the flash of headlights of automobiles into the windows of the hospital as they enter the station cannot be controlled by management, however careful.

At the present time rooms on the westerly side of the hospital facing the premises under consideration are utilized for patients who must be kept very quiet. Establishment of the proposed station will destroy the quiet of those quarters. The need of quiet in cases of serious illness is universally recognized. Indeed, it is not unknown for streets to have been closed to traffic during periods of critical illness. At present, during appropriate seasons, the yard of the hospital, that is, the lot between the hospital building and the premises under consideration, is used and enjoyed by patients in the course of convalescing. Such use will cease to be desirable on a lot adjoining a filling station. The value of the hospital will be lowered, its desirability lessened and the effectiveness of an enterprise meeting a real civic and social need will be considerably diminished.

41/11

That a property owner should be free to use and develop his property to his utmost advantage is not the answer, because we are all subject to regulation for the general welfare in all that we do. On this basis, the people of the city of Portland have restricted the use of property in the location under consideration. The ordinance declared what was reasonable use of this property at the time of its adoption. That there have been no material changes in these conditions is a substantial reason for not varying the authorized uses. A very heavy burden rests upon him who desires an exception in his behalf to show that the proposed nonconforming use is in accord with the purposes and intent of the ordinance.

It was held in *Brandon vs. Board of Commissioners of Town of Montclair*, 124 N.J.L. 335, that a zoning ordinance is presumptively reasonable in its application and that an individual land owner has the burden of establishing circumstances justifying a variance from the general rule of the ordinance.

The fact that the property might be more productive if the variance were granted is not a lawful reason for granting the variance.

It is a well known fact that the public welfare of the City of Portland requires no more gasoline filling stations. It is also well known that the hospital facilities of the city are inadequate. State Street Hospital is rated as a 50-bed hospital and can actually accommodate a larger number. It is approved by the American College of Surgeons and is consistently well occupied by patients. It regularly employs about forty-five persons. The assessed value of its real and personal property is in excess of \$35,000. It affords a substantial market for drugs and medicines, hospital supplies and equipment, groceries and numerous services. Its training program for nurses is an important link in the social establishment of the City and State. Although a private institution, the Hospital serves a very definite public need. Public

welfare requires that the value of its accommodations and the effectiveness of its service shall not be impaired.

The issue is broader than whether or not a certain piece of property shall be utilized as a parking station. It is whether or not a nonconforming use of a single piece of property shall be allowed to seriously impair a neighborhood including an institution of great economic, social and civic value. Indeed, the issue is broader than this. It is whether or not the zoning ordinance adopted by the citizens of the City of Portland shall be allowed to serve its declared purpose for general public welfare.

CITY OF PORTLAND, MAINE
BOARD OF MUNICIPAL OFFICERS
COMMITTEE ON ZONING AND BUILDING ORDINANCE APPEALS

Room 21, City Hall
March 24, 1941

To Whom It May Concern:

The Committee on Zoning and Building Ordinance Appeals of the Municipal Officers will hold a public hearing at the Council Chamber, City Hall on Friday, April 4, 1941 at four-thirty o'clock in the afternoon upon the appeal under the Zoning Ordinance of the Roman Catholic Bishop of Portland relating to the proposed use of two lots of land at 156-158 Danforth Street, corner of Tyns Street, for a gasoline filling and motor vehicle service station.

There are existing buildings on these lots, and the proposal is to demolish these existing buildings. The Inspector of Buildings is unable to issue building permits to cover the construction of one or more buildings and the installation of tanks, pumps, piping, etc., to establish on the property a gasoline filling and motor vehicle service station because such uses do not conform with the provisions of the Zoning Ordinance in the Apartment House Zone where the property is located.

The appellant owner seeks a variance in the precise terms of the Ordinance in this case, claiming that failure to be allowed to develop the property thus works unnecessary hardship and that the development may be made and the station operated without substantially derogating from the intent and purpose of the Ordinance.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS

Harry E. Martin, Chairman

April 2 1941

I see no objection to granting the above

Fredrick F. Delano

41/11

CITY OF PORTLAND, MAINE
BOARD OF MUNICIPAL OFFICERS
COMMITTEE ON ZONING AND BUILDING ORDINANCE APPEALS

Room 21, City Hall
March 24, 1941

To Whom It May Concern:

The Committee on Zoning and Building Ordinance Appeals of the Municipal Officers will hold a public hearing at the Council Chamber, City Hall on Friday, April 4, 1941 at four-thirty o'clock in the afternoon upon the appeal under the Zoning Ordinance of the Roman Catholic Bishop of Portland relating to the proposed use of two lots of land at 156-158 Danforth Street, corner of Tyng Street, for a gasoline filling and motor vehicle service station.

There are existing buildings on these lots, and the proposal is to demolish these existing buildings. The Inspector of Buildings is unable to issue building permits to cover the construction of one or more buildings and the installation of tanks, pumps, piping, etc., to establish on the property a gasoline filling and motor vehicle service station because such uses do not conform with the provisions of the Zoning Ordinance in the Apartment House Zone where the property is located.

The appellant owner seeks a variance in the precise terms of the Ordinance in this case, claiming that failure to be allowed to develop the property thus works unnecessary hardship and that the development may be made and the station operated without substantially derogating from the intent and purpose of the Ordinance.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS

Harry E. Martin, Chairman

Appeal

April 9, 1941

Roman Catholic Bishop of Portland
c/o Mr. Francis Sullivan
477 Congress Street,
Portland, Maine

Dear Sir:

On April 7, 1941, the Board of Municipal Officers voted to deny your appeal under the zoning ordinance at 156-158 Danforth Street, corner of Tyng Street, relating to the proposal to construct and maintain there a gasoline filling and motor vehicle service station.

Very truly yours,

WMS/H

Inspector of Buildings



APPLICATION FOR PERMIT

Permit No. _____

Class of Building or Type of Structure _____

Portland, Maine, March 13, 1941

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect ~~alter~~ install the following building ~~structure~~ equipment in accordance with the laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 156-158 Denforth Street Ward 6 Within Fire Limits? yes Dist. No. 3

Owner's or Lessee's name and address Corner Tyng Street Telephone _____

Contractor's name and address _____ Telephone _____

Architect _____ Plans filed _____ No. of sheets _____

Proposed use of building Service Station No. families _____

Other buildings on same lot _____

Estimated cost \$ _____ Fee \$ _____

Description of Present Building to be Altered

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____

Last use _____ No. families _____

General Description of New Work

The Owner proposing to demolish the buildings on these two lots, proposes to construct on the land a building and install necessary equipment to establish there a gasoline filling and motor vehicle service station.

This application is preliminary only to get settled zoning appeal. In event the appeal is sustained the applicant will furnish full plans and specifications of the project and pay permit fee

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to top of plate _____

To be erected on solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____

Material of underpinning _____ Height _____ Thickness _____

Kind of Roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____

Kind of heat _____ Type of fuel _____ Is gas fitting involved? _____

Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____

Material columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.

Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____

On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____

Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____

If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____

Total number commercial cars to be accommodated _____

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will above work require removal or disturbing of any shade tree on a public street? no

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Roman Catholic Bishop of Portland

Signature of owner By Bromley W. Sullivan

INSPECTION COPY

Agent

Ward 6 Permit No. 411
Location 156-158 Danforth St.
St. Roman Catholic Bishop
Date of permit _____
Notif. closing-in _____
In spn. closing-in _____
Final Notif. _____
Final Inspn. _____
Cert. of Occupancy issued _____

NOTES

*Approved
Daniel*

*James Edward Munsie
Locust Hill*



Location, Ownership and detail must be correct, complete and legible.

Separate application required for every building.

Plans must be filed with this application.

Application for Permit for Alterations, etc.

To the INSPECTOR OF BUILDINGS: Portland, July 29, 1920 191

The undersigned applies for a permit to alter the following-described building:—

Location 158 Danforth St. Ward, 6 in fire-limits? Yes
Name of Owner or Lessee, Catholic Bishop of Portland Address 507 Congress St.
Contractor, F. W. Cunningham & Sons 430 Congress St.
Architect, Same

Description of Present Bldg.

Material of Building is Brick Style of Roof, Hip Material of Roofing, Slate
Size of Building is 40 ft. feet long; 30 ft. feet wide. No. of Stories, two
Cellar Wall is constructed of Stone is inches wide on bottom and batters to inches on top.
Underpinning is Brick is inches thick; is feet in height.
Height of Building, 30 ft. Wall, if Brick; 1st, 2d, 3d, 4th, 5th,
What was Building last used for? Dwelling No. of Families? 1
What will Building now be used for? School

DETAIL OF PROPOSED WORK

Remove two partitions, put in new heating and plumbing plant to comply with the building ordinance.

Estimated Cost \$ 5,000

IF EXTENDED ON ANY SIDE

Size of Extension, No. of feet long? ; No. of feet wide? ; No. of feet high above sidewalk?
No. of Stories high? ; Style of Roof? ; Material of Roofing?
Of what material will the Extension be built? Foundation?
If of Brick, what will be the thickness of External Walls? inches; and Party Walls inches.
How will the extension be occupied? How connected with Main Building?

WHEN MOVED, RAISED OR BUILT UPON

No. of Stories in height when Moved, Raised, or Built upon? Proposed Foundations
No. of feet high from level of ground to highest part of Roof to be?
How may feet will the External Walls be increased in height? Party Walls

IF ANY PORTION OF THE EXTERNAL OR PARTY WALLS ARE REMOVED

Will an opening be made in the Party or External Walls? in Story.
Size of the opening? How protected?
How will the remaining portion of the wall be supported?

Signature of Owner or Authorized Representative Thomas P. Fallona

Address

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP
B.O.C.A. TYPE OF CONSTRUCTION
ZONING LOCATION R-E PORTLAND, MAINE March 10, 1982

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 156-158 Danforth Street
1. Owner's name and address Tracy Valentine Booth -35 Fireside Rd, Scarborough, ME 04104 Telephone 781-5159
2. Lessee's name and address Callus Assoc. Telephone
3. Contractor's name and address Telephone

Proposed use of building 9 apts & 3 doctors offices No. of sheets
Last use 8 apts & 3 doctors offices No. families
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$

FIELD INSPECTOR--Mr. @ 775-5451
Appeal Fees \$
Base Fee 25.00
Late Fee

Change of use from 8 apts and 3 doctors offices to 9 apts and 3 doctors offices, new apt on 1st floor, rear, no alterations or structural changes TOTAL \$ 25.00
Stamp of Special Conditions

send permit to # 1

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work?
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber--Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

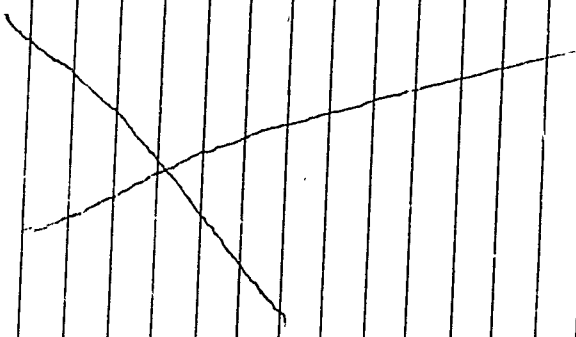
APPROVALS BY: DATE MISCELLANEOUS
BUILDING INSPECTION--PLAN EXAMINER Will work require disturbing of any tree on a public street?
ZONING: OK M 60 3/10/82
BUILDING CODE: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?
Fire Dept.:
Health Dept.:
Others:

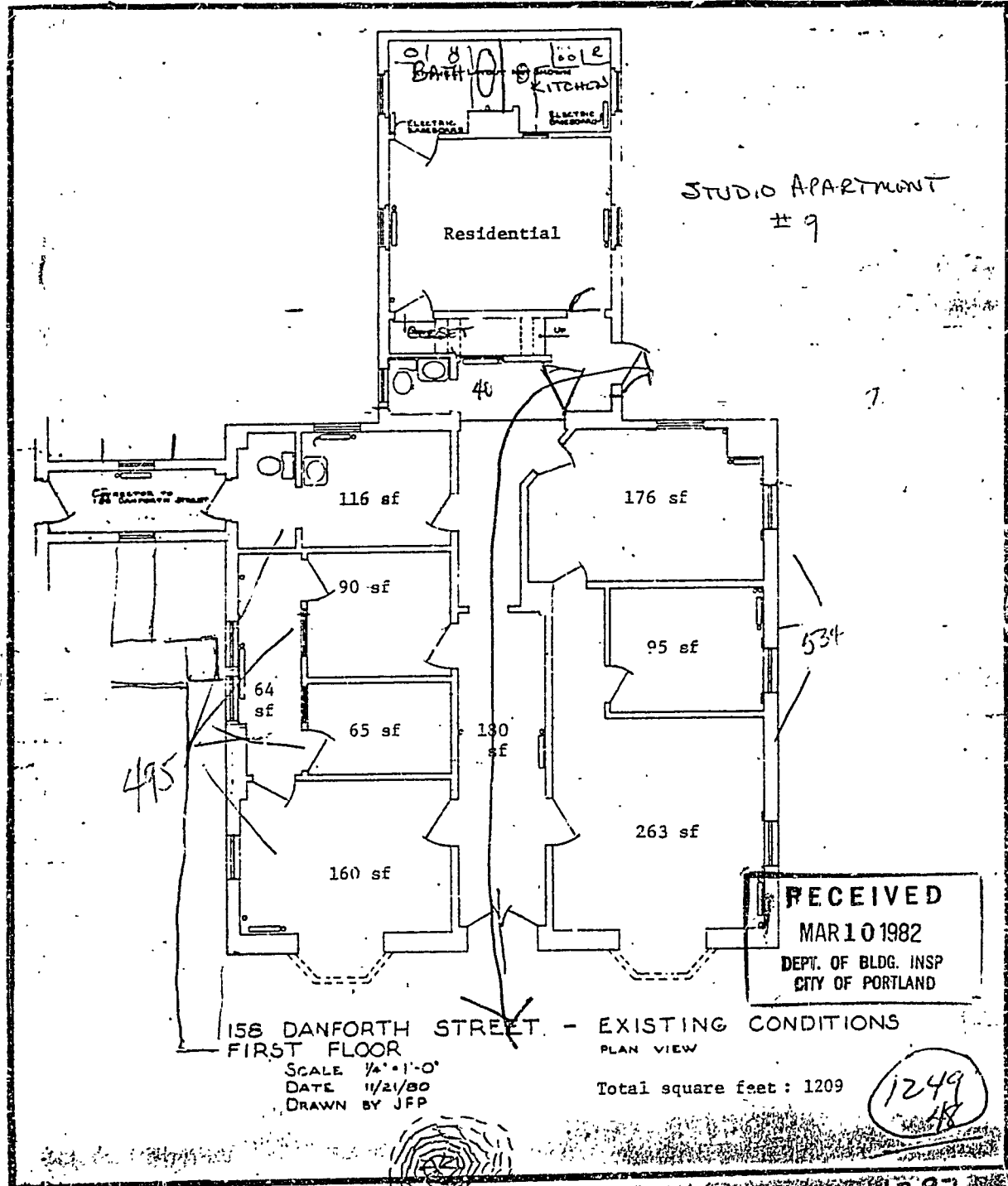
Signature of Applicant Tracy Valentine Booth Phone # same
Type Name of above Tracy Valentine Booth 1 2 3 4
Other and Address

Permit No. _____
Location _____
Owner _____
Date of permit _____
App. No. _____
Dwelling _____
Garage _____
Alteration _____

NOTES

Completed without Inspect
ion or without permit being
granted, because of fire
EXIT regulated 8-30-83 Insp
ected was proper fire
EXITS. Work completed with
insp. tion.





STUDIO APARTMENT
9

Residential

116 sf

176 sf

90 sf

95 sf

64 sf

65 sf

130 sf

495

160 sf

263 sf

RECEIVED

MAR 10 1982

DEPT. OF BLDG. INSP
CITY OF PORTLAND

158 DANFORTH STREET - EXISTING CONDITIONS
FIRST FLOOR

PLAN VIEW

SCALE 1/4" = 1'-0"
DATE 11/21/80
DRAWN BY JFP

Total square feet : 1209

1249
48

220 x 8 = 1760
x 7 = 1540

1297 x 7 = 9079
8 = 10376

1297