

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 1199 Congress St 1-5 Mass Ave		Owner: Claddagh Corp		Phone:		Permit No: 980225	
Owner Address: SAA		Lessee/Buyer's Name: Morris Silver		Phone:		BusinessName:	
Contractor Name: Precision Tanks, Inc.		Address: Route 4, P.O. Box 359 Jay, ME		Phone: 645-9549		Permit Issued: MAR 17 1998	
Past Use: Gas Sta		Proposed Use: Same		COST OF WORK: \$		PERMIT FEE: \$ 65.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
Proposed Project Description: Remove Three Underground Tanks Install One Underground Tank 15,000 Gallon				Signature: <i>[Signature]</i>		Signature:	
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>		Zoning Approval: <i>[Signature]</i> 3/17/98 Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	
Permit Taken By: Mary Gresik		Date Applied For: 03 March 1998					

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

SCANNED

PERMIT ISSUED WITH REQUIREMENTS

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT <i>[Signature]</i> Duane Burton		ADDRESS:		DATE: 03 March 1998		PHONE:	
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE Precision Tanks Inc				PHONE: 207-645-9549			

PERMIT ISSUED
MAR 17 1998
CITY OF PORTLAND

Zoning Appeal
 Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation
 Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:
 Approved
 Approved with Conditions
 Denied

Date: _____

CEO DISTRICT 5

COMMENTS

3-30-98 New tank in ground doing piping
11/6/00 Completed Close-out job

Inspection Record

Type	Date
Foundation: _____	_____
Framing: _____	_____
Plumbing: _____	_____
Final: _____	_____
Other: _____	_____

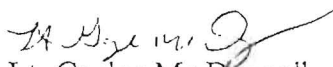
PORTLAND FIRE DEPARTMENT

Review Date: 3/12/58 Contractor: Picover Tanks

Address: 1199 Congress St CBL: _____

Please note marked Conditions of Approval

- * The boiler or furnace shall be protected by enclosing with one hour fire rated construction including fire doors and ceiling or by providing automatic extinguishment and smoke protected enclosure. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide a 0.15 gpm per sq ft of floor throughout the entire area. An indicating shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4" copper or 1" steel. Maximum coverage area of a residential sprinkler in 144 sq ft per sprinkler.
- * All required fire alarm systems shall have the capacity of zone disconnect via switches or key pad program provided the method is approved by the Fire Prevention Bureau.
- * All remote annunciators shall have a visible trouble indicator along with the fire alarm zone indicators.
- * Any master box connected to the municipal fire alarm system shall have a supervised municipal disconnect switch.
- * All master box locations shall be approved by the Fire Dept. Director of Communications.
- * A master box shall be located so that the center of the box is five feet above finished floor.
- * All master box locations are required to have a Knox box.
- * A fire alarm acceptance report shall be submitted to the Portland Fire Department.
- (*) All **underground** tank removal(s) and/or installation(s) shall be done in accordance with the Department of Environmental Protection and Regulation (Chapter 691).
- (*) No cutting of tanks on site. Cutting of tanks to be done at an approved disposal site.
- (*) The fire dispatcher must be notified at least 48 hrs-in advance of removal or transportation of tanks.
- * All above ground L/P tanks shall be located in accordance with NFPA 58 standards.
- * Any tank located near the path of vehicle movement shall be protected.
- * All piping shall be protected from possible mechanical damage and vandalism.
- * A 4" storz fire department connection is required.
- * Any renovation of sprinkler system over 20 heads must have State Fire Marshall approval.
- * A sprinkler performance test shall be submitted to the P.F.D. after completion of work.
- * State Fire Marshall approval is required for this project.


Lt. Gaylen Mc Dugall

Portland Fire Prevention Bureau

Maine Department of Environmental Protection
 Bureau of Remediation and Waste Management
 17 State House Station
 Augusta, Maine 04333-0017
 Attention: Tank Removal Notice
 Telephone: (207) 287-2651

Expires after 6 (six) months if the
 Department does not receive notice that
 removal was completed.

**NOTICE OF INTENT TO ABANDON (REMOVE)
 AN UNDERGROUND OIL STORAGE FACILITY**

**THIS FORM MUST BE FILLED WITH THE DEP AND YOUR LOCAL FIRE DEPARTMENT
 AT LEAST 30 DAYS PRIOR TO THE SCHEDULED REMOVAL**

PLEASE TYPE OR PRINT IN INK:

Name of Facility Owner: MORRIS SILVER
 Mailing Address: 1199 CONGRESS ST. Telephone #: 761-2036
 City: PORTLAND State: ME Zip Code: 04102
 Contact Person (name, address & telephone #): MORRIS SILVER 761-7036


Name of Facility: GULF STATION Registration #: 556
 Facility Location (town & street): _____

1. Identify the tanks at this location which are going to be removed:

Tank #	Tank Age	Tank Size (gallons)	Type of Product Stored
1	19	8,000	SUPER UNLEADED
2	19	6,000	UNLEADED
3	19	6,000	UNLEADED

2. Directions to this facility (be specific):

3. Is or was the tank(s) used to store Class I liquids (e.g., gasoline, jet fuel)? Yes No
IF YES, REMOVAL OF THE TANK(S) MUST BE DONE UNDER THE DIRECTION OF A CERTIFIED TANK INSTALLER.

Tank Installer's Name: TONY COUTURE Certification Number: 287 Signature: 

4. Environmental site assessments are required for all tanks except those used for storing heating oil, not for resale, or for farm or residential motor fuel tanks under 1,100 gallons where the product is used on site. Site Assessor's Name and Address (if applicable):

EMERY + GARRETT GROUNDWATER, 24 CONNOR ST, WATERVILLE, ME, 04901


5. Name and telephone number of contractor who will do the tank removal:

PRECISION TANKS, INC. 845-9549

6. Expected date of removal (month/day/year):

~~2/16/98~~ 2/16/98 PER STEVE BREZINSKI

I hereby provide Notice that I intend to properly abandon the underground oil storage facility as described above.

Date: 2/26/98 Signature: 
 Printed Name and Title: TONY COUTURE - PRESIDENT - PRECISION TANKS, INC.

Mail original and yellow copy to DEP; pink copy to fire department; retain gold copy.
RETURN POSTCARD AFTER TANK(S) HAS BEEN REMOVED

WAIVER FROM THE REQUIREMENT THAT A NOTICE OF ABANDONMENT BY REMOVAL OF AN UNDERGROUND OIL TANK BE FILED THIRTY DAYS PRIOR TO REMOVAL

Due to Exceptional circumstances the Department of Environmental Protection grants a waiver to the thirty day filing period for abandonment by removal of the listed underground tanks, provided that the owner or operator meets the following conditions:

1. A written notice of removal is filed with the Department and the local fire department within one day of receiving this waiver.
2. The Department is kept advised of removal plans and schedule so that a department representative can observe the removal of the tank(s) and the excavation from which the tank(s) was/were removed.

Tank(s) owned by:

Name Morris Silver Phone # 761-2036
 Mailing Address 1199 Congress Town Portland

Located at:

Name Cash Energy Gulf Phone #
 Address same Town Portland

Reason for Waiver: Beyond required removal date

* Two working day's notice prior to recheduling of facility removal.

List tank(s) below:

Registration #	Size	Location on Site (Describe or Diagram)
556-1	8000	
-2	6000	
-3	6000	

Planned Date of Removal: March 16, 1998

This waiver is granted on (date) February 26, 1998 by

 Stephen Breziuski, 822-6300 , a copy of which is presented to

 Tony Couture, Precision Tanks
(Name of individual receiving the copy)

White - Enforcement Copy

Canary - Investigator's Copy

Pink - Tank Owner's Copy

Zoning Division
Marge Schmuckal
Zoning Administrator



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

CITY OF PORTLAND

78-A-001
Christopher S. Belanger, P.E.
c/o Sitelines
8 Cumberland Street
Brunswick, ME 04011

July 8, 1999

RE: Portland Texaco, 1199 Congress Street - 78-A-1 to 4 - B-1 Zone

Dear Chris,

I am in receipt of your letter dated June 28, 1999 requesting a determination concerning the existing non-conforming use of the minor service station and number of pumps.

This property is located in a B-1 zone that currently prohibits the use of any type of service station within it. The present use concerning dispensing fuel is legally nonconforming. The retail use is permitted.

Presently there is one island that consists of three pumps. All three pumps have two hoses, each which would imply that six cars could access the pumps at one time. However, this island is only 24' in length. It would presently be physically impossible to service six cars at once with this configuration. There is a fourth pump located along the left side of the entry door off of Massachusettes Avenue. This is a pump for dispensing kerosene which is a heating fuel. It is not uncommon to have these types of pumps separated from the normal car fueling areas, probably to severely limit costly mistakes of inadvertently pumping the wrong fuel into your vehicle.

First of all I am convinced that section 14-382(c) does restrict you from increasing the number of vehicle fuel pumps from three to four. I have determined that this modification does increase the degree of nonconformity. It increases the degree of use by a third more. As presently proposed you can easily service 8 vehicles for fuel, whereas the existing configuration could only truly service four vehicles at one time. This is doubling the number of cars serviced. I consider that an increase in the degree of nonconformity. It is not my intent to say that you can not reconfigure the three present fueling pumps so that all three could be accessed at one time. I do contend that you can have only three fuel pumps for vehicle fuel, not four pumps. The kerosene pump may also be continued in a separate location, but not changed for use as vehicle fuel.

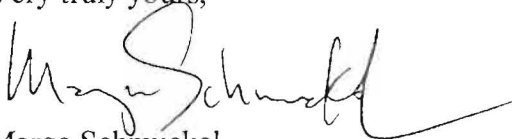
As you pointed out, the definitions of gasoline service stations (major business or minor business in section 14-47) is also a tool for determining nonconforming compliance. The definition of a minor business service station states limits the number of pump islands along with the number of pumps. It is my belief that your existing plan with four pump islands would clearly be changing the nonconforming minor business status to an illegal major business status. This would not be permissible in this zone without a use variance from the Board of Appeals. I would not recommend this type of appeal. The hardship criteria is very severe. These types of

078-A-001

appeals are almost never granted by the Board of Appeals.

You have 30 days from the date of this determination to appeal my interpretation. I am enclosing information on the appeal process and an application form. Please call if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator

CC: Joe Gray, Jr., Dir of Planning & Urban Dev.
Mark Adelson, Housing & Neighborhood Services
Tom Kane, City Councilor
Kandi Talbot, Planning
Penny Littell, Corporation Counsel
File