	\$300 - Minor site plan 5,22,90
Dd Dd	
Permit #City ofPortlandBUILDING PERMIT APPLIC. Please fill out any part which applies to job. Proper plans must accompany form.	ATION Feel, 020. Zone Map # Lot#
Permit # City of BUILDING PERMIT AFFIRE	bldg prmt: 10/1/9)
Please fill out any part which applies to job. Proper plans must accompany form.	Control of the second of the s
Owner Peter Holmes Phone # 774-9383	Pate May 22, 1990 Bate Date Dec 10 1000
1 and Maine 04102	Date May 22, 1990 Name DE0 10 1000
	Inside Fire Limits Lot DEC 10 1090
LOCATION OF CONSTRUCTION SUB- 773-0246 (Mark Woodway	Inside Fire Limits Bldg Code
factor F. W. Cunningwham Sub: //3-0246 (Mark hyper)	Time Lindt 200,000
Actes: Commercial St; Ptlc Phone #Phone #	The state of the state of
200 COO Sangard Her. Auto body Shop	Zoning: Street Frontage Provided: Provided Setbacks: Front Back Side Side
Past Use: Vacant 100	Provided Setbacks: FrontBack
# of Existing Res. Units# of New Res. Units	Review Required: Zoning Board Approval: YesNoDate:
District Disconsions I. W Total Sq. 16.	Zoning Board Approval: Yes No Date: Planning Board Approval: Yes No Date: Site Plan Subdivision
# Stories: # Bedrooms Lot Size:	Planning Board Approval: Yes No Date: Conditional Use: Variance Site Plan Subdivision Shoreland Young Yes No Floodplain Yes No
Conversion -	Special Exception
Is Proposed Use: Seasonal Condominium Condominium Conversion Construct an auto body shop- XIXD5X 112'x	65' 8th 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Explain Conversion Construct an auto Body	Ceiling:
	Ceiling: 1. Ceiling Joists Size: 2. Ceiling Strapping Size Spacing
Foundation:	2. Ceiling Strapping Size Spanie
1. Type of Soil: Rear Sido(s)	A Legistion Type
	5 Coiling Height:
4. Foundation Size:	Roof: Span Size
5. Other	2. Sheathing TypeSize
Floor: 1. Sill's Size: Sills must be anchored.	3 Root Covering Type
1. Sills Size:	Chimneys: Number of Fire Places
3. Lally Column Spacing: State: Spacing 16" O.C.	Heating: Type of Heat:
4. Joists Size:	Electrical: Smoke Detector Required Yes_NoNo
C. Floor Shorting Type:	
7. Cther Material:	Plumbing: 1. Approval of soil test if required Yes No
Exterior Walls: Specing	1. Approval of Solvers 2. No. of Tubs or Showers 3. No. of Flushes
1. Studding Size	. av . cTa rice
2. No. windows	5. No. of Other Fixtures
3. No. Doors Span(s) Span(s)	Swimming Pools: 1. Type:Square Footage
4. Header Sizes Span(s) 5. Bracing: Yes No. Span(s)	2. Pool Size:
6. Corner Posts Size	3. Must conform to National Electrical Code and State Law. Louise E. Chase 10/1/90
8. Sheathing 27P Weather Exposure	Demit Possived By Latini
9. Siding Type	This May 22, 1990
11 Metal Materials	Signature of Applicant PRESENTAGE ISSUED 1900 11-1-90
Interior Walls:	Signature of SEO
9 Header Sizes	Signature of CLO
3. Wall Covering Type 4. Fire Wall if required	Inspection Dates GROCG 1999
	CODYTIGHT GPCOG 1900
5. Other Materials White-Tax Assesor Yellow-C	191Ma. Ledry

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902200	. P	så \$300 - Minor site plan sixo
ermit # City of Portlan	d RUILDING PERMIT APP	PLICATION Fee1,020. Zone Map # Lot#Map #Lot#
lease fill out any part which applies to jo	h. Proper plans must accompany form.	bldg prmt: 10/1/90
lease in out any part which applies to jo		
wner: Peter Holmes	Phone #Phone #	For Official Use Only ERMIT ISC: Pro
ddress: 68 Capisic St. P	ortland, Maine 04102	Date May 22, 1990 Name
OCATION OF CONSTRUCTION	401 Warren Avenue	Inside Fire Limits DFC 10 'FRO
N/. E W Cunningwham	Sub: 773-0246 (Mark Woo	dward) Bldg Code Public
85 West	1 Phone #	Time Limit Entimated Cost 200,000. City Of Portlance
Commercial St: Ptl	Phone #	
st. Construction Cost: 200,000.	Proposed Use: Auto Body Shop	Zoning: Truglage Provided.
	Past Use: vacant lot	Provided Setbacks: FrontBackSideSide
of Existing Res. Units # of Nev	v Res. Units	Review Required:
Building Dimensions LW	Total Sq. Ft.	Planning Board Approval: YesNo Date:
Stories: # Bedrooms	Lot Size:	Zoning Board Approval: Yes No Date:
s Proposed Use: Sensonal Condon	ninium Conversion	Shoreland Zoning Tes No Floodylam Tes 10
Coxet vuct an	auto body shop- XIXIX5X 112	Special Exception 2' x 65' Ceiling:
xplain Conversion	auco body swop waster to	THE WILLIAM STATES
		Ceiling: 1. Ceiling Joists Size: 2. Ceiling Strapping Size Spacing
oundation:		1. Ceiling Joists Size: 2. Ceiling Strapping Size Spacing
1. Type of Soil:	Rear Side(s)	3. Type Ceilings: 4. Insulation Type Size
3 Footings Size:		4. Insulation Type Size _
4. Foundation Size:		
5. Other		Snan
loor:		2. Sheathing Type Size Size
1 Cille Circe	Sills must be anchored.	
2. Girder Size:	Size:Spacing 16" O.C.	Type: Number of Fire Places
4. Joints Size:	Spacing 16" O.C.	Heating: Type of Heat:
E Deideing Type:	412C:	
8. Floor Sheathing Type:	ize:	Service Entrance Size: Smoke Detector Required Yes No
7. Other Material:		Plumbing: 1. Approval of soil test if required Yes No
Exterior Walls:		1. Approval of soil test if required 165
1. Studding Size	_ Spacing	3. No. of Flushes
2. No. windows		4. No. of Lavatories
3. No. Doors	Span(e)	
4. Header Sizes	Span(s)	Swimming Pools:
6 Corner Posts Size		Swimming Fools: 1. Type: 2. Pool Size: x Square Footage
0. 0011101 2 0000 0110	- 3ize	
7. Insulation Type		3. Must conform to National Electrical Code and Color 10/1/00
7. Insulation Type 8. Sheathing Type		Louise & Chase 10/1/90
8. Sheathing Type	Weather Exposure	3. Must conform to National Electrical Code and State 22. 10/1/90 Louise F. Chase 10/1/90 Permit Received By Latini
9. Siding Type 10. Masonry Materials	Weather Exposure	Permit Received By Latini
8. Sheathing Type 9. Siding Type 10. Masonry Materials 11. Metal Materials	Weather Exposure	Permit Received By Latini
8. Sheathing Type 9. Siding Type 10. Masonry Materials 11. Metal Materials	Weather Exposure	Permit Received By Latini
8. Sheathing Type 9. Siding Type 10. Masonry Materials 11. Metal Materials	Weather Exposure	Permit Received By Latini
8. Sheathing Type 9. Siding Type 10. Masonry Materials 11. Metal Materials Interior Walls: 1. Studding Size 2. Header Sizes	Weather Exposure Spacing Span(s)	Permit Received By Latini
8. Sheathing Type 9. Siding Type 10. Masonry Materials 11. Metal Materials Interior Walls: 1. Studding Size 2. Header Sizes	Weather Exposure Spacing Span(s)	Permit Received By Latini Date May 22, 1990

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lease fill out any part which applies to job. Proper plans must accompany form.	
Harbour Auto Body Phone # 774-9383	
dress: 401 Warren Ave; Ptld, ME 04103 (Peter Holn	mes For Official Use Unly
OCATION OF CONSTRUCTION 401 Warren Ave.	Tote 1/15/91 Subdivision Inside Fire Limits Bldg Code Time Limit Estimated Cost Zoning: City Of Coffee
	Inside Fire Limits
entractor NeoKraft Sub.:	Bidg Code
Mress: Auburn, ME Phone	Time Limit CAN 1 5 1921
	Estimated Cost
st. Construction Cost: Proposed Use: retail auto repa	air Zoning: City O' Portie:
Past Use:	" 5 ' 5 'Street Frontage Provided:
of Existing Res. Units # of New Res. Units	Provided Setbacks: Front BackSideSide
uliding Dimensions L WTotal Sc. F:	Review Required:
	Zoning Board Approval: YesNoDate:
Stories: # Bolrooms Lot Oize:	Planning Board Approval: Yes No Date: Conditional Use: Variance Site Plan Subdivision Shoreland Zoning Yes No Floodplain Yes No
Proposed Use: Seconal Condominium Conversion	Shoreland Zoning Yes No Floodplain Yes No
Froposed Ose: Proposed I - Conversion Conversion	Special Exception
coplain Conversion Erect sign 8'x 8'	Other(Explain)
undation:	Ceiling: HISTORIC PRESERVA
1. Type of Soile	1. Ceiling Joists Size: 2. Ceiling Strapping Size Spacing Mot in District nor term 2. Trans-California Size Spacing Description California Strapping Size Spacing Description Descriptio
1. Type of Soil: 2. Set Backs - Front Rear Side(s)	2. Ceiling Strapping Size Spacing Does not require review
3. Footings Size:	4. Insulation Type Size Requires Review
3. Footings Size:	5. Ceiling Height:
6. Other	Roof:
	Roof: 1. Truss or Rafter Size Span Action: Approved. 2. Sheathing Type Size Approved with Co 3. Roof Covering Type Denied. Chimneys: Date:
jor -	2. Sheathing Type Size A) groved with Co
1. Sills Size: Sills must be anchored.	3. Rouf Covering Type Denied.
2. Girder Size:	Chimneys: Dete: Dete: Signature: Signature: Signature: Dete:
3. Lally Column Spacing: Size: 4. Joista Size: Spacing 16" O.C. 5. Bridging Type: Size:	Heating:
6. Bridging Type:	Heating: Type of Heat:
6: Floor Sheathing Type: Size:	
7. Other Material:	Service Entrance Size: Smoke Detector Required Yes No
	Plumbing:
terior Walls:	1. Approval of soil test if required Yes No. 2. No. of Tubs or Showers
1. Studding Size Spacing	2. No. of Tubs or Showers
2. No. windows	3. No. of Flushes
· 3. No. Doors	4. No. ci Layatories
4. Header Sizes Span(s) Span(s) Span(s) No.	5. No. of Other Fixtures Swimming Pooles
6. Corner Posts Size	1. Type: 2. Pool Size: 2. Pool Size: 3. Must conform to National Electrical Code and State Law.
6. Corner Posts Size 7. Insulation Type Size 8. Sheathing Type Size 9. Siding Type Size	2. Pool Size:
8. Sheathing Type Size	3. Must conform to National Electrical Code and State Law
- 10. Masonry Materials	Permit Received By Louise E. Chase
11. Metal Materials	
Crior Paus:	Signature of Applicant Talleton Date
1. Studding Size Spacing	Peter Holmes
2. Header Sizes Snan(s)	
3. Wall Covering Type 4. Fire Wall if required	
T. Fire wall it required	Inspection Dates
5. Other Materials	Inspection Dates

Please fill out any part which applies to job. Proper plans must accompany form.	ICATION Fee ^{537.80} Zone Map # Lot#
Ower Harbour Auto Body Phone 774-9383	
Address: 401 Warren Ave; Ptld, ME J4103 (Peter Holm	es For Official Use Only Subdivision:
LOCATION OF CONSTRUCTION 401 Warren Ave.	Inside Fire Limits PERMIT ISSI 1953
Contractor NeoKraft Sub.;	Pldg Code
Auburn ME	Time Limit Estimated Cost I Zoning: W S 1 9 / Street Frontage Provided: Provided Setbacks: Front Provided Setbacks: F
A10.055: A0 0 1 H. FLE Phone 9	Estimated Cost
Ext. Construction Cost: Proposed Use: retair auto repa	Zoning: La Zovie City Of Portisad
Past Use: KAXXXXXXXXXXXXX	Provided Setbacks: Front Back Side Side
# of Existing Res. Units # of New Res. Units	Review Required:
Building Dimensions L. W. Total Sq. Ft.	Zoning Board Approval: Yes No Date:
Stories: Bedrooms Lot Size:	Planning Board Approval: Yes No Date: Conditional Use: Variance Site Plan Subdivision
Is Proposed Use: Seasonal Condominium Conversion	Shoreland Zoning Yes No Floodylain Yes No Social Properties
Explain Conversion Erect sign 8'x 8'	Other Explan
	WK 15 1-16-91
Foundation:	Shoreland Zoning Yes No Floodylain Yes No Special Exception Ceiling: 1. Ceiling Joists Size:
5 M	2. Ceiling Strapping Size SpacingState Interest nor Landmark.
2. Set Backs - Front Rear Side(s)	4 Type Collisons
3. Footings Size: 4. Foundation Size:	4. Insulation Type Size Requires he yew.
5. Other	5. Ceiling Height: Roof:
Floor:	1. Truss or Rafter Size Span Action: App.\704
1. Sills Size: Sills must be anchored.	2. Sheathing Type Size Approved sate Condutor 3. Roof Covering Type
2. Girder Size:	3. Roof Covering Type Ports Chimneys:
3. Lally Column Spacing: Size:	Type: Number of Fire Places Street, St
4. Joists Size: Spacing 16" O.C. 5. Bridging Type: Size:	Type of Heat:
6. Floor Sheathing Type: Size:	Electrical:
7. Other Material:	Service Entrance Size: Smoke Detector Required Yes No Plumbing:
Exterior Walls:	1. Approval of soil test if required Yes No.
1. Studding Size Spacing	2. No. of Tubs or Showers
2. No. windows 3. No. Doors	3. No. of Flushes
3. No. Doors 4. Header Sizes Span(s) 5. Bracing: Yes No	5. No. of Other Fixtures
5. Bracing: Yes No.	Swimming Poole:
6. Corner Posts Size 7. Insulation Type Size 8. Sheething Type Size	1. Type: 2. Pool Size: x Square Footage 3. Must conform to National Electrical Code and State Law.
	3. Must conform to National Electrical Code and State Law.
9. Siding Type Weather Exposure 10. Masonry Materials	Permit Received By Louise E. Chase
11. Metal Muterials	
Interior Valls:	Signature of Applicant Juliana Date
1. Studding Size Specing	Peter Holmes
3. Wall Covering Type	Signature of CEO Date Date
4. Fire Wall if required 5. Other Materials	Inspection Dates
H MulaleAny White-Tax Assesor Yellow-GP	
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Signature of Applicant					·
Signature of Applicant Date 1/5/63/					
Date					
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APPLICATION FOR PERMIT

DEPARTMENT OF BUILDING INSPECTIONS SERVICES ELECTRIC/ INSTALLATIONS

	Date <u>March 18</u> Receipt and Perinit num	19 <u>88</u>
To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:	iccopt and i crimt name	
The undersigned hereby applies for a permit to make electrical install	lations in accordance with	the laws of
Maine, the Portland Electrical Ordinance, the National Electrical Code of		
LOCATION OF WORK 188 Warren Ave. (508)		
OWNER'S NAME: Geogia Pacific ADDRESS:	same	
		FEES
OUTLETS:	40	5 00
Receptacles X Switches X Plugmold ft. TOT FIXTURES: (number of) and HID's	AL 40	5.00
FIXTURES: (number of) and HID's Incandescent Flourescent X (not strip) TOTAL	20	E 00
Strip Flourescent ft	38	3.80
SERVICES:	• • • • • • • • • • • • • • • • • • • •	
Overhead Underground Temporary TOT	AL amperes	
METERS: (numper of)		
MOTORS: (number of)		
Fractional 3		
1 HP or over		
RESIDENTIAL HEATING:		
Oil or Gas (number of units)		
Electric (number of rooms)	······	
COMMERCIAL OR INDUSTRIAL HEATING:		
Oil or Gas (by a main boiler)		
Oil or Gas (by separate units) Over 20 kws	• • • • • • • • • • • • • • • • • • • •	5 00
APPLIANCES: (number of)	•••••	<u> </u>
Dommon 317-4 TI4		
Cook Tops water Heaters Disposals		
Wall Ovens Dishwashers		
Dryers Compactors		
Fans Others (denote)		
TOTAL,		
MISCELLANEOUS: (number of)		
Branch Panels 1 - 100 amp		1.00
Transformers	• • • • • • • • • • • • • • • • • • • •	
Air Conditioners Central Unit	• • • • • • • • • • • • • • • • • • • •	
Separate Units (windows) 1 Signs 20 sq. ft. and under	• • • • • • • • • • • • • • • • • • • •	2.00
Over 20 sq. ft		
Swimming Pools Above Ground	• • • • • • • • • • • • • • • • • • • •	
In Ground		
Fire/Burglar Alarms Residential		
Commercial		
Heavy Duty Outlets, 220 Volt (such as welders) 30 amps and unc	der	
over 30 amps		
Circus, Fairs, etc.	· · · · · · · · · · · · · · · · · · ·	
Alterations to wires	• • • • • • • • • • • • • • • • • • • •	
Repairs after fire	• • • • • • • • • • • • • • • • • • • •	
Emergency Lights, battery	• • • • • • • • • • • • • • • • • • • •	
Emergency Generators	TION FEE DUE:	
FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT DOI		
FOR REMOVAL OF A "STOP ORDER" (304-16.b)		
	AMOUNT DUE:	20.30
	- III. 100111	
INSPECTION:		
Will be ready on _3/18, 19.88; or Will Call		
CONTRACTOR'S NAME: Webb Electrical		
ADDRESS: P.O. Box 235, Gray, ME 04039	-	
TEL.: 657-2113	100	/
	CONTRACTOR:	•
LIMITED LICENSE NO.:	Medd	
	97.1	
INSPECTOR'S COPY - WHITE (Metaron (

PROGRESS IN	Service called in Closing-in Spection Spect	
DATE:	REMARKS:	_
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INSPECTIONS: Service



APPLICATION FOR PERMIT

DEPARTMENT OF BUILDING INSPECTIONS SERVICES ELECTRICAL INSTALLATIONS

	Date <u>Oct. 5</u> , 19 90
To the CHIEF ELECTRICAL TYPE	Receipt and Permit number 0/645
To the CHIEF ELECTRICAL INSPECTOR, Portland,	Maine:
Mains and Brother Brot	the electrical installations in accordance with the laws of
LOCATION OF WORK: 401 Warren Avenue	Lectrical Code and the following specifications:
OWNER'S NAME: Peter Holmas	ADDRESS: 68 Capisic St., Portland ME
	FEES
OUTLETS:	
Receptacles Switches Plugmo	ld ft. TOTAL
Incandescent Flourescent (no	t strip) TOTAL
Strip Flourescent ft	· stapy Totals
Overhead X Underground Tempo	oraryTOTAL amperes1003,00
MOTORD. (number of)	
Fractional	
OI OVEL	
RESIDENTIAL HEATING:	
Electric (number of rooms)	
COMMERCIAL OR INDUSTRIAL HEATING:	
Oil or Gas (by a main hoiler)	
Oil or Gas (by separate units)	
Electric Under 20 kws Over 20 leave	
APPLIANCES: (number of)	S
•	TITLE TT .
Cools Man	Water Heaters
	Disposals
D	Dishwashers
	Compactors
	Others (denote)
TOTAL MISCELLANEOUS: (number of)	
Branch Ponels	
Branch Panels	***************************************
Transformers	
Air Conditioners Central Unit	
Deparate Utilis (Windows)	
Signs 20 sq. ft. and under	
Over 20 Sq. It.	
Swimming Pools Above Ground	*********
in Ground	
Fire/Burglar Alarms Residential	***************************************
Heavy Duty Outlets, 220 Volt (such as welders)	30 amps and under
	over 30 amns
oneds, rairs, etc.	*1*1*14.
Repairs after fire	**********
Emergency Lights, pattery	
Emergency Generators	*******
*	INSTALLATION FOR DIE.
FOR ADDITIONAL WORK NOT ON ORIGINAL PERM	MIT DOUBLE FEE DUE:
FOR REMOVAL OF A "STOP ORDER" (304-16.b)	
· · · · · · · · · · · · · · · · · · ·	TOTAL AMOUNT DUE: 5.00
INCIDEOUTON	· · · · · · · · · · · · · · · · · · ·
INSPECTION:	- · · · · · · · · · · · · · · · · · · ·
Will be ready on, 19_; or t	Will Call X
CONTRACTOR'S NAME:Carl Tarbox	
ADDRESS: 173 Portland Ave., O	old Orchard, Beach, ME 04064
TEL.: 934-4212	
MASTER LICENSE NO.: 10725	GNATURE OF CONTRACTOR:
LIMITED LICENSE NO.:	TALO H TO POOL

INSPECTOR'S COPY — WHITE
OFFICE COPY — CANARY
CONTRACTOR'S COPY — GREEN

	INSPECTIONS:	Service	by	— Per By Fin Da	9 5 2		
				nal I las rmit	ELE Permit N Location Owner	475 H 475 H 456 H	
		Closing-in	by	Inspection 6 -6-9 pector Application Register (Eg	' A 🗐 🖺		
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APPLICATION FOR PERMIT

DEPARTMENT OF BUILDING INSPECTIONS SERVICES ELECTRICAL INSTALLATIONS

Receipt and Fermit number	
To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:	.45
The undersigned hereby applies for a permit to make electrical installations in accordance with t	
Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specificati	ons:
LOCATION OF WORK: 401 Warren Ave. OWNER'S NAME: Peter Holmes ADDRESS: Capisic St., Portland	
OWNERS WAREL PETER ROTHES ADDRESS.	FEES
OUTLETS:	2 220
Receptacles 52 Switches 22 Plugmold ft. TOTAL 74	6.40
FIXTURES: (number of)	
Incandescent X Flourescent (not strip) TOTAL 16	3.60
Strip Flourescent 400 ft	7.40
SERVICES:	
Overhead 127 Underground X Temporary TOTAL amperes 400	
METERS: (number of)1	50
Fractional 7	3 50
Fractional 7 1 HP or over 7	7 00
RESIDENTIAL HEATING:	
Oil or Gas (number of units)	
Flectric (number of rooms)	
COMMERCIAL OR INDUSTRIAL HEATING: Oil or Gas (by a main boiler) 1 Oil Oil or Gas (by separate units) 3	F 00
Oil or Gas (by a main boiler) 1 - Ol1	5.00
Oil or Gas (by separate units) 3	6.00
Electric Olider 20 kws Over 20 kws	
APPLIANCES: (number of)	
Ranges Water Heaters 1	
Cook Tops Disposals	
Wall Ovens Dishwashers	
Dryers Compactors	
Fans Others (denote) TOTAL _ 1	1.50
MISCELLANEOUS: (number of)	
Transformers	
Att. Condition on Control Truth	
Community (control down)	
Signs 20 sq. ft. and under 1	2.50
Over 20 sq. ft	
In Ground	
Fire/Burglar Alarms Residential	5.00
Commercial 1	4.00
Circus, Fairs, etc.	
Alterations to wires	
Repairs after fire Emergency Lights, battery	
Emergercy (lenerators	
INSTALLATION FEE DUE:	
FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT DOUBLE FEE DUE:	
FOR REMOVAL OF A "STOP ORDER" (304-16.b)	
TOTAL AMOUNT DUE:	\$58.40
INCDUCTION.	
Will be ready on, 19_; or Will Callx	
CONTRACTOR'S NAME: Carl Tarbox	
ADDRESS: 172 Portland No. Old On bond ME	
TEL: 934-4212 MASTER LICENSE NO.: 10725 LIMITED LICENSE NO.: SIGNATURE OF CONTRACTOR: Coulty Coult	
MASTER LICENSE NO.: 10725 SIGNATURE OF CONTRACTOR:	
LIMITED LICENSE NO. (Till ! Toilog	
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INSPECTOR'S COPY — WHITE

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INSPECTIONS	: Service 16-12-90- by FC 10-2-7-91 B B F B P F B
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CITY OF FORTLAND, MAINE MEMORANDUM

P. Samuel Hofrses, Chief of Inspection Services

DATE: December 11, 1985

Alexander Jaegerman, Chief Planner

FROM

SUBJECT:

Harbour Auto Body Site Plan

As you are aware, recently the Portland Planning Board approved a site plan for Kerbour Auth Body on Warren Avenue. Although the site plan was approved, there was considerably concern expressed by the Board regarding approves, there was constitutionly concern expressed by the board regarding the priential impact of a ventilation fan that would be placed or the wall of the proposed building adjacent to the Vance property. There was of the proposed ballaring adjacent to the vance property. There was discussion of other possible alternatives by the Board such as relocating the fan on to, of the roof. However, as the Planning Board considered this to be a building code and zoning enforcement issue, the Board requested that we inform you of this concern prior to your final review and approval of the building plans for the building.

cc: Juseph E. Gray, Jr., Director of Planning & Urban Development Richard Knowland, Senior Planner

CITY OF FORTLAND, MAINE MEMORANDUM

P. Samuel Hofises, Chief of Inspection Services

December 11, 1985

Alexander Jaegerman, Chief Planner

enbrect:

Harbour Auto Body Site Plan

As you are awars, recently the Portland Planning Board approved a site plan for Rerbour Auth Body on Warren Avenue. Although the site plan was approved, there was considerably concern expressed by the Board regarding approved, there was considerably concern expressed by the Board regarding the proposed building adjacent to the Vance property. There was of the proposed building adjacent to the Vance property. There was discussion of other possible alternatives by the Board such as relocating the fan on to, of the roof. However, as the Flanning Board considered this to be a building code and zoning enforcement issue, the Board requested to be a building code and zoning enforcement issue, the Board requested that we inform you of this concern prior to your final review and approval of the building plans for the building.

cc: Joseph E. Gray, Jr., Director of Planning & Urban Development Richard Knowland, Senior Planner



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT INSPECTION SERVICES DIVISION

November 24, 1986

Mr. Kenneth Beesley Sunrise Home Improvements 46 Saunders Street Portland, ME 04103

Re: 403-405 Warren Avenue

Dear Mr. Beesley:

On December 20, 1985, site plan review for a major development was completed for a proposed building at 403-405 Warren Avenue for Harbour Body Shop. This 11,400 square foot building was approved by the Planning Board on November 26, 1985.

However, it appears that no building permit was issued. The site plan approval once approved expires after six months without subsequent application for a building permit. What is the present status of this project? Was a building permit ever issued?

Sincerely,

Warren J. Turner

Zoning Enforcement Officer

cc: Joseph E. Gray, Jr., Director, Planning & Urban Development Alexander Jaegerman, Chief Planner P. Samuel Hoffses, Chief, Inspection Services Hugh Irving, Code Enforcement Officer

WJT/ksc

CITY OF PORTLAND, MAINE

	SITE PLAN REVIEW
Applicant	Processing Form
Mailing Address	
Marring Address	463-105 Date Address of Proposed Site
Proposed Use of Site	Site Identification
Acreage of Site / Ground Floor Coverage	Site Identifier(s) from Assessors Maps
Site Location Review (DFP) Popular	Zoning of Proposed Site
Action Required	Froposed Number of Floors
Planning Board Attion Required: Yes (Total Floor Area
Other Comments:	
Date Dept. Review Dite. To San Date Dept. Review Dite.	A Company of the Company of the Company
	RKS DEPARTMENT REVIEW
	THE DEPARTMENT REVIEW
	(Date Received)
	188
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DISAFPROVED	
	REASONS SPECIFIED BELOW
REASONS: 1) Granite Curbing shall be	2 Installed along the street frontage.
and shall be placed 201 from	the end to street trontage.
Shall be reconstructed	and paved. All work Shall be done
in a ccordance with Ci	and paved. All work shall be done
(Attach Separate Sheet if Necessary)	by Standards under Public Works
Supervision,	
pan be shall be	installed as indicated on the site
	21-12 p
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PURIC WORK	SIGNATURE OF REVIEWING STAFF/DATE
PUBLIC WORKS DE	EPARTMENT COPY

CITY OF PORTLAND MAINE SITE PLAN REVIEW

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Mailing Address Body Shop Proposed Use of Site	achoi	îr P	òdy	Sho	op)-				11	N.	er(s)	2	Δese	ssors	Map	5.75 ²⁵ 5 .75.97	(8 8 3) ************************************	2 2 VI	
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Zoning: SPACE & BULK,	PATE	ZCAE LOCATION	INTERIOR CR CORNER LOT	40 FT. SETBACK AREA (SEC. 22)	USE	SEV:AGE D(SPOSAL	REAR YARDS	SIDE YARDS	RONT YARDS	PROJECTIONS	HEIGHT	LOT AF	BUILDING AREA	AREA F	міртн оғ сот	LOT FRONTAGE	OFF-STREET	LOADING	
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DEPT. OF DEAL APPECTIONS

OFFI OF CONTRACTOR AND AGREEMENT RELATING TO A CERTAIN SIGN PROPOSED WRITTEN CONSENT AND AGREEMENT RELATING TO A CERTAIN SIGN PROPOSED TO BE ENECTED PROJECTIME OVER A DUBLIC SIDEWALK FROM THE PREMISES Danker Make being the owner of the premises in Portland, Maine hereby gipes consent to the erection of a certain sign owned by projecting over the public sidewalk from soil premises as described in application to the Inspector of Buildings of Portland, Maine for a permit to cover erection of said sign; And in consideration of the issuance of said permit urner Boller asser owner of said premises, in event said sign shall cease to serve the purpose for which it was erected or shall become dangerous and in event the owner of Said sign shall fail to remove said sign or make it permanently sefe in case the sign still serves the purpose for which it was erected, hereby agrees for himself or itself, for his heirs, its successors, and his or its assigns, to completely remove said sign within ten days of notice from said Inspector of Buildings that said sign is in such condition and of order from In Witness whereof, the owner of said premises has signed this him to remove it. consent and agreement this .

ease fill out any part which applies to job. Proper plans must acc	3-2121 - 5		For Official Use		ĒÙ~
dress: 401 Warren Ave- Ptld, ME 04103		n. 7/1/1/03	Subdiv	ion: Name	SIN:
OWNER Sub.		Inside Fire Limits Bldg Code		Lot AUS 1 8 1993	
Idress Phone #		Time Limit		J. Private	42
t Construction Cost 3,000	r shop w	Zoning:	化加强工程 电极 医数块的现在分词	<u> IGHYAOFAPORTE</u>	AND
Past Use: repai	r shop	Street Frontage	Provided: Back	Side	1721 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
of Existing Res. Units # of New Res. Units uilding Dimensions L W Total Sq. Ft.		Review Required:	proval: Yes No Dat	的建筑的 经收益基本 化 化工物电影	
Stories: # Bedrooms Lot Size:		Planning Board	oproval: Yes No	Date:	
Proposed Use: Seasonal Condominium Conversion	2.595	Shoreland Zoning	oproval: Yes No Variance Floodpl	ain Yes No No	1011
plain Conversion Minor Site plan review	the second second second second second	O hex C Ex	plain)		-War 20.
A le construct new - storage bldg	5.24 x30		0-1-	CITYTOR WORKS	70 V A
undation:		1. Ceiling Joists	Size:	Rot to District to	z Linge
2. Set Backs Front Rear Side(s)	1 18c-1 1 1 c c c c c c c c c c c c c c c c	3. Type Coilings:	Size: ing Size Spacing	Does not require	PROFILE OF
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5. Other	<u>Propried to the second of the</u>	Roof:	r Sizo	Span Action: Approved.	-M12.160
oor: 1. Sills Size: Sills must b	e anchored.	3. Roof Covering	Type		=//
2. Girder Size:		Chimneys:	Number of Fire Di	acce Signature: Live	
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terior Walls: Studding Size Spacing		2. No. of Tubs or	il test if required Showers	Yes	
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11 Metal Materials	Charles Company	THE WAR STATE OF THE STATE OF T		Date 14	153
erior Walls: 1. Studding Size 2. Header Sizes Span(s)	the state of the s	Signature of CEO	avid Leasure	Date	
3. Wall Covering Type 4. Fire Wall if required	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	Signature of CaO		25 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5 34 3/3/

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CITY OF PORTLAND, MAINE Department of Building Inspection

Certificate of Occupancy LOCATION 401 Warren Ave.

Issued to Peter Har "es

Ohis is in certify that the building, premises, or part thereof, at the above location, built — sitered Changed as b) use under Building Permit No.9 0 / 2 2 0 0, 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 PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

APPROVED OCCUPANCY

Limiting Conditions:

Auto Body Shop

All site work to be completed by June 1, 1991.

This certificate supersedes certificate issued

Approved:

Portland BUILDING PERMIT APPLIC Please fill out any part which applies to job. Proper plans must accordany form.	CATION Fee1, 120. Zone Map 4 Lot#
Owner: Peter Holmes Pione # 774-9383	For Official Use Of 1
Address: 68 Capisic St. Portland, Marne 04102	For Official Use Order RMIT ISSUES
LOCATION OF CONSTRUCTION X 401 Warren Avenue	Inside Fire Limits Let DEC 10 1000
Canadar F. J. Cunningwhan Sub. 773-3245 (Mark 1004/12)	Bldg Code.
Augress: Londert St. Ptld Phone #	Time I dmit
Est Construction Cost; 200,000. Proposed Use: Auto Body Shop	Estimated Cost 200,000. City Of Portland
	Zoning: Street Frontage Provided: Provided Setbacks: Front Back Side Side
Past Use: vacant lot	Provided Setbacks: Front Back Side Sido
% of Existing Res. Units# of New Res. Units Building Dimensions LWTotal Sq. Ft	Review Required: Zoning Board Approval: Yes No Date:
-	Zoning Board Approval: YesNo Date: Planning Board Approval: YesNo De.e:
# Stories: # Bedrooms Lot Size:	Conditional Use: Variance Sits Plan Subdivision Shoreland Zoning Yes No Floodplain Yes No No
Is Proposed Use: Seasonal Condominium Conversion	Special Exception
Explain Conversion Construct an auto body shop- XXX 112'x S	Special Exception Other (Exception) Other (Exception)
	Ceiling:
1. Type of Soil: 2. Set Backs - Front Rear Side(s) 3. Footings Size: 4. Foundation Size: 5. Other	2. Ceiling Strapping SizeSpacing
4. Foundation Size: 5. Other 1. Sills Size: 2. Girder Size: 3. Lally Column Spacing: 4. Joists Size: 5. Bridging Type: 5. Size: 6. Bridging Type: 7. Size: 8. Size: 9. Size:	2. Sheathing Type Size 3. Roof Govering Type CO C Chimneys: Type: Number of Fire Places Heating: Type of Heat: Electrical:
6. Floor Sheathing Type: Size:	Electrical:
7. Other Material:	Service Entrance Size: Smoke Detector Required YesNo
Architects drawing 6 copies of drainage study 6.aff.pg.ismap.fi	ON 6 sets of site and benigery test field referred credit
2. No. windows spacing spacing 2. No. windows spacing	eed 6 coptes of elevation site plan Comburstivite of eit
3. No. Doors	4. No. of Lavatories
4. Header Sizes Span(8) 5. Bracing: Yes No	5. No. of Other Fixtures Swimming Pools:
6. Corner Posts Size	1. Type:
7. Insulation Type Size	2. Pool Size : x Square Footage
8. Sheathing Type Size Weather Exposure	3. Must conform to National Electrical Code and State Law. 1.0415 - Chase 10/1/90 Permit Received By Latini
9. Siding Type Weather Exposure 10. Masonry Materials	Permit Received By Latini
11. Mctai Materiais	Signature of Applicant July 22, 1990
Interior waus:	Signature of Applicant
2. Header Sizes Span(s) s. Wall Covering Type 4. Fire Wall if required	Signature of Applicant Fertin 1880 ED Signature of CEO WITH LETTER 1990
5. Other Materials	Inspection Dates
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Subdivision Fee \$Site Plan Review Fee \$COther Fees \$(Explain)Late Fee \$COMMENTS 6 sets of site and	d survey letter of croeplan Cost estimate of the was family 1, 2-25-91 Airport	edit Architects drawing	6 copies of drainage strion letters	udy 6 copies of



Inspection Services Samuel P. Hoffses Chief Planning and Urban Development Joseph E. Gray Jr. Director

CITY OF PORTLAND

December 7, 1990

F.W. Cunningham Co. 85 West Commercial St. Portland, ME 04111

RE: 401 Warren Ave., Portland, ME.

Dear Sir:

Your application to construct an auto body shop has been reviewed and a permit is herewith issued subject to the following requirement(s):

No certificate of occupancy can be issued until all requirements of this letter are met.

Site Plan Review Requirement(s)

Inspection Services - Approved - William Giroux Fire Dept. - Approved with conditions - See attached. Planning Div. - Approved - Sarah Greene Public Works - Approved - Steve Harris

Building and Fire Department Requirements

- 1. All required fire alarm systems shall have the capability of "Zone Disconnect" via switches or key pad program provided the method is approved by the Fire Prevention Bureau. Fire alarm shall be in accordance with Section 7-6 of N.F.P.A. 101 Life Safety Code.
- All remote annunciators shall have a visible "trouble" indicator along with the Fire Alarm "Zone" indicators.
- 3. Any master box connected to the Municipal Fire Alarm System shall have a supervised Municipal Disconnect Switch.
- 4. Fire Alarm System must be connected to either a U.L. listed Central Station approved by the Portland Fire Dept. or to the Municipal Fire Alarm System.
- Sprinkler system required for protection of area of high hazard shall initiate fire alarm.
- 6. Electrical equipment shall be in accordance with M.F.P.A. #33 and the N.E.C. N.F.P.A. 70

389 Congress Street · Portland, Maine 04101 · (207) 874-8704



APPLICATION FOR PERMIT

DEPARTMENT OF BUILDING INSPECTIONS SERVICES ELECTRICAL INSTALLATIONS

	Date	19 7
	Receipt and Permit numb	per <u> </u>
To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:	A-Matiana in appondance exith	the lains of
The undersigned hereby applies for a permit to make electrical ins Maine, the Portland Electrical Ordinance, the National Electrical Cod	tatiations in accordance with 12 and the following specifica	tions:
LOCATION OF WORK: 401 Warren Ave.	is the following proofice	
OWNER'S NAME: Peter Hoimes ADDRESS:		
		FEES
OUTLETS:		1 40
Receptacles 2 5 Switches 2 Plugmold ft. T	OTAL /	
FIXTURES: (number of) 1 NXKX hi-pr sdr Incandescent Flourescent (not strip) TOTAL	ւ 1	.20
Strip Flourescent 96 x 1t. 48		3.88
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Cyerhead Underground Temporary T	OTAL amperes	
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1 HP or over		
1 HP or over	i i i i i i i i i i i i i i i i i i i	9
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Electric (number of rooms)		,
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Oil or Gas (by senarate units)		
Oil or Gas (by separate units)Over 20 kws		
APPLIANCES: (number of)		
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401 Warren Ave., Portland, ME. (cont.)

page two

- 7. Illumination agency of egress, emergency lighting and marking of the means of egress shall be in accordance with Sections 28-2.8, 28-2.9 and 28-2.10.
- 8. Plans of the fire alarm syst m and sprinkler protection shall be submitted for review by separate permit.
- Portable fire extinguisher shall be provided in accordance with N.F.P.A. #10.
- 10. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act, Title 5 N.K.S.A. refe , shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
- 11. All paint spraying and spray booth shall meet the requirements of Article 6 Section 618.9, 618.9.1, 618.9.2, 6 3.9.2.1, 618.9.2.2, 618.9.2.3 and 618.9.3 of the city's building code. The BOCA National Building Code/1990.
- 12. Ventilation of the proposed pain's spraying area shall be done in such a way as not to cause an environmental problem to a string property.

If you have any questions regarding these require $r_{\rm int}$'s), please do not hesitate to contact this office.

Sincerely,

P. Samuel Hoffs s/ Chief of Inspection Services

cc's: Lt. Garroway, P.F.D.

P. Niehoff, P.P.W.

S. Harris, P.P.W. S. Greene, Planning

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MINOR SITE PLAN CITY OF PORTLAND, MAINE Contact person: Leslie S. Silverstein SITE PLAN REVIEW Processing Form 761-3990 Peter Holmes May 22, 1990 Applicant 68 Capisic St. Mailing Address Date Portland 04102 401 Warren Avenue Address of Proposed Site Auto Body Shop Proposed Use of Site Site Identifier(s) from Assessors Maps Acreage of Site / Zoning of Proposed Site Ground Floor Coverage Site Location Review (DEP) Required: () Yes (χ) Nc Proposed Number of Floors_ 7,150 sq. ft. Board of Appeals Action Required: () Yes (X) No Total Floor Area Planning Board Action Required: () Yes (X) No Other Comments: Date Dept. Review Due: FIRE DEPARTMENT FIEVIEW (Date Received) APPROVED APPROVED CONDITIONALLY CONDITIONS SPECIFIED BELOW REASONS SPECIFIED BELOW DISAPPROVED **REASONS:** (Attach Separate Sheet if New SIGNATURE OF REVIEWING STAFF DATE FIRE DEPARTMENT COPY

TEOR SITE PLAN CITY OF PORTLAND, MAINE SITE PLAN REVIEW Contact person: Leglie G. Silverstein 761-3990 Processing Form Reter Rolmes Hay 22, 790 Applicant 68 Capisic St. Portland 04102 Mailing Address Auto Poir Choo Proposed Use of Site Date Site Identifier(s) from Assessors Maps Acreage of Site / Ground Floor Coverage Zoning of Proposed Site Proposed Number of Floors 7,150 eq. ft. Site Location Review (DEP) Required: ((x) No Board of Appeals Action Required: (X) No () Yes Total Floor Area Planning Board Action Required: Other Comments: Date Dept. Review Due: PLANNING DEPARTMENT REVIEW (Date Received) ☐ Major Development — Requires Planning Board Approval: Review Initiated ☐ Minor Devalopment — Staff Review Below CONFLICT WITH CIRCULATION APPROVED APPROVED CONDITIONALLY CONDITIONS SPECIFIED BELOW REASONS SPECIFIED BELOW DISAPPROVED REASONS: (Attach Separate Sheet if Necessary)

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PLANNING DEPARTMENT COPY

MINOR SITE PLAN
CITY OF PORTLAND, MAINE Steve Harris Contact person: Leslie S. Silverstein SITE PLAN REVIEW 761-3990 Processing Form 052290-1 Peter nolmes Applicant 68 Capisic St. Fortland 04102 May 22, 1990 Mailing Address
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CUNNINGHAM

FOR YOUR THIS

November 15, 1990

Mr. Sam Hoffses Building Inspector City of Portland Congress Street Portland, ME 04101

Harbour Auto Body - Portland, ME

Dear Mr. Hoffses:

Please find enclosed a copy of the Armco Steelox Building Design Certification for your files. Should you require any additional information for this project, please let us know.

Thank you for your attention.

-Mack Wood

Sincerely yours,

Mark M. Woodward Executive Vice President

MMW/lg

FW. Cunningham and Sons 85 West Commercial Street PO Box 1140 Portland, Maine O4104 207-773-0246



A Unit of Building Technologies

CERTIFICATION OCTOBER 5, 1990

This is to certify that the Armco STEELOX Building described below has been designed to meet the loads as indicated.

Size and Type: RF-80 65' WIDE x112'-8" LONG x 14'HIGH 65' CLEAR SPAN 1/12 SLOPE

Order Number : E-4485

Date of Order : SEPTEMBER 26, 1990 Builder : F.W. CUNNINGHAM AND SONS

Owner Location

: HARBOR AUTO BODY : PORTLAND, MAINE : AUTO REPAIR

End Use

Design Basis : LIVE LOAD = 50 psf

WIND SPEED= 90 mph, Exposure "B"

importance Factor = 1.0

COLLATERAL LOAD = 3.0 psf

Load Combinations and Wind Application in accordance with the 1987 edition of the BOCA code.

Design Standards : AISC, AIS!

Signed: James

GAMES C. ROVITO

EASTERN SERVICE CENTER

CITY OF PORTLAND, MAINE SITE PLAN REVIEW Contact person: Loslie S. Silverscein Processing Form 761-3990 Peter Holmes Applicant 63 Capisic St. Portland 04102 Mailing Address Address of Proposed Situ Proposed Use of Site Site Identifier(s) from Assessors Maps Acreage of Site / Ground Floor Coverage Zoning of Proposed Site Site Location Review (DEP) Required: (Proposed Number of Floors Board of Appeals Acrion Required:) Yes (Z) No Total Floor Area_ Planning Board Action Required: () Yes Other Comments: Date Dept. Review Due:_ PLANNING DEPARTMENT REVIEW (Date Received) ☐ Major Development — Requires Planning Board Approval: Review Initiated ☐ Minor Development — Staff Review Below CONFLICT WITH **APPROVED** APPROVED CONDITIONALLY CONDITIONS SPECIFIED BELOW DISAPPROVED REASONS: (Attach Separate Sheet if Necessary)

SIGNATURE OF REVIEWING STAFF/DATE

PLANNING DEPARTMENT COPY

MONAGHAN, LEAHY, HOCHADEL & LIBBY

ATTORNEYS AT LAW

THOMAS F. MONAGHAN THOMAS G. LEAHY JOSEPH M. HOCHADEL KEVIN G. LIBBY

MICHAEL K. HELL WILLIAM R. FISHER KEVIN G. LIBBY
CHRISTOPHER C. DINAN
MATTHEW J. MONAOHAN

MILLAM K. FISHER
CORNELLA FUCHS FISHER
DOHN J. WALL, III
ELIZABETH P. EDDY
NOAH D. WUESTHOFF

95 EXCHANGE STREET P.O. BOX 7046 PORTLAND, MAINE 04112-7046

207-774-3906 FAX 207-774-3965

January 22, 1996

Samuel Hoffses Portland City Hall 389 Congress Street Portland, ME 04101

OF COUNSEL WILLIAM B. SAUFLEY

RE: 401 Warren Ave

Vance, et al. v. Harbour Auto Body, et al. Re:

Dear Sam:

Because of your indirect involvement in the above-captioned matter, I am enclosing a copy of the Decision and Order. As is obvious, Mr. Vance's complaints were found to be "wanting." This should have some impact on his future complaints as they relate to issues that we wall find this Decision helpful in dealing with the future.

Best regards.

Very truly yours,

Thomas F. Monaghan

TFM:jw Enclosure Peter Holmes cc: U:\GENERAL\HOLMES.kr



STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
Civil Action
Docket No. CV-92-927

JOHN B. VANCE and
JOAN VANCE,

Plaintiffs

V.

DECISION AND ORDER

HARBOUR AUTO BODY, INC.,

Defendants

SUPERIOR COURT
Civil Action
Docket No. CV-92-927

BACKGROUND

The plaintiffs reside at 393 Warren Avenue in Portland. In addition, they own the abutting property to the east at 383 Warren Avenue and property at 345 Warren Avenue. The property at 383 Warren Avenue includes a swimming pool business, Vance Paving Company, Maplewood Dance and Function Center, as well as an office above the swimming pool facility from which their daughter, Kathleen, conducts her practice as a certified public accountant. The swimming pool in the rear of the residence at 393 Warren Avenue is used for demonstration to prospective customers of the plaintiffs' pool business. The plaintiffs' property at 345 Warren Avenue includes a building consisting of individual bays which are rented out for various purposes, including storage and, in the case of the lease to Mike Carlton, the bay was used for auto reconditioning which included body work.

Peter Holmes purchased land at 401 Warren Avenue in 1985. This property is adjacent to the plaintiffs' residence. The animosity between John Vance and Peter Holmes started with Holmes' purchase of the lot in 1985. Vance had attempted to

purchase the land on the day Holmes had committed the owner to a purchase and sale agreement. Holmes made no improvements to the land for the first three years and then constructed Harbour Auto Body. He conducts an automobile body repair business at that location and employees four people. The side of Holmes' building closest to the Vance residence has one overhead garage door which is used for access for automobiles being repaired.

The properties owned by the plaintiffs and the defendant are located in the industrial zone, as defined by the zoning ordinances of the City of Portland, and the uses of the properties for the businesses being conducted are all permitted in the industrial zone.

The plaintiffs commenced this action for injunctive relief and damages on the grounds that the noise and fumes coming from the defendant's auto body repair business constitute nuisances within the meaning of 17 M.R.S.A. § 28021. The defendant has filed a counterclaim seeking damages for abuse of process by making complaints to the City of Portland and to the Maine Department of Environmental Protection for alleged violations of the zoning ordinances and the state environmental laws.

¹¹⁷ M.R.S.A.§ 2802 provides, in relevant part:

The erection, continuance or use of any building or place for the exercise of a trade, employment for manufacture which, by noxious exhalations, offensive smells or other annoyances, becomes injurious or dangerous to health, comfort or property of individuals, . . . are nuisances.

DISCUSSION

The character of the neighborhood in which the properties are located has changed over the years and, while there are still private residences in addition to the plaintiffs, the area is devoted to those uses found within an industrial zone. The defendant has constructed a facility which in all respects complies with the zoning ordinances of the City of Portland and the environmental laws of the State of Maine. The defendant has constructed fences along the plaintiffs' property line to shield the plaintiffs' view of the defendant's property. The defendant has constructed ditches on his land to assure proper drainage away from the plaintiffs' property. The court held a hearing on May 10, 1994 on the plaintiffs' motion for a preliminary injunction. Following that hearing, the defendant was enjoined from opening the windows or the doors on the side of the building facing the plaintiffs' property at all times. On October 17, 1994, the plaintiffs filed a motion for contempt on the grounds that the defendant was violating the terms of the preliminary injunction. After hearing, the court denied a request for a permanent injunction and entered an order modifying the preliminary injunction so as to require the defendant to install a "velocity cone" to carry away the paint fumes and also confined the hours of operation of the body shop and the times when the overhead garage door of the building facing the plaintiffs' property could be raised.

A hearing was held January 8, 1996 on the plaintiffs' motion for permanent injunction, their request for damages and the counterclaim.

FINDINGS OF FACT

The testimony of the plaintifts' expert, Thomas Schwarm, the testimony of the defendant's expert, Charles Armentraut, and the testimony of Hubert Irving, former Code Enforcement Officer for the City of Portland, convinces the court that the activities of the defendant in the operation of the body shop are in compliance with the zoning ordinances of the City of Portland and the environmental laws of the State of Maine. The defendant has made every effort to satisfy the complaints of the plaintiffs. The business activities of the plaintiffs, including the construction and operation of a country dance hall seven nights a week, the operation of their swimming pool business and the use of the swimming pool on their own residence in conjunction with that business, and the operation of the rental bays at 345 Warren Avenue leads to the conclusion that the plaintiffs' complaints about noise are not well founded to the extent that would require the continuance of the preliminary injunction to the extent it now exists. A modification of the preliminary injunction should be and will be made as hereinafter stated. While the paint fumes do not violate any environmental laws and any OSHA standards regarding health hazards, and while the defendant has taken precautions of installing newer and more efficient spray nozzles in the paint shop as well as the "velocity cone", the fact remains that the plaintiffs endure the effects of strong paint fumes peculiar to their location which are not experienced by other property owners in the same zone or neighborhood. A modification of the preliminary injunction is justified and will be made as hereinafter stated. The plaintiffs presented testimony

that the value of their property has been reduced as a result of the actions of the defendant. The court concludes that the plaintiffs have not carried their burden and finds no damages for the plaintiffs. The defendant has presented evidence of the actions he has taken in attempting to satisfy the demands of the plaintiffs and, while they do affect the judgment of the court, the court finds that the defendant has not carried his burden on his counterclaim for abuse of process.

CONCLUSIONS OF LAW

For a permanent injunction to issue, the plaintiffs must prove (1) they will suffer irreparable harm; (2) that the harm suffered by the defendant is outweighed by the harm the plaintiffs will suffer unless the permanent injunction issues; and (3) that the public interest will not be adversely affected by the granting of the injunction. Ingraham v. University of Maine at Orono, 441 A.2d 691, 693 (Me. 1982). The private nuisance must be such that the plaintiffs are harmed by the defendant's activities more than others in the neighborhood and that those activities are different than those of other businesses being conducted in the neighborhood, including those of the plaintiffs. An injunction must be no broader than that which accomplishes the relief necessary. While Maine has not expressly adopted the "balance of harms" test of the Restatement, it is reasonable to assume that our Law Court would follow Section 822 of the Restatement (Second) of Torts and hold that one is liable for a private nuisance if

his conduct is a legal cause of an invasion of another's interest in the private use and enjoyment of land, and the invasion is either (a) intentional and unreasonable, or (b) unintentional and otherwise

Barrier March

actionable under rules controlling liability for negligence or reckless conduct, or for abnormally dangerous conditions or activities.

Based upon the foregoing, the court concludes that the appropriate remedy is to require the raising of the exhaust stack with the "velocity cone" by eighteen (18) feet so as to cause the paint fumes to be dispersed over a wider area and thereby avoid the downdraft onto the plaintiffs' residence. The court concludes that the plaintiffs have not carried their burden on the issuance of a permanent injunction against the opening of the overhead garage door on the side of the building facing the plaintiffs, other than to require body vork to be conducted inside the defendant's building and not outside the building facing the plaintiffs' property.

For the foregoing reasons, the entry shall be

The defendant shall raise the stack and "velocity cone" by eighteen (18) feet.

The defendant shall not allow any automotive body work to be performed outside his building on the side facing the plaintiffs' property.

In all other respects, the plaintiffs' motion for a permanent injunction is DENIED

The plaintiffs' prayer for damages and cost is DENIED.

The defendant's claim for damages is DENIED.

In all other respects, judgment is entered for the defendant on the plaintiffs' complaint without costs and judgment is entered for the plaintiffs on the defendant's counterclaim without costs.

DATED: January 17, 1996

Carl O. Bradford
Justice, Superior Court