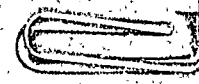


39-42 ATLANTIC STREET

STANDARD



STATE OF MAINE  
CUMBERLAND, ss.

DISTRICT COURT  
DISTRICT Nine  
DIVISION of Southern  
Cumberland  
Civil Violation \_\_\_\_\_

CITY OF PORTLAND,  
Plaintiff  
v.  
Paul Malia Post  
Defendant

CITATION AND COMPLAINT FOR VIOLATION OF  
CITY OF PORTLAND MUNICIPAL ORDINANCE

To the Defendant Paul Malia Post

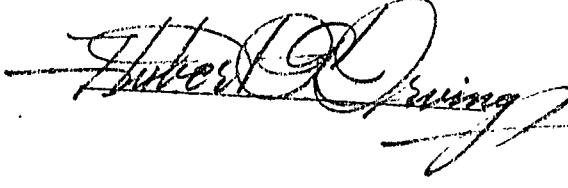
This citation and complaint constitutes a commencement of a lawsuit by the Plaintiff against you for the collection of a fine of not less than \$50.00 and not more than \$1,000.00 for each day's alleged violation, pursuant to Portland Municipal Code Section 703.8. The alleged violation occurred on the 3-23 day of Sept & 3-23 Oct 1978, and consisted of the erection and/or maintenance of a barbed wire fence at the intersection of Atlantic St. and Gilbert Lane and along said streets in the City of Portland; in violation of Portland Municipal Code, Section 703.8

You are directed to appear in the said District Court at 142 Federal Street, Portland, Maine on the 17th day of November, 1978, at 9:00 o'clock in the A.M. to answer the above allegations orally.

IMPORTANT WARNING: FAILURE TO APPEAR AS DIRECTED HEREIN, CONSTITUTES A CLASS E CRIME AND MAY RESULT IN THE ISSUANCE OF A WARRANT OF ARREST. IN ADDITION, IF YOU FAIL TO ANSWER AT THE TIME STATED ABOVE, OR IF YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A DEFAULT MAY BE ENTERED BY THE CLERK AND JUDGMENT ENTERED THEREON. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF, OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. DO NOT FAIL TO ANSWER AT THE SPECIFIED TIME.

If you believe that you have not committed the civil violation alleged herein, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of District Court at the Cumberland County Courthouse or any other County Courthouse for information as to places where you may seek legal assistance.

Dated at Portland this 25th day of Oct., 1978.



City Council in its sole and exclusive judgment.

Such permit shall contain such terms, conditions, and restrictions as said City Manager and said City Council shall require and such permit shall be revocable by the said City Manager by written notice to the holder of such permit. Any such structure tree, or other installation not removed or relocated, or otherwise disposed of, in the manner and within the time specified in said notice shall be considered a defect in the public way or other public property and may be removed by the City at the expense of the holder of the permit without further notice and without any liability whatsoever to the holder of the permit, his successors and assigns.

TRUE COPY. ATTEST  
*Jane Durgin*  
JANE DURGIN  
CITY CLERK, PORTLAND, MAINE

Section 703.8 No fence of barbed wire, or of which barbed wire is a part, shall be erected or maintained along the line of any such streets, ways or public places in the City of Portland.

Barbed wire  
~~prohibited~~ 1978  
703.8

Section 703.9 The owner, lessee, or occupant of property adjoining any such street, way, or public place in the City of Portland shall provide and maintain a sufficient fence for the protection of the public upon or near the line of said street, way, or public place in the event an excavation exists on said property which is deemed by the Chief of Police or the Director of Public Works to be a hazard to the public upon written notice to do so from said Chief of Police or Director of Public Works.

Excavations  
to be fenced  
703.9

Section 703.10 No person shall make or cause to be made any opening or excavation in said streets, ways, or public places in the City of Portland nor shall any person remove any gravel or other material therefrom without first having secured the necessary permit therefor.

Openings not to  
be made;  
exception  
703.10

Section 703.11 No person shall remove or draw through or upon any such street, way, or public place in the City of Portland any building or structure without first obtaining a permit therefor, which shall be granted by the Director of Public Works upon written petition and the filing with the Director of Finance of the City of Portland a bond in the sum of \$1,000.00 with sureties approved by the Corporation Counsel, indemnifying and saving harmless the City of Portland of and from any and all claims for damage occasioned thereby. In the event it is necessary to cut, disconnect, or remove any wires or poles belonging to a public utility for such purpose, such permit may only be granted by the Municipal Officers, after due notice and hearing, in accordance with the provisions of the Statutes of the State of Maine, unless such petition shall be accompanied by written permission from such public utilities for the cutting, disconnection, or removal of such wires or poles. A fee of \$25.00 shall be charged by the Director of Public Works for each such permit issued.

Moving structures  
703.11  
Effective 11.1.89

City Council in its sole and exclusive judgment.

Such permit shall contain such terms, conditions, and restrictions as said City Manager and said City Council shall require and such permit shall be revocable by the said City Manager by written notice to the holder of such permit. Any such structure tree, or other installation not removed or relocated, or otherwise disposed of, in the manner and within the time specified in said notice shall be considered a defect in the A TRUE COPY. ATTEST public way or other public property and may be removed by the City at the expense of the holder of the permit without further notice and without any liability whatsoever to the holder of the permit, his successors and assigns.

*Jane Durgin*  
JANE DURGIN  
CITY CLERK, PORTLAND, MAINE

Section 703.8 No fence of barbed wire, or of which barbed wire is a part, shall be erected or maintained along the line of any such streets, ways or public places in the City of Portland. ~~Barbed wire prohibited~~ 703.8

Section 703.9 The owner, lessee, or occupant of property adjoining any such street, way, or public place in the City of Portland shall provide and maintain a sufficient fence for the protection of the public upon or near the line of said street, way, or public place in the event an excavation exists on said property which is deemed by the Chief of Police or the Director of Public Works to be a hazard to the public upon written notice to do so from said Chief of Police or Director of Public Works. Excavations to be fenced 703.9

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A G E N D A  
CITY COUNCIL MEETING  
NOVEMBER 6, 1978

4:00 P.M. CITY COUNCIL MEETING

ROLL CALL:

PUBLIC HEARINGS:

- 592. RE CONDITION AT 80 WASHINGTON AVENUE
- 593. ORDER TO DEMOLISH PREMISES AT 80 WASHINGTON AVENUE
- 594. RE CONDITION AT 42-44 BRACKETT STREET
- 595. ORDER TO DEMOLISH PREMISES AT 42-44 BRACKETT STREET
- 596. RE CONDITION OF PREMISES AT 224-226 EASTERN PROMENADE
- 597. ORDER TO DEMOLISH PREMISES AT 224-226 EASTERN PROMENADE

ACTION BY MUNICIPAL OFFICERS:

- 598. ORDER GRANTING LICENSES AND PERMITS
- 599. DISCUSSION RE POLICE DEPARTMENT INCIDENT (Matthew I. Barron)
- 600. DISCUSSION RE BARBED WIRE FENCES (Matthew I. Barron)
- 601. DISCUSSION RE MOTORCYCLES ON LUDLOW STREET (Matthew I. Barron)
- 602. DISCUSSION RE PROPOSED CONTRACT AGREEMENT WITH POLICE SUPERIOR OFFICERS ASSOCIATION
- 603. DISCUSSION RE PROPOSED CONTRACT AGREEMENT WITH PROFESSIONAL AND TECHNICAL CITY EMPLOYEES ASSOCIATION

7:30 P.M. CITY COUNCIL MEETING:

ROLL CALL:

MINUTES OF PREVIOUS MEETING:

OATH OF OFFICE: DONATO C. PROFENNO, MEMBER TO BOARD OF STANDARDS AND REVIEW

AWARD PRESENTATION:

- 604. RE DENTAL HEALTH PROGRAM

RESOLUTIONS:

- 605. PROCLAIMING NOVEMBER IMMUNIZATION MONTH (PUBLIC COMMENT)
- 606. RE WESTBROOK ARTERIAL (Edward I. Bernstein)

ITEMS REQUIRING ACTION AT THIS MEETING:

- 608. REPORT RE CITY MANAGER'S BUDGET PRESENTATION (NO PUBLIC COMMENT)
- 609. ORDER AUTHORIZING LEASE ASSIGNMENT (PUBLIC COMMENT)

UNFINISHED BUSINESS:

- 566. ORDER ACCEPTING BID FOR CITY OWNED SURPLUS PROPERTY AT 78-92 FRONT STREET (NO PUBLIC COMMENT)

COMMUNICATIONS:

- 610. RE PROPOSAL FOR FENCING AT BAYSIDE PARK (NO PUBLIC COMMENT)

AMENDMENTS:

- 611. TO CHAPTER 703 AND CHAPTER 602 OF THE MUNICIPAL CODE RE BARBED WIRE FENCES (PUBLIC COMMENT)
- 612. TO CIVIL SERVICE ORDINANCE RE RESIDENCY (Gerard P. Conley)
- 613. TO CIVIL SERVICE ORDINANCE RE AGE REQUIREMENTS FOR APPOINTMENT TO THE POLICE AND FIRE DEPARTMENTS (Llewellyn C. Smith)
- 614. TO TRAFFIC SCHEDULE OF THE MUNICIPAL CODE RE PARKING ON COMMERCIAL STREET
- 615. TO TRAFFIC SCHEDULE OF THE MUNICIPAL CODE RE PARKING ON FREE STREET



CITY COUNCIL AGENDA, NOVEMBER 6, 1978

ORDERS:

- 616. APPROVING COLLECTIVE BARGAINING AGREEMENT WITH PROFESSIONAL AND TECHNICAL CITY EMPLOYEES ASSOCIATION (PUBLIC COMMENT)
- 617. APPROVING COLLECTIVE BARGAINING AGREEMENT FOR POLICE SUPERIOR OFFICERS ASSOCIATION
- 618. PLANNING BOARD REPORT RECOMMENDING THE CITY SEEK BIDS FOR CITY OWNED LAND ON BAILEY AVENUE
- 619. ORDER AUTHORIZING THE PURCHASING AGENT TO SEEK BIDS FOR SURPLUS CITY OWNED LAND ON BAILEY AVENUE
- 620. AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH THE FAA
- 621. AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH EMERY AIR FREIGHT
- 622. AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH GRACE BAPTIST CHURCH
- 623. AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE OF CITY PROPERTY TO ARROW REALTY, INC.
- 624. REPORT FROM CLAIMS COMMITTEE
- 625. ORDER TO PAY CLAIMS
- 626. ORDER RE ANNUAL APPOINTMENT OF PLUMBING INSPECTOR
- 607. ORDER AMENDING ANTIRECESSIONARY FISCAL ASSISTANCE PROGRAM FUNDS EXPENDITURE DESIGNATION
- 607A. ORDER AMENDING REVENUE SHARING FUNDS EXPENDITURE DESIGNATION

CITY OF PORTLAND, MAINE  
Executive Department

REVIEW OF AGENDA ITEMS FOR CITY COUNCIL MEETING, MONDAY, NOVEMBER 6, 1978

The City Council will be holding their afternoon meeting in Room 209 . City Hall at 4:00 p.m.

Afternoon Meeting

- 592 & 593 -This is a public hearing and an Order to demolish the premises at 80 Washington Avenue.
- 594 & 595 -This is a public hearing and an Order to demolish the premises at 42-44 Brackett Street.
- 596 & 597 -This is a public hearing and an Order to demolish the premises at 224-226 Eastern Promenade.
- 598 -This Order would grant licenses and permits.
- 599 -This item is a discussion regarding a police investigation into the writing of bad checks. This item appears on the Agenda at the request of Councilor Barron.
- 600 -This item is a discussion regarding City Ordinances pertaining to barbed wire fences on residential property. This item has been placed on the Agenda at the request of Councilor Barron.
- 601 -This item is a discussion regarding the use of motorcycles around the Ludlow Street area. This item was placed on the Agenda at the request of Councilor Barron.
- 602 -This item is a discussion regarding the proposed Contract Agreement between the City of Portland and the Police Superior Officers Association.
- 603 -This item is a discussion regarding the proposed Contract Agreement between the City of Portland and the Professional and Technical City Employees Association.

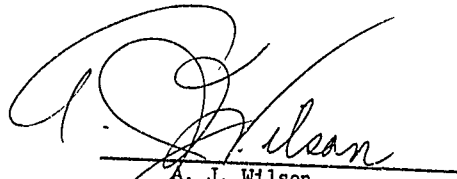
Evening Meeting

- 604 -The Maine Dental Association will be presenting to the City of Portland an award for the City's dental program. The City's dental program was selected as the outstanding Community Preventive Dentistry Program throughout the country.
- 605 -This is a Resolution proclaiming the City of Portland Immunization Month. All children attending Portland Public Schools must be immunized during the month of November in order to comply with the State of Maine and Portland School Board policies.
- 606 -This is a Resolution regarding the Westbrook Arterial which is being placed on the Agenda at the request of Councilor Bernstein.
- 608 -This is a presentation from the City Manager regarding his recommendations for the 1979 Budget.

- 609 -This is an Order approving the assignment of the LaRand Gift Shop lease at the Spring Street Garage to Hall's Carriage House, Inc.
- 566 -This is an Order from the Planning Board recommending that the City accept a bid for surplus City-owned land at 78-92 Front Street. The bid price is \$20,100.00.
- 610 -This item is a communication from the Boyd Street Neighborhood Center Association regarding the feasibility of the City to provide fencing at Bayside Park.
- 611 -This is an Amendment regarding restrictions on the use of barbed wire fences. It provides that barbed wire fences within 25 feet of a City street must be at least six feet above the ground. In addition, it would prohibit barbed wire fences and "razor ribbon strips" in residentially zoned neighborhoods.
- 612 -This is an Amendment to the Civil Service Ordinance regarding residency requirements for prospective applicants.
- 613 -This is an Amendment to the Civil Service Ordinance which would amend the current age limitation to the examination date rather than to the date of hiring.
- 614 -This is an Amendment to the traffic schedule regarding parking on Commercial Street.
- 615 -This is an Amendment to the traffic schedule regarding parking on Free St.
- 616 -This is an Order approving the Collective Bargaining Agreement between the City of Portland and the Professional and Technical City Employees Association.
- 617 -This is an Order approving the Collective Bargaining Agreement between the City of Portland and the Police Superior Officers Association.
- 618 & 619 -This is an Order which is accompanied by a report by the Planning Board regarding seeking of bids for city-owned land on Bailey Avenue.
- 620 -This is an Order authorizing the City Manager to execute a lease with the Federal Aviation Administration. This lease provides for use of a 40 foot square parcel of land by the Federal Aviation Administration to enable them to install an approach light system on Runway 29.
- 621 -This is an Order authorizing the City Manager to execute a lease with Emery Air Freight Corporation.
- 622 -This is an Order authorizing the City Manager to enter into a lease with Grace Baptist Church for the use of the property known as the Perry School located at 75 Florida Avenue.
- 623 -This is an Order authorizing the City Manager to execute a lease of City property to Arrow Realty, Inc. The lease is for property located at Kennebec, Lancaster and Chestnut Streets.
- 624 & 625 -This is a report from the Claims Committee and is accompanied by an Order to pay the claims.



- 626 - This is an Order appointing Mr. Arnold Goodwin as Chief Plumbing Inspector and Mr. William Gipe as first alternate.
- 607 & 607A - These Orders make offsetting adjustments in two federal revenue accounts to reflect changes in grants which the City will receive from Washington this year.

  
A. J. Wilson,  
City Manager.

CITY OF PORTLAND, MAINE  
MEMORANDUM

RG Love

TO: A.J. Wilson, City Manager

DATE: 10-3-78

FROM: R. Lovell Brown, Director of Bldg. & Inspection Services

SUBJECT: Amendment to Section 703.8 of the Municipal Code (Barbed Wire)

Please prepare the following order for consideration at the next Council meeting, amending the Municipal Code re: (Barbed Wire)

STATEMENT OF FACTS

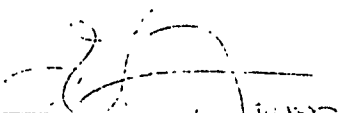
Because the existing ordinance is so vague and non specific concerning the use of barbed wire, it appears mandatory that Sect. 703.8 be amended as follows.

EXISTING ORDINANCE

Section 703.8 reads as follows, "No fence of barbed wire, or of which barbed wire is a part, shall be erected or maintained along the line of any such streets, ways, or public places in the City of Portland."

SUGGESTED AMENDMENT

"No fence of barbed wire or of which barbed wire is a part shall be erected or maintained within 25' along the line of any such streets, ways, or public places in the City of Portland. No barbed wire shall be used on any fence, in any location, if said fence is less than 8' in height."

  
R. Lovell Brown/  
(by Earle Smith)

- c.c. Corp. Counsel

- ESS:k

AMENDMENT TO CHAPTER 703  
(Streets and Ways) and Chapter 602 (Zoning Ordinance)  
RE: BARBED WIRE FENCES

*Recd  
11/6/78*

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE,  
IN CITY COUNCIL ASSEMBLED, AS FOLLOWS:

1. THAT Chapter 703 of the Municipal Code (Streets and Ways)  
Ordained April 1, 1958, as amended, be further amended as follows:

By deleting the crossed out portion and adding the underlined  
portion of Section 703.8 as follows:

"Section 703.8. No fence of barbed wire, or of which barbed  
wire is a part, shall be erected or maintained along within  
25 feet of the line of any such Streets, ways, or public places  
in the City of Portland, unless the entire barbed wire portion  
of such fence is at least 6 feet above the ground and no barbed  
wire projects out toward such street, way or public place."

2. THAT Chapter 602 of the Municipal Code (Zoning Ordinance)  
Ordained April 1, 1968, as amended, be further amended by adding the  
following at the end of Section 602.19 E (Fences):

"No fence of barbed wire, or of which barbed wire is a part,  
shall be erected in a residence zone and no fence of which  
razor ribbon strips are a part shall be erected in any zone."



## CITY OF PORTLAND

R. LOVELL BROWN  
BUILDING AND INSPECTION DIRECTOR

Re: Letter of October 25, 1978 in reference to Section 703.8  
of the Municipal Code (barbed wire).

An amendment, prepared by the Corporation Counsel, will be presented to the members of the City Council which will, if adopted, modify the requirements of barbed wire fencing in the following manner.

*Corp. Counsel*  
Section 703.8 - No fence of barbed wire, or of which barbed wire is a part, shall be erected or maintained within 25 ft. of the line of any such streets, ways, or public places in the City of Portland unless the entire barbed wire portion of such fence is at least 6 ft. above the ground and no barbed wire projects out towards such street, way or public place.

*RG*  
*Zone*

It will be the policy of this Department to not seek per diem fines for dates prior to next Monday's Council meeting against any person for the erection or maintenance of a barbed wire fence which would be allowed under the proposed Ordinance change unless or until we receive instructions to the contrary from the City Manager. Persons having fences with barbs lower than six feet should remove them immediately.

Very truly yours,

Earle S. Smith  
Building Inspection Supervisor

ESS/r

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Thomas Valleau, Assistant City Manager  
FROM: Earle Smith, Building Inspection Supervisor  
SUBJECT: Barbed Wire

DATE: 10-27-78

This office thought you might like to know some of the background concerning the order to remove barbed wire around the city.

A Mrs. Rebecca Martin of 68 E. Lawrence Street called this office to complain about the barbed wire at 42 Atlantic Street (the Paul Malia Legion Post) where her son cut his throat on the wire allegedly requiring some twenty-one stitches at the Maine Medical Center. Her lawyer, Lawrence Mahoney, cited the City requirements plus threatening a court order to have said fence removed.

We have also served the Post with an order to appear in court to show cause why the fence should not be removed in compliance with Section 703.8 of the Municipal Ordinance. In the interim, we have some forty other violators who have received notices from this office. (Copy enclosed including copy of the letter sent to each violator)

The reason why I am telling you this is simply, Mr. Anthony Rums of 418 Woodford Street, who is Secretary-Treasurer, etc., of the legion post has indicated he will appear before the next council meeting to plead or discuss his case.

---

Earle Smith

ES/z

Enclosure



CITY OF PORTLAND, MAINE  
MEMORANDUM

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FROM: Earle Smith, Building Inspection Supervisor  
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ES/r

Enclosure

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---

Earle Smith

ES/r

Enclosure

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Thomas Valleau, Assistant City Manager  
FROM: Earle Smith, Building Inspection Supervisor  
SUBJECT: Barbed Wire

DATE: 10-25-78

*Earle Smith*  
*Inform the offensive Departments.*

This office is presently sending out some forty letters concerning the use of barbed wire "along the street lines" of various streets in the city which are in direct violation of Section 703.8 of the Municipal Ordinance.

We are ordering all of the barbed wire to be removed, and it would seem that the City is also in violation in several locations, such as, along Park Avenue next to the Exposition Building, and along Riverside Street in connection with the Sewage Pumping Station.

If there are any other barbed wire fences along any other street line, they should be removed immediately in order to comply with the Municipal Code.

*Earle S. Smith*

Earle S. Smith

ESS/r

cc: Corporation Counsel  
Dick Anderson, Park Dept.  
George Flaherty, Director of Public Works

INVESTIGATIVE REPORT

RE: 42 Atlantic St.  
(Property Inspected)

1. Person or persons to be charged (with residence):  
Paul Malia, American Legion Post
2. Name of Attorney, if known:
3. Name, address and telephone number of complainant if known:  
Building Inspection Dept.
4. Name and address of Inspector or Inspectors who investigated violation and summary of personal observations of each with dates of observations:  
Hugh Irving
5. Code Sections Violated:  
703.8 Municipal Code
6. Facts constitution Violation:  
Barbed wire along street line.
7. Basis for individual liability (owner/agent, etc.)  
Joe Lebeda, Pres.  
Phillip Caulfield, Treas.
8. Description of Property involved (type and location):  
Barbed wire, 42 Atlantic St. - Paul Malia Post
9. Ownership indicia or deed references to property, including Assessors Chart/Block/Lot:  
16/F/1 Paul Malia Post  
42 Atlantic St. - Portland, Me. 04101
10. Name and address of each person interviewed, with summary of statements of each relative to the alleged violation:  
Rebecca Martin  
69 St. Lawrence St. - will appear as witness against, Paul Malia Post complaint  
Lawrence Mahoney - Central Wharf is her lawyer
11. Any physical evidence (if photographs show date of photographs):  
3 photos, Oct. 23, 1978 a.m.
12. Any other relevant information or observation:







Rebecca Martin  
69 St Lawrence St  
will appear as witness against  
the Paul Maria Post Complaint.  
Lawrence Mahoney  
Central wharf is her  
lawyer.

This is the parent of the  
child that was hurt on the barbed  
wire fence at the Paul Maria Post.  
42 Atlantic St.

January 22, 1975

Ray Gould  
49 Rosemont Avenue  
Portland, Maine

cc to: Paul Mallis Post  
42 Atlantic Street

RE: 42 Atlantic Street

Dear Mr. Gould,

The beam which you propose to install to replace the carrying partition is not large enough to carry the load which it apparently will be called upon to support.

We would advise that you contact one of the concerns which supply such beams and let them figure out one which will support the loads involved.

Very truly yours,

Earle S. Smith  
Plan Examiner

ESS:mes

*Span out to  
14' <sup>EST</sup> ~~14'~~ <sup>12'</sup> ~~12'~~ <sup>10'</sup> ~~10'~~ <sup>8'</sup> ~~8'~~ <sup>6'</sup> ~~6'~~ <sup>4'</sup> ~~4'~~ <sup>2'</sup> ~~2'~~ <sup>0'</sup> ~~0'~~  
except for one 8' partition.  
E.S.*



# APPLICATION FOR PERMIT

**PERMIT ISSUED**

0070

JAN 21 1975

B.O.C.A. USE GROUP .....

B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION \_\_\_\_\_ PORTLAND, MAINE, Jan 20, 1975

**CITY OF PORTLAND**

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

**PERMIT**

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 42 ~~Marble~~ Atlantic St Ave Fire District #1  #2

1. Owner's name and address Paul Mallia Post, same Telephone .....

2. Lessee's name and address .....

3. Contractor's name and address Ray Gould, 49 Rosmont Ave Telephone 7728417

4. Architect .....

Proposed use of building .....

Last use .....

Material .....

Other buildings on same lot .....

Estimated contractual cost \$ 1000.00 Fee \$ 5.00

FIELD INSPECTOR—Mr. .... GENERAL DESCRIPTION

This application is for: @ 775-5451 removal of existing partition to install an 8" flange beam, 17'6" span to replace a carrying partition

Dwelling ..... Ext. 234

Garage .....

Masonry Bldg. ....

Metal Bldg. ....

Alterations .....

Demolitions .....

Change of Use .....

Other .....

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  4

### DETAILS OF NEW WORK

Is any plumbing involved in this work? no Is any electrical work involved in this work? yes

Is connection to be made to public sewer? .....

Has septic tank notice been sent? .....

Height average grade to top of plate .....

Size, front .....

Material of foundation .....

Kind of roof .....

No. of chimneys .....

Framing Lumber—Kind .....

Size Girder .....

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 .....

On centers: 1st floor .....

Maximum span: 1st floor .....

If one story building with masonry walls, thickness of walls? .....

### IF A GARAGE

No. cars now accommodated on same lot .....

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 .....

ZONING: .....

BUILDING CODE: O.K. 2.8.1/30/75 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.: .....

Health Dept.: .....

Others: .....

Signature of Applicant Ray Gould Phone # .....

Type Name of above .....

Other .....

and Address .....

FIELD INSPECTOR'S COPY

ALWAYS PREVENT FIRE ALL WAYS

FRANK M. HOBERTY, JR.  
COMMISSIONER

HAROLD E. TRAHEY  
DEPUTY COMMISSIONER



STATE OF MAINE

Insurance Department  
DIVISION OF STATE FIRE PREVENTION  
AUGUSTA, MAINE 04330

CHARLES F. ROGAN  
DIRECTOR

HARRY B. ROLLINS  
ASSISTANT DIRECTOR

November 29, 1971

Paul Mallia Post  
American Legion #161  
42 Atlantic Street  
Portland, Maine

Dear Sir:

Re: Paul Mallia Post American Legion #161

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:

1. Replace batteries in emergency light.
2. Remove dead bolt locks on exit doors.

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

By direction of the Insurance Commissioner

*Charles F. Rogan*

Director

WMS:jcm  
cc: Liquor Commission  
Fire Chief  
Portland Building Inspector



ALWAYS PREVENT FIRE ALL WAYS

FRANK W. HOGERTY, JR.  
COMMISSIONER

HAROLD E. TRANEY  
DEPUTY COMMISSIONER



CHARLES F. ROGAN  
INSPECTOR

GARRY B. BOLLING  
ASSISTANT DIRECTOR

STATE OF MAINE

Insurance Department  
DIVISION OF STATE FIRE PREVENTION  
AUGUSTA, MAINE 04330

October 31, 1968

Paul Mallia Post #161, American Legion  
42 Atlantic Street  
Portland, Maine

Gentlemen:

Re: Paul Mallia Post #161, American Legion

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:

1. Remove barrel type lock on rear exit dance area.
2. Enclose boiler room with one hour fire resistant material. Air for boiler to be taken directly from the outside.
3. Provide self closer for boiler room door.

Please advise this office when compliance has been made with the above violations in order that consideration may be given to the issuance of your dance license.

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

By direction of the Insurance Commissioner

*Charles F. Rogan*

Director

WIR:cag  
cc: Chief Joseph Cremo  
Portland Building Inspector  
Liquor Commission



R6 RESIDENCE ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, September 8 1969

PERMIT ISSUED 872
SEP 20 1969
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 42 Atlantic St. Within Fire Limits? Dist. No.
Owner's name and address Paul Mallia Post, American Legion, 42 Atlantic St. Telephone
Lessée's name and address Telephone
Contractor's name and address C & P Builders, Albion Road North Windham Maine Telephone 773-3905
Architect Specifications Plans YES No. of sheets 1
Proposed use of building Minor Assembly Hall No. families
Last use " " No. families
Material frame No. stories 1 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ 350.00 Fee \$ 5.00

General Description of New Work

To provide a 40' x 40' roof over existing 1-story building.

Upper portion of building demolished under separate permit.

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 Clifford G. Hamilton 3rd. 188 Congress St. City

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 flat Rise per foot 2" Roof covering Asphalt Class C Und Label.
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 2x8
On centers: 1st floor, 2nd, 3rd, roof 18"
Maximum span: 1st floor, 2nd, 3rd, roof 13'
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:

012. E. S. S. 9/9/69

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

Paul Mallia Post, American Legion
C & P Builders

CS 301

INSPECTION COPY

Signature of owner by: Clifford G. Hamilton III



R6 RESIDENCE ZONE

# APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, September 5, 1969

**PERMIT ISSUED**  
867  
SEP 9 1969  
**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 42 Atlantic Street Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
 Owner's name and address Paul McNeil Post American Legion, 42 Atlantic St. Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address J. & T. Wrecking Co., 68 Walton St. Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans \_\_\_\_\_ No. of sheets \_\_\_\_\_  
 Proposed use of building Minor Assembly Hall No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ No. families \_\_\_\_\_  
 Material frame \_\_\_\_\_ No. stories 2 1/2 Heat \_\_\_\_\_ Style of roof pitch Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_ Fee \$ 3.00  
 Estimated cost \$ 500.

### General Description of New Work

To demolish upper portion of 2 1/2 story frame building down to first floor roof level.  
(New roof to be applied for by others)

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** J & T Wrecking Co.

### 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? \_\_\_\_\_

### 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

J & T Wrecking Co.

APPROVED:  
W.S.P.W. 9/8/69

CS 201

INSPECTION COPY

Signature of owner

By:

Mr. Clifford D. Hamilton III

PH

PERMIT NUMBER 8703

PERMIT TO INSTALL PLUMBING

Address: 40 1st St. Apt. 4

Installation For: Paul M. B. Post

Owner of Bldg.: Paul M. B. Post

Owner's Address: 40 1st St. Apt. 4

Plumber: F. J. O. W. M. T. Date: 4-9-60

PORTLAND PLUMBING INSPECTOR

JOSEPH E. WELCH

APPROVED FIRST INSPECTION 4-9-60

APPROVED SECOND INSPECTION 4-9-60

JOSEPH E. WELCH

PLUMBING

NEW	REPL	PROPOSED INSTALLATIONS	NUMBER	FEE
		SINKS		
		LAVATORIES	2	4.00
		TOILETS	2	4.00
		BATH TUBS		
		SHOWERS		
		DRAINS	2	2.60
		HOT WATER TANKS		
		TANKLESS WATER HEATERS	3	
		GARBAGE GRINDERS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS (conn. to house drain)		
		Roof	1	1.60
			17	27.20
		Total		

PORTLAND HEALTH DEPT.

PLUMBING INSPECTION







ALWAYS PREVENT FIRE ALL WAYS

FRANK M. HUBERTY, JR.  
COMMISSIONER

HAROLD E. TRAHEY  
DEPUTY COMMISSIONER



STATE OF MAINE

Insurance Department

DIVISION OF STATE FIRE PREVENTION

AUGUSTA, MAINE 04930

January 21, 1969

CHARLES F. ROGAN  
DIRECTOR

HARRY B. ROLLINS  
ASSISTANT DIRECTOR

Paul Mallia Post #161, American Legion  
42 Atlantic Street  
Portland, Maine

Gentlemen: Re: Paul Mallia Post #161, American Legion

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:

Provide Underwriters Laboratories approved 10-B,C rated fire extinguisher.

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

By direction of the Insurance Commissioner

*Charles F. Rogan*

Director

WHR:cag

cc: Chief Joseph Creano  
Portland Building Inspector  
Liquor Commission



# APPLICATION FOR PERMIT

Class of Building or Type of Structure R6 RESIDENCE CLASS  
Portland, Maine 2nd & 3rd class  
January 7, 1960

**PERMIT ISSUED**  
**APR 18 1960**  
**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 42 Atlantic St. Within Fire Limits? yes Dist. No. \_\_\_\_\_  
 Owner's name and address Paul Mallia Post Building Committee, 42 Atlantic St. Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone 3-3871  
 Contractor's name and address owners No. of sheets 1  
 Architect \_\_\_\_\_ No. families \_\_\_\_\_  
 Proposed use of building \_\_\_\_\_ Roofing \_\_\_\_\_  
 Last use \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes  
 Material frame Club & Lodge Building & Assembly Hall Style of roof \_\_\_\_\_  
 No. stories 2 Heat \_\_\_\_\_ Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 4700.00 Fee \$ 5.00

## General Description of New Work

To construct BASEMENT concrete block  
club & lodge building. addition 40' x 40' for assembly hall use on side of  
~~This application is preliminary to get settled the question of zoning appeal.~~  
~~In event the appeal is sustained the applicant will furnish complete information.~~

Permit Issued with Letter

Appeal sustained 3/3/60  
owners

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**

## 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? yes  
 Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_  
 Material of underpinning \_\_\_\_\_ Thickness, top \_\_\_\_\_ Height \_\_\_\_\_ Roof covering \_\_\_\_\_ cellar \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Material of chimneys \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Thickness \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Framing Lumber—Kind \_\_\_\_\_ Columns under girders \_\_\_\_\_ Kind of heat \_\_\_\_\_ Sills \_\_\_\_\_ fuel \_\_\_\_\_  
 Size Girder \_\_\_\_\_ Kind and thickness of outside sheathing of exterior walls? \_\_\_\_\_ Size \_\_\_\_\_ Corner posts \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet. \_\_\_\_\_  
 Joists and rafters: \_\_\_\_\_ On centers: \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 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? \_\_\_\_\_

## 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  
Paul Mallia Post Building Committee

APPROVED:  
with letter by AGJ

Signature of owner \_\_\_\_\_  
Paul Mallia Post Building Committee

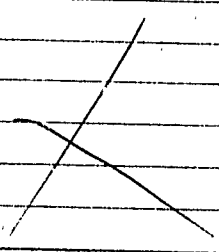
ATTENTION COPY

NOTES

5/3/60 - Work started on excavation E.S.S.  
 5/5/60 - Form insp made  
 6/22/60 - E.S.S.  
 For joints provided by McQuinn & Co. E.S.S.  
 7/13/60 - Roof on. Ready to lay concrete floor. E.S.S.  
 9/7/60 - The three windows in side wall are to be changed to wine glass E.S.S.  
 9/29/60 - No change. E.S.S.  
 9/21/60 - Letter about wine glass in windows - E.S.S.  
 9/29/60 - Work on window - E.S.S.  
 10/11/60 - Workman on job said windows was to be changed. Work nearly done. E.S.S.  
 10/27/60 - Same E.S.S.  
 11/7/60 - Same E.S.S.  
 12/2/60 - Same E.S.S.  
 3/15/61 - Same E.S.S.  
 5/30/61 - Windows changed E.S.S.

Permit No. 60  
 Location: 100 W. 1st St.  
 Owner: Paul M. Mulla & Bob Pauling Committee  
 Date of permit: 4/12/60  
 Notif. closing-in  
 Inspn. closing-in  
 Final Notif.  
 Final Inspn. 8/30/61  
 Cert. of Occupancy Issued 8/30/61  
 Staking Out Notice  
 Form Check Notice

9/15/60  
 9/16/60  
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 12/31/60



(COPY)



CITY OF PORTLAND, MAINE  
Department of Building Inspection

## Certificate of Occupancy

LOCATION 42 Atlantic St.

Issued to Paul Mallia Post Building  
42 Atlantic St.

Date of Issue August 30, 1961

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. 60/345, 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  
Basement Addition

APPROVED OCCUPANCY  
KINOR ASSEMBLY Hall

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

Earle Smith  
(Date) Inspector

Albert J. Sears  
Inspector of Buildings

CS 147

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.

AP-38-42 Atlantic Street

March 7, 1960

Paul Maria Post Building Committee  
Att. Mr. Anthony Russo  
42 Atlantic Street

cc to: Mr. Frank C. Capozza  
501 Brighton Avenue

Gentlemen:

Although appeal under the Zoning Ordinance has been sustained, no further action involving issuance of a permit for construction of a proposed addition on side of Post Home at the above named location can be taken by this department until permit application has been completed by furnishing estimated cost of the project, by paying permit fee based on that cost, by furnishing architectural plans showing compliance with Building Code requirements, and by filing a plot plan indicating required off-street parking in compliance with Zoning Ordinance requirements.

It should be noted that rights granted under the appeal will expire unless permit is issued and work is started within six months of the date on which the appeal was sustained and unless work thereon is substantially completed within one year of that date.

Very truly yours,

AJS/jg

Albert J. Sears  
Inspector of Buildings



AP-38-42 Atlantic Street

January 22, 1960

Paul Maria Post Building Committee  
Att. Mr. Anthony Russo  
42 Atlantic Street

cc to: Corporation Counsel  
cc to: Mr. Frank C. Capozza  
501 Brighton Avenue

Gentlemen:

Building permit for construction of a one story masonry addition 35 feet by 40 feet on side of Post House at the above named location for assembly hall use accessory to the existing building is not issuable under the Zoning Ordinance for the following reasons:

1. The use of the present building is non-conforming in the R-6 Residence Zone in which the property is located and an increase in volume of a non-conforming use is forbidden by Section 17-B of the Ordinance unless authorized by the Board of Appeals.
2. While there is room to provide the required twelve off-street parking spaces on the same lot, such parking will be located closer than 25 feet to residential structures on the adjoining lots at 34-36 Atlantic Street and 33-35 and 37-39 St. Lawrence Street, contrary to the provisions of Section 14-g of the Ordinance.

We understand that you would like to exercise your appeal rights concerning these discrepancies. Accordingly we are certifying the case to the Corporation Counsel to whose office in Room 208, City Hall, you should go to file the appeal.

Very truly yours,

Albert J. Sears  
Inspector of Buildings

AJB/jg

AP-38-42 Atlantic Street

January 8, 1960

Paul Maha Post Building Committee  
Att. Mr. Anthony Rumo  
42 Atlantic Street

cc to: Mr. Frank C. Capozza  
501 Brighton Avenue

Gentlemen:

Examination of plans filed with application for permit for construction of a one story masonry addition 40 feet by 40 feet on side of Post Home at the above named location discloses the following variances from Zoning Ordinance requirements:

1. The use of the present building is non-conforming in the R-6 Residence Zone in which the property is located, the least restricted zone in which the club and lodge use is allowable being the B-1 Business Zone. Although until recently the Board of Appeals was forbidden to grant an appeal involving a business zone use in a residential zone, under a recent amendment to the Ordinance the Board is permitted, if they see fit, to grant an extension or enlargement of a non-conforming use if all requirements for space and bulk applying to the zone in which the property is located are to be met. The minimum required side yard in the R-6 Zone is 10 feet, so that any proposed addition is required, to be kept at least that distance from the side lot line instead of the 5 feet shown, the Board of Appeals not having the power to grant an appeal for construction closer than that distance to side lot line.

2. Off-street parking spaces, each not less than 8 feet wide by 20 feet long, are required on the lot at the rate of one space for each 100 square feet of floor area of the addition. Although there will be considerable space on the lot available for parking after construction of the addition, in order to make sure that required spaces can be provided under the conditions specified by Section 14 of the Ordinance, which limits distances that parking may be located from street and lot lines and buildings used for habitation on adjoining lots, it is necessary that such spaces be indicated on the plot plan. It is also necessary that location and width of access drive-ways be shown and approved by the City Traffic Engineer.

We understand that you would like to exercise your appeal rights allowable under the Zoning Ordinance, but before a certification letter on which appeal proceedings can be based is written, it is necessary that plot plan be revised to show minimum distance of 10 feet from side lot line and an adequate number of off-street parking spaces in such a location as to comply with Zoning Ordinance requirements. While no attempt has been made to check the proposition against Building Code requirements, if the total capacity of all rooms in the existing building and addition which are to be used for assemblage purposes is to exceed 300 persons on the basis of 6 square feet per person, the heating equipment will be required to be cut-off from the rest of the building by partitions and ceiling of one-hour fire resistance unless it is already so separated.

Very truly yours,

Albert J. Sears  
Inspector of Buildings

AJ3/JS

42 Atlantic Street

March 17, 1961

Paul Maria Foot  
Att. Mr. Anthony Ruma  
42 Atlantic Street

Gentlemen:

Upon inspection of the above job on March 14, 1961, the following defects were found which prevent us from issuing the certificate of occupancy--required by law to be in possession of the owner before the building may be lawfully occupied:

-The three windows in side wall of addition have not been changed to fire glass as per Building Code requirements.

-See letters of April 12 and of September 21, 1960.

It is important that the above conditions be corrected before March 31, 1961 and that you notify this office of readiness for another inspection, so that, if all is found in order, the certificate of occupancy required by law may be issued.

If additional information relative to the above is desired, please phone Inspector Earle Smith at 4-8221, extension 234, any week day but Saturday between 8:00 and 9:00 A.M.

Very truly yours,

ESS/je

Earle S. Smith  
Field Inspector