

NO. 121 CULSTON STREET

(Assessor's Map Nos. 26-C6+C7)

(COPY)



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION #50-52 Chestnut St.

Issued to **Portland Boys' Club Association** Date of Issue **August 19, 1970**

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

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Entire

Outdoor Playground.

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

Nelson F. Cartwright
(Date) Inspector

[Signature]
Inspector of Buildings

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 trustee for one dollar.

50-52 Chestnut Street

March 30, 1970

William Edmonson
Portland Boys' Club
277 Cumberland Avenue

cc to: John Calvin Stevens
127 Pleasant Street
cc to: Corporation Counsel

Dear Mr. Edmonson:

Certificates of occupancy for using the vacant lot at the above named location for a playground in connection with the activities of the Portland Boys' Club is not issuable under the Zoning Ordinance for the following reasons:

1. The property is located in an R-6 Residential Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 602.173 of the Ordinance.
2. A fence about 6 feet high is to be erected around the perimeter of the lot and there located along the street line and 25 feet back from the street line along the side lot line, will be in excess of the maximum height of 4 feet permitted under provisions of Section 602.19E of the Ordinance.

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

Very truly yours,

A. Allan Soule
Assistant Director Building Inspection Dept.

AAS:EM

PERMIT ISSUED

MAY - 1970

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES
CITY of PORTLAND

Portland, Maine March 30, 1970

Location 50-52 Chestnut Street Zone R-6 Residential Zone

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for Outdoor playground

as set forth on the attached site plan (made by John Calvin Stevens whose address is 127 Pleasant St.) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Portland Boys' Club Association
277 Cumberland Ave.

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot? yes
If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked—passenger cars? _____, commercial vehicles? _____.

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)? _____
And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? no

Do you propose to remove or disturb any tree on a public street? _____
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Appeal sustained 4/30/70

Signature of Owner Portland Boys' Club Association

By Victoria E. Thompson
(duly authorized thereto)

2.00 fee Paid

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To: Portland Boys' Club
277 Cumberland Ave.

COMMENCING the above proposed use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below—notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(Date) MAY 1 - 1970

[Signature]
Inspector of Buildings

INSPECTION COPY

6-4-70 Not started AD
8-17-70 Fenced AD

#15 Bd 3/30/70
Granted 4/30/70
70/37

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

CONDITIONAL USE APPEAL

Portland Boys' Club, owner of property at 50-52 Chestnut Street under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to: use the vacant lot for a playground in connection with the activities of the Club. This permit is presently not issuable under the Zoning Ordinance for the following reasons: (1) the property is located in an R-6 Residential Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 602.17B of the Ordinance; (2) a fence about 6' high is to be erected around the perimeter of the lot and where located along the street line and 25 feet back from the street line along the side lot line, will be in excess of the maximum height of 4 feet permitted under provisions of Section 602.19E of the Ordinance.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Ordinance.

Portland Boys' Club

William H. Peterson
APPELLANT

DECISION

After public hearing held April 30, 1970, the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Ordinance.

It is, therefore, determined that permit should _____ be issued in this case.

W. B. Keefe
Mary H. Roberts
John J. [unclear]
BOARD OF APPEALS

50-52 Chestnut Street

March 30, 1970

William Edmonson
Portland Boys' Club
277 Cumberland Avenue

cc to: John Calvin Stevens
127 Pleasant Street
cc to: Corporation Counsel

Dear Mr. Edmonson:

Certificate of occupancy for using the vacant lot at the above named location for a playground in connection with the activities of the Portland Boys' Club is not issuable under the Zoning Ordinance for the following reasons:

1. The property is located in an R-6 Residential Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 602.17B of the Ordinance.
2. A fence about 6 feet high is to be erected around the perimeter of the lot and where located along the street line and 25 feet back from the street line along the side lot line, will be in excess of the maximum height of 4 feet permitted under provisions of Section 602.19E of the Ordinance.

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

Very truly yours,

A. Allan Soule
Assistant Director Building Inspection Dept.

AAS:m

April 27, 1970

Mr. William Edmonson
Portland Boys' Club
277 Cumberland Ave.

Dear Mr. Edmonson:

DATE: April 30, 1970

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Portland Boys' Club

AT 50-52 Chestnut Street, Portland, Maine

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

BOARD OF APPEALS
William B. Kirkpatrick
~~XXXXXXXXXXXX~~
Ralph L. Young
Harry M. Shwartz

VOTE	
YES	NO
()	()
()	()
()	()

Record of Hearing

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

April 17, 1970

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Thursday, April 30, 1970 at 4:00 p.m. to hear the appeal of Portland Boys' Club requesting an exception to the Zoning Ordinance to permit using the vacant lot at 50-52 Chestnut Street for a playground in connection with the activities of the Club.

This permit is presently not issuable under the Zoning Ordinance because: (1) the property is located in an R-6 Residential Zone where the Boy's Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 602.17B of the Ordinance; (2) a fence about 6' high is to be erected around the perimeter of the lot and where located along the street line and 25 feet back from the street line along the side lot line, will be in excess of the maximum height of 4 feet permitted under provisions of Section 602.19E of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such permit may be granted only if the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Zoning Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

h

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

April 17, 1970

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Thursday, April 30, 1970 at 4:00 p.m. to hear the appeal of Portland Boys' Club requesting an exception to the Zoning Ordinance to permit using the vacant lot at 50-52 Chestnut Street for a playground in connection with the activities of the Club.

This permit is presently not issuable under the Zoning Ordinance because: (1) the property is located in an R-6 Residential Zone where the Boy's Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 602.17B of the Ordinance; (2) a fence about 6' high is to be erected around the perimeter of the lot and where located along the street line and 25 feet back from the street line along the side lot line, will be in excess of the maximum height of 4 feet permitted under provisions of Section 602.19E of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such permit may be granted only if the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Zoning Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

h

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

April 17, 1970

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Thursday, April 30, 1970 at 4:00 p.m. to hear the appeal of Portland Boys' Club requesting an exception to the Zoning Ordinance to permit using the vacant lot at 50-52 Chestnut Street for a playground in connection with the activities of the Club.

This permit is presently not issuable under the Zoning Ordinance because: (1) the property is located in an R-6 Residential Zone where the Boy's Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 602.17B of the Ordinance; (2) a fence about 6' high is to be erected around the perimeter of the lot and where located along the street line and 25 feet back from the street line along the side lot line, will be in excess of the maximum height of 4 feet permitted under provisions of Section 602.19E of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such permit may be granted only if the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Zoning Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

h

Barnett I. Shur, Corporation Counsel
Warren McDonald, Inspector of Buildings

November 20, 1956

Use of lot at 50-52 Chestnut St. contrary to Zoning Ordinance

A complaint has been received from a neighbor that the exc. discussed lot at 50-52 Chestnut St. (where the owner, Udell Braxson, finally demolished two dwellings and was persuaded to fill in the abandoned excavations after a fashion, and where appeal for a parking lot was unsuccessful) is being used as a parking lot for about 20 cars contrary to the Zoning Ordinance because the property is in an Apartment House Zone, and because there is no certificate of occupancy anyway.

Under the circumstances it appears that no good could come from this department taking the initiative in the usual way.

W McD/B

Inspector of Buildings

16

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

VARIANCE APPEAL

Portland Boys' Club Association, owner of property at 50-52 Chestnut Street under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit: using vacant lot at above location for a playground in connection with the activities of the Club. The Certificate of Occupancy is not issuable under the Zoning Ordinance because (1) The property is located in an R-6 Residence Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 17 of the Ordinance; (2) A wire fence about 12 feet high is to be erected around the perimeter of the lot and, where located along the street line and 25 feet back from the street along the side lot line, will be in excess of the maximum height of 4 feet permitted under the provisions of Section 19-E of the Ordinance.

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

Portland Boys' Club Association

By: _____

APPELLANT

DECISION

After public hearing held June 17, 1965, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

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

Franklin P. Nichol
William B. Keegan
William B. Keegan

BOARD OF APPEALS

#15. - pd
11/2/65
Granted 11/17/65
65/72

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

June 7, 1965

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, at City Hall, Portland, Maine on Thursday, June 17, 1965 at 4:00 p. m. to hear the appeal of Portland Boys' Club Association requesting an exception to the Zoning Ordinance to permit using vacant lot at 50-52 Chestnut Street for a playground in connection with the activities of said Club.

Certificate of occupancy is not presently issuable under the Zoning Ordinance because (1) the property is located in an R-6 Residence Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 17 of the Ordinance; and (2) a wire fence about 12 feet high is to be erected around the perimeter of the lot and, where located along the street line and 25 feet back from the street along the side lot line will be in excess of the maximum height of 4 feet permitted under the provisions of Section 19-E of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

June 7, 1965

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, at City Hall, Portland, Maine on Thursday, June 10, 1965 at 4:00 p. m. to hear the appeal of Portland Boys' Club Association requesting an exception to the Zoning Ordinance to permit using vacant lot at 50-52 Chestnut Street for a playground in connection with the activities of said Club.

Certificate of occupancy is not presently issuable under the Zoning Ordinance because (1) the property is located in an R-6 Residence Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 17 of the Ordinance; and (2) a wire fence about 12 feet high is to be erected around the perimeter of the lot and, where located along the street line and 25 feet back from the street along the side lot line will be in excess of the maximum height of 4 feet permitted under the provisions of Section 19-E of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

APCO 50-52 Chestnut Street

June 2, 1965

Mr. George DuBock, Executive Director
Portland Boys' Club Association
277 Cumberland Avenue

cc to: Corporation Counsel

Dear Mr. DuBock:

Certificate of occupancy for using the vacant lot at the above named location for a playground in connection with the activities of the Portland Boys' Club is not issuable under the Zoning Ordinance for the following reasons:

1. The property is located in an R-6 Residence Zone where the Boys' Club is non-conforming, and the proposed extension of such a lawful non-conforming use is forbidden by Section 17 of the Ordinance.
2. A wire fence about 12 feet high is to be erected around the perimeter of the lot and, where located along the street line and 25 feet back from the street along the side lot line, will be in excess of the maximum height of 4 feet permitted under the provisions of Section 19-E of the Ordinance.

We understand that you would like to exercise your appeal rights in this matter. Accordingly you should come to this office in Room 110, City Hall, to file the appeal on forms that are available here.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

June 14, 1965

Mr. George DuBock, Executive Director
Portland Boys' Club Association
277 Cumberland Ave.

Dear Mr. DuBock:

June 17, 1965

June 22, 1965

Mr. George DuBock, Executive Director
Portland Boys' Club Association
277 Cumberland Avenue

Dear Mr. DuBock:

Enclosed please find copy of the decision of the Board of Appeals relating to your request to use vacant lot at 50-52 Chestnut Street for a playground in connection with the activities of the Club.

It will be noted that this appeal was granted.

Very truly yours,

Robert W. Donovan
Assistant Corporation Counsel

h

R6 RESIDENCE ZONE

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine June 1, 1965

Location 50-52 Chestnut Street Zone _____

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for Outdoor playground,

as set forth on the attached site plan (made by Mr. John Calvin Stevens whose address is 127 Pleasant St. to show compliance with the Zoning

Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:

Owner (name, address and phone number) Portland Boys' Club Association
277 Cumberland Ave.

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot? no yes
If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked--passenger cars? _____, commercial vehicles? _____

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Pub. Works)? _____

And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____?

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? _____

Do you propose to remove or disturb any tree on a public street? no
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Portland Boys' Club Association

Signature of Owner _____

\$ 2.00

By George DuBois
(duly authorized thereto)

Appeal sustained 6/12/65

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To: Portland Boys' Club Association
277 Cumberland Avenue

COMMENCING the above proposed use of the premises would be **IN VIOLATION** of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below--notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:

DATE June 21, 1965

Albert J. Sears
Inspector of Buildings

INSPECTION COPY

Note: → 4-27-66 Cancel at this time for lack of funds.
May try next year

April 5, 1961

Corporation Counsel
City Hall
Portland, Maine

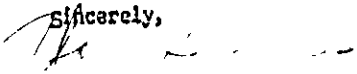
Gentlemen:

Re: 50 - 52 Chestnut Street

I have your letter of April 3, 1961.

The Building Inspector had sufficient papers previously on which an appeal was authorized. Those papers are still in the possession of the Building Inspector. If they were sufficient to grant one appeal, why aren't they sufficient to grant another appeal? Please answer this.

Sincerely,


Udall Gramson

UB/at

Cc: Building Inspector
City Hall, Portland, Maine

Please
file in
file at 50-52
Chestnut Street

Mr. Sears

CITY OF PORTLAND, MAINE
LEGAL DEPARTMENT

C
O
P
Y

Udell Bramson, Esq.
142 High Street
Portland, Maine

Dear Udell:

This will acknowledge receipt of your letter of March 30 concerning the property at 50-52 Chestnut Street on which you desire to process an appeal.

We have reviewed the Building Inspector's file and find that he has clearly indicated to you the information which he needs in order to prepare a letter of certification to the Board of Appeals. We must, therefore, urge that you proceed promptly to comply with his request as we must agree with him that he does not presently have sufficient information on which an appeal can be authorized.

Very truly yours,

Barnett : *for*
Corporation Counsel

BIS:U
cc: Building Inspector

RECEIVED
APR 4 1961
DEPT. OF BLD'G. INSP.
CITY OF PORTLAND

March 30, 1961

Corporation Counsel
Shur + Donovan
City Hall
Portland, Maine

Re: 50 - 52 Chestnut St.

Gentlemen:

On May 28, 1959, the appeal board of the City of Portland, Maine denied the appeal for a parking lot at the above premises.

In order to be appealed to the appeal board, certain plans and specifications were filed with the Building Inspectors Office, City of Portland and those records should be with that department now.

We have asked the Building Inspectors Department to again issue a permit from which we intend to appeal to the appeal board and eventually to the law court of the State of Maine. The Building Inspectors Department states they have no records of any papers, plans, or blueprints that we say were filed originally.

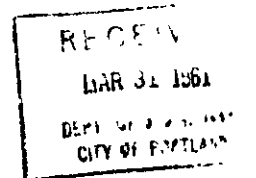
The purpose of this letter is to get your cooperation and see if this matter can't be brought to a head legally.

UR/at

Sincerely,

W. E. Branson
W. E. Branson

cc: Building Inspectors Office
City Hall, Portland, Maine



LOCATION 50-52 Chestnut St

DATE 10/5/60

PERMIT _____
INQUIRY _____
COMPLAINT _____

Hold for more information and writing of certifying letter. See letter. *JD*

11/22/60
Another letter to Mr. Branson in answer to his of 11/15/60. Contents to hold in Job File. *JD*

APCO- 5C-52 Chestnut Street

Nov. 22, 1960

Udall Bramson, Esq.
142 High Street

cc to: Corporation Counsel

Dear Mr. Bramson:

I will try to answer the questions raised in your letter of Nov. 15, 1960:

1. At least two plot plans have been filed for parking on this lot. Each plan shows a different arrangement of parking spaces. Neither of them shows all the details necessary to indicate compliance with Zoning Ordinance requirements. For which arrangement of parking do you now wish to appeal?
2. Fencing on the property was never entirely built to comply with Zoning Ordinance requirements nor in accordance with instructions from this office. In fact paragraph 2 of a letter sent to you under date of July 15, 1957 reads as follows:

"While no objection will be raised to the board fence along the rear lot line, the post and rail fence you have already constructed along the side lot line further from Cumberland Avenue does not satisfy the requirements for a "chain link, picket or sapling fence." If you apply pickets to the rails you already have erected with the top of the pickets at least four feet above the ground, the needs will be met."

3. While you proceeded in 1957 to prepare this lot for off-street parking under a provision of the Zoning Ordinance then in effect, which permitted an off-street parking lot in an R-6 Residence Zone without recourse to the Board of Appeals, you are aware that a decision of the Superior Court invalidating the clause permitting such a use in the R-6 zones made it impossible for this department to issue a certificate of occupancy for a use of this type on the lot in question. You were so informed by letter dated December 30, 1957. The second paragraph of Mr. McDonald's letter of that date reads as follows:

"Enclosed is marked copy of Sect. 14-b which shows the physical requirements for such a parking area if the use is allowable otherwise under the zoning ordinance. I feel sure if you will examine this section and then review carefully my letters of July 15th and August 5th - then look over the lot for yourself as it now stands, you will see that hardly any of the features as regards guard curbs, filling, surfacing and drainage, and fencing have been complied with."

I cannot see where all this past history has any bearing upon your request to file another zoning appeal for off-street parking on the lot in question. I shall not be able to write a certification letter on which such an appeal can be based until information has been furnished indicating that all details of the proposed lot are to conform with Zoning Ordinance requirements, as indicated in my letter of Oct. 20, 1960.

Very truly yours,

AJS:m

Albert W. Sears
Inspector of Buildings

UDELL BRAMSON

ATTORNEY AT LAW

TEL SPRUCE 3-0293

142 HIGH STREET
SUITE 631
PORTLAND, MAINE

November 15, 1960

City Building Inspector
City Hall
Portland, Maine

COPY TO:
Corporation Counsel
City Hall

Re: 52 Chestnut St.

Dear Sir:

All your answers to my letters disregard
the following true set of facts:

1. That a plot plan was filed in your office.
2. That a fence was built as per instructions
from your office.
3. That the lot was set up for a parking lot
as per instructions from your office. By
"your office" I mean the administration
of Mr. McDonald.

It had to be set up that way in order for an
appeal to be carried out.

I would like to ask wherein these facts I have
set forth are untrue. I would like you to answer.

Very truly yours,

Udell Bramson
UDELL BRAMSON

A.P.C.O- 50-52 Chestnut Street

Oct. 20, 1960

Udell Bramson, Esq.
142 High Street

cc to: Corporation Counsel

Dear Mr. Bramson:

In answer to your letter of October 14th, I would say that I still do not know definitely what your plans are for the proposed parking lot at the above named location. Since our records include at least two different lot layouts, it is important to know which one you propose to follow at this time. The plan on which the denied appeal was based indicates parking only along the side of the lot next to the Boy's Club with the driveway located along the other side of the lot. Is this the layout which you propose to provide? If parking were to be located along the lower side of the lot, it would be closer than 25 feet to the residential structure on the adjoining lot contrary to the provisions of Section 14-G of the Zoning Ordinance and would need to be included in the items to be appealed if that is the way you plan to have it.

The copy of the letter which you sent concerning the ideas of the Commissioner of Public Works as to proper drainage for the lot refers to the provision of a catch basin connected to the sewer. Is this what you propose to do? Apparently it was not provided when the lot was surfaced.

In your letter you state that the picket fence was put up before the appeal was made. While it is true that a picket fence was provided along the street line, the fence provided along the side lot line, which has since been practically demolished, was a rough board fence. You are reminded that Section 14-B-2 of the Ordinance requires a chain link, picket or espaling fence not less than 48 inches high. The rough board fence which was formerly erected does not meet this requirement. This requirement of the Ordinance should be borne in mind when covering is applied to that part of the fence already erected around the perimeter of the lot which you are fixing up at 73-77 Chestnut Street.

Until definite information has been furnished that all details of the proposed lot are to conform with Zoning Ordinance requirements and how that is to be done, or that you wish to include in the appeal those that do not, I shall be unable to write a certification letter on which an appeal can be based.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS:m

APCO-50-52 Chestnut Street

October 5, 1960

Udell Branson, Esq.
142 High Street

Dear Mr. Branson:

In regard to your letter concerning the filing of another zoning appeal for a parking lot at the above named location, I find that the plan filed with the former application gives no indication of the type of surfacing for the lot, how drainage is to be provided so that surface water will not run onto public sidewalk and street or height of fence along street and lot lines. In view of the misunderstanding that seems to have arisen concerning the facilities for the parking lot farther down Chestnut Street for which an appeal has been sustained, it is necessary that we have this information before I write a certification letter for the new appeal.

It will be necessary to file another application for a certificate of occupancy on which the appeal can be based, but I will have that prepared and ready for your signature when the requested information has been furnished, so that you can drop into this office and sign it at the same time you file the appeal after receipt of certification letter.

Very truly yours,

AJS/3g

Albert J. Sears
Inspector of Buildings

UDELL BRAMSON

ATTORNEY AT LAW

TEL. SPRUCE 3-5233

142 HIGH STREET
SUITE 631
PORTLAND, MAINE

Oct. 14, 1960

Albert J. Sears
Inspector of Buildings
Portland, Me.

Dear Mr. Sears:

Re: APCO-50-52 Chestnut St.

I have your letter of Oct. 5, 1960.

I'm very much surprised at your letter. If you have files on 50-52 Chestnut St., you will find plenty of data, including blueprints, or similar data, under Mr. McDonald's administration, and everything was in order so that an appeal could have been made to the appeal board.

I'm enclosing copies of two letters.

Before the appeal was made

1. the catch basin matter was straightened out.
2. the picket fence was put up
3. the ground was resurfaced

I hope you will understand my position.

Yours very truly,



Udell Bramson

RECEIVED

OCT 17 1960

DEPT. OF BLD'G. ...
CITY OF PORTLAND

CITY OF PORTLAND

Department of Building Inspection

Warren McDonald
Inspector
Abbert J. Sears
Deputy Insp.

August 1, 1957

AP CO 50-52 Chestnut St.--Proposed parking lot

Udell Bramson, Esq.
142 High St.
Suite 631

copy to Mr. George C. Slocum
7 Vocational Drive
So. Portland, Me.

Bryan O. Whitney
Comm. of Public Works

Dear Mr. Bramson:

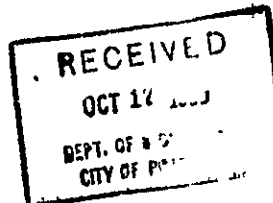
With reference to paragraph No. 4 of our letter of July 15, particularly relating to providing suitable drainage for the proposed parking lot at 50-52 Chestnut St. and to your letter of July 19 on the same subject, which said you are contemplating putting in a wooden gully at the side of the lot in the macadam which will permit the water to drain off into the street, Commissioner of Public Works Whitney feels that the method proposed would prove most unsatisfactory. Therefore, no certificate of occupancy could be issued on the basis of that method of drainage.

The only satisfactory solution, Mr. Whitney says is the construction of a catch basin on your own property and its connection to the City sewer. There is a possibility of location the old house drain which served the former building on this lot (now demolished) and using it for the connection between the new catch basin and the public sewer. This old drain should have been sealed at the time of demolition of the building on the front of the lot, and the Public Works Department should have been notified of the time of this sealing in order that they could have inspected it and made a permanent record of its location. Unfortunately, either you or the man demolishing the former dwelling did not give any notice so that the Department of Public Works has no record of the location of the drain.

Sewer Department Foreman Charles DiBiase, however, believes that the drain entered the cellar near the lower corner of the former building, a location which would be close to the proper location of the new catch basin. It is Mr. Whitney's belief that a little exploratory excavation in this area might locate the drain and thus save you the expense of a complete new drain to the public sewer in the street.

It is noted in passing the lot that nothing further has been done, and it is suggested that this exploration be made before anything further is done to improve the lot.

Very truly yours,



Warren McDonald
Inspector of Buildings

WMCD/B

CITY OF PORTLAND, MAINE



DEPT. OF BUILDING INSPECTION

ALBERT J. BEARS
INSPECTOR

THEODORE T. RAND
DEPUTY INSPECTOR

APDO-50-52 Chestnut Street

March 20, 1959

Udell Branson, Esq.
Suite 631
142 High Street

cc to: Corporation Counsel
cc to: Traffic Engineer

Dear Mr. Branson:

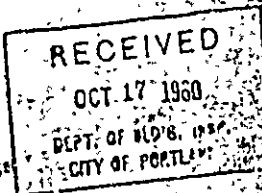
As you must be aware, the present use for off-street parking of the premises at 50-52 Chestnut Street, of which you are reported to be the owner, is unlawful and a violation of the Zoning Ordinance. Now that uncertainty as to control of the Zoning Ordinance over the situation has been removed by adoption on January 19, 1959 of a new Ordinance under which parking lots located in the R-6 Residential Zone in which your property is located are allowable only by authorization of the Board of Appeals, it is necessary that you take steps at once to place the matter before the Appeal Board for consideration or that parking on the lot be discontinued.

If you are to ask the Board of Appeals for such authorization, it is necessary that you file at this office an application for a certificate of occupancy and a revised plot plan in duplicate which shows all details of the lot in compliance with Zoning Ordinance requirements. When such an application and a plan bearing the approval of the Traffic Engineer as regards location and width of driveway approaches to the lot has been furnished, we will be able to write a certification letter authorizing filing of the appeal. An outline of the information needed to be shown on the plan and a summary of Zoning Ordinance requirements applying to off-street parking are enclosed for your information and that of the man who prepares the plan. Since parking area for more than six motor vehicles is involved, requirements of Section B and D of this summary will apply.

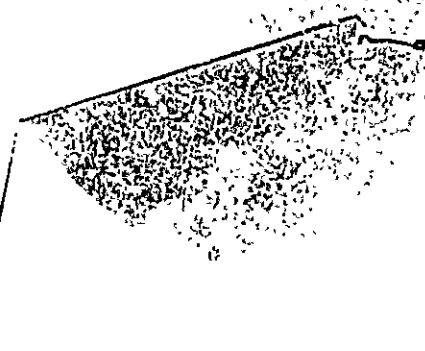
It is necessary that we receive from you before March 27, 1959 definite assurance that steps have been taken toward securing and filing of an adequate plan on which a zoning appeal can be based or else that parking on this lot be discontinued at once.

Very truly yours,

Albert J. Bears
Inspector of Buildings



AJB/38



UDELL BRAMSON
ATTORNEY AT LAW

TEL. SPRUCE 3-6293

142 HIGH STREET
SUITE 631
PORTLAND, MAINE

Sept. 30, 1960

Building Inspector
City Hall
Portland, Maine

Re: 50-52 Chestnut St.
Parking lot

Dear Sir:

I would like to apply again for a permit to use the above property for a parking lot. I note that this will have to be denied by you. Will you make up the necessary papers and I will sign the appeal.

Very truly yours,

Udell Bramson
Udell Bramson

Other appeal denied 5/28/59

Handwritten scribble

CITY OF PORTLAND, MAINE
LEGAL DEPARTMENT

June 30, 1950

Udell Branson, Esq.
122 1/2 W. Street
Portland, Maine

Mr. Daniel Lorello
66 Vesper Street
Portland, Maine

Gentlemen:

The Building Inspector has asked this office to enforce the Zoning Ordinance against you as it relates to the improper parking of vehicles on the lot at 50-52 Chestnut Street.

The Building Inspector will inspect the property on Monday, July 6th, to see if the violation persists. If it does, we shall proceed to ask the Portland Municipal Court for warrants against you both as owner and occupant.

Very truly yours,

Barnett I. Shur
Barnett I. Shur
Corporation Counsel

FVD:as

cc: Building Inspector ✓
With file attached

RECEIVED
JUN 30 1950
CITY OF PORTLAND
MAINE

June 5, 1959

Daniel Lorello
86 Vesper Street
Portland, Maine

RE:- 50 -52- Chestnut Street

Dear Mr. Lorello:

After receiving the decision of the Board of Appeals, I notified you orally to notify your tenants who are parking at 50 -52 Chestnut Street to vacate. Later on, I received a letter from the building inspector advising me that it was my responsibility to see that the place be vacated. I have notified you to that effect. Today, I talked with you over the phone and notified you again and I am giving you this final notification by letter, that you should notify the parkers to vacate so that I can board the premises up. I also notified you over the telephone that if you didn't do that, you are placing me in a very serious situation for which I am not responsible and in addition, hope and trust that on receipt of this letter, you will be a man and see that the place is vacated. I would do it myself but I feel that if I remove the cars, I would be faced with a possible law suit by the people who have been parking there.

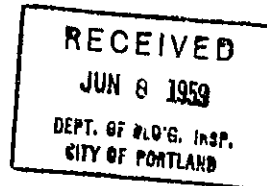
Very truly yours,

UDELL BRANSON

UB/snl

Copy to Corporation Council
City Hall
Portland, Maine

Copy to Building Inspector
City Hall
Portland, Maine



CITY OF PORTLAND, MAINE

DEPT. OF BUILDING INSPECTION



ALBERT J. SEARS
INSPECTOR
THEODORE T. RAND
DEPUTY INSPECTOR

A.P.C.O.- 50-52 Chestnut Street

June 1, 1959

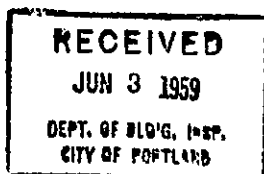
Udell Bramson, Esq.
142 High Street

cc to: Corporation Counsel

Dear Mr. Bramson:

As you have probably been informed, your zoning appeal involving the use of the lot at the above named location for off-street parking of motor vehicles has been denied by the Board of Appeals. It is therefore necessary that the unlawful parking which has been conducted on this lot for some time be discontinued at once. As owner of the property, it is your responsibility to take such steps as may be necessary to prevent unlawful use of the premises.

Failure to do so will make it necessary for me to report any continued violation of the Zoning Ordinance to the Corporation Counsel for whatever action he may deem advisable.



Very truly yours,

Albert J. Sears

Albert J. Sears
Inspector of Buildings

AJS:m

June 2, 1959

I have already taken steps to get everybody out of the yard who are parking and then we will board up the entrance.. Hoping this is satisfactory,

Very truly yours,

Udell Bramson
(sn1)

UDELL BRAMSON

UB/sn1

A.P.C.O.- 50-52 Chestnut Street

June 1, 1959

Udell Bramson, Esq.
142 High Street

cc to: Corporation Counsel

Dear Mr. Bramson:

As you have probably been informed, your zoning appeal involving the use of the lot at the above named location for off-street parking of motor vehicles has been denied by the Board of Appeals. It is therefore necessary that the unlawful parking which has been conducted on this lot for some time be discontinued at once. As owner of the property, it is your responsibility to take such steps as may be necessary to prevent unlawful use of the premises.

Failure to do so will make it necessary for me to report any continued violation of the Zoning Ordinance to the Corporation Counsel for whatever action he may deem advisable.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS:m

APCO-50-52 Chestnut Street

May 12, 1959

Udell Bramson, Esq.
142 High Street

cc to: Corporation Counsel
cc to: Mr. G. G. Slocum
56 Vocational Drive
So. Portland, Maine

Dear Mr. Bramson:

A certificate of occupancy for use of the lot at the above named location for off-street parking of 13 passenger cars is not issuable because the proposed use is not allowable under the Zoning Ordinance in the R-6 Residence Zone in which the property is located, unless authorized by the Board of Appeals as indicated in Section 7-A-7d thereof.

We understand that you would like to exercise your appeal rights concerning this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 203, City Hall, you should go to file the appeal. Please note that the plot plan filed with application for certificate of occupancy indicates a 20 inch high continuous bumper guard just inside street and lot lines. If appeal is sustained, it will be necessary to provide such a bumper guard instead of a 6 inch high guard curb.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJ3/jg

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine May 11, 1959

Location 50-52 Chestnut St. Zone R6 RESIDENCE ZONE

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for Parking lot

as set forth on the attached site plan (made by G.C. Slocum whose address is 56 Vocational Drive So. Portland) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Udell Bramson, 142 High St.

Lessee (name, address and phone number) owner

Is proposed use to be accessory to a building or other use on this lot? no
If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked—passenger cars? 13, commercial vehicles? no

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Pub. Works)? yes
And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? yes

Do you propose to remove or disturb any tree on a public street? no
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner Udell Bramson
By G.C. Slocum
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

Appeal denied 5/28/59

To

COMMENCING the above proposed use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below—notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(Date) _____ Inspector of Buildings

INSPECTION COPY

50-52 Chestnut Street

March 26, 1959

Udell Bramson, Esq.
Suite 631
142 High Street

Dear Mr. Bramson:

Please find enclosed plot plan for property at
50-52 Chestnut Street, return of which you requested.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/H

3/26/59

Plan returned to
Mr. Bramson. Plan
was approved with
this note dated 7/15/57.
By M.W.L.:

App'd by Sam & Conner,
Traffic Engineers, on
basis of closing present
approach through
curb and providing
16' wide approach
opposite entrance.

UDELL BRAMSON

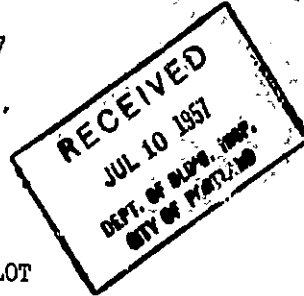
ATTORNEY AT LAW

TEL SPRUCE 3-8293

R.F.C.D.

142 HIGH STREET
SUITE 631
PORTLAND, MAINE

July 9, 1957



Warren McDonald
Building Inspector
City of Portland
City Hall, City

RE:- 50-52 CHESTNUT STREET- PARKING LOT

Dear Mr. McDonald:

Enclosed is a plan drawn by Mr. Slocum of proposed parking lot. Will you issue a certificate of occupancy if and when the work proposed by the plan is finished. Thanking you, we are

Very truly yours,
Udell Bramson
(encl)

UDELL BRAMSON

UB/snh

Encl.

AP CO 50-52 Chestnut Street-----Proposed parking lot

July 15, 1957

Udell Bramson, Esq.,
142 High St.
Suite 631

Copy to: Mr. George C. Slocum
7 Vocational Drive, So. Portland
Div. Engineer Howard Mitchell
Dept. of Public Works

Dear Mr. Bramson:

Mr. Slocum's plan of the proposed parking lot at 50-52 Chestnut St. indicates compliance with the requirements of Section 14 of the Zoning Ordinance with the following exceptions:

1. Neither the present or the proposed approaches through the curb of Chestnut St. are indicated on the plan, but it is assumed that a new entrance through the curb will be provided at the direction of the Department of Public Works opposite the combined exit and entrance from the lot shown on the plan. This requires the approval of Traffic Engineer Conner, associated with the Department of Public Works,; and Mr. Conner has approved the arrangement on the condition that the present driveway through the curb be closed with curbing satisfactory to the Department of Public Works and that the new driveway through the curb be made at least 16 feet wide and placed opposite the combined exit and entrance shown on the plan.

2. While no objection will be raised to the board fence along the rear lot line, the post and rail fence which you have already constructed along the side lot line further from Cumberland Ave. does not satisfy the requirements for a "chain link, picket or sapling fence". If you apply pickets to the rails you already have erected with the top of the pickets at least four feet above the ground, the needs will be met.

3. The guard curbs shown as six inches high on the plan, are, of course, to be of sound material and fastened down to the ground.

4. No particular method is shown of providing drainage for the lot to comply with the Ordinance; so, when other improvements have been made, the certificate of occupancy will be issued conditional upon drainage being properly taken care of.

5. If any artificial lighting is provided for the lot, it is required to be shaded or screened so that no light source will be visible from outside the lot and its access driveway.

It appears to me that there may be too close quarters for driving into and backing out of the parking spaces--as shown on the plan. In event that you should decide to change this arrangement, it is important that you have the plan revised and again submitted to this office. Any reduction of the five foot space around the parking lot would require action by the Board of Appeals.

On the basis of the above, you are at liberty to proceed with making the improvements without further permits from the City except that required from the Department of

July 15, 1957

Udell Bramson, Esq., _____ 2

Public Works as regards cutting the curb and providing approach over the public sidewalk. When all the improvements have been made in accordance with the Zoning Ordinance, it is important that you notify this office of readiness for final inspection, whereupon, if all is found in order, the certificate of occupancy will be issued without which it is unlawful to use the lot for any parking.

Very truly yours,

Warren McDonald
Inspector of Buildings

NMcD/B

9A

UDELL BRAMSON
ATTORNEY AT LAW
TEL. SPRUCE 3-5293

*is B.O.W.
with memo.
WTF 7/22/57*

142 HIGH STREET
SUITE 831
PORTLAND, MAINE

July 19, 1957

Warren McDonald
Building Inspector
City Hall
City



RE:- 50-52 Chestnut Street

Dear Mr. McDonald:

I have your letter of July 15, 1957. Thank *you* for same. Regarding drainage for the lot, we are contemplating putting in a wooden gully at the side of the lot in the macadam which will permit the water to drain off into the wooden gully and into the street. Will that be satisfactory? Will you kindly advise?

Very truly yours,
Udell Bramson
(only)
UDELL BRAMSON

UB/snh

WMcD 7/22/57

Ernest O. Whitney, Commissioner of Public Works

July 22, 1957

Warren McDonald, Inspector of Buildings

Drainage of proposed parking lot at 50-52 Chestnut St. (just below Boys Club)

The revised Zoning Ordinance undertakes to care for drainage of a parking lot such as this by saying: "All surface water will either drain into a natural drainage or a catch basin of sufficient capacity to accommodate storm water runoff of the lot, connecting with a public sewer where one is available."

Mr. Bramson, the owner, submitted a plan of the proposed lot but indicated no method of taking care of the drainage which omission was noted in my letter of July 15 (copy attached).

Now I have a proposal by Mr. Bramson's letter of July 19 (attached) as to proposal to drain the lot.

Will you help out with your advice in this matter? This so-called "wooden gully" would evidently be on the L.W. side of the lot, and it would appear that it would tend in time of very heavy rain to collect the drainage water from the lot and deposit it in one spot on the sidewalk with unhappy results. At the same time it would be very expensive for him to put in a catch basin and connect it to the sewer.

The matter might be handled as suggested in my letter of July 15-- not providing any particular drainage system and making the condition of the certificate of occupancy that adequate drainage must be provided. There is a weakness in that, however, in that it is very doubtful if he could be compelled to install a very extensive drainage system after the certificate of occupancy had been issued. The greatest leverage is always present before the certificate is issued.

Will you be good enough to let me know what you think we should tell him?

WMcD/B

Inspector of Buildings

Attachment: Copy of RI letter of 7/15/57
Bramson letter of 7/19/57

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren McDonald, Building Inspector

DATE July 25, 1957

FROM: Bryan O. Whitney, Commissioner of Public Works

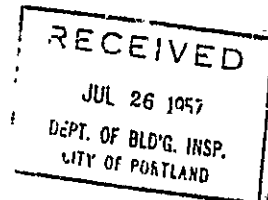
SUBJECT: Drainage of proposed parking lot at #50-52 Chestnut Street

In regard to surface water drainage of the proposed parking lot at No. 50-52 Chestnut Street it appears to me that Mr. Bramson's suggestion of installing a "wooden gully" on the side of the lot, apparently to lead the water to the street line and thence across the sidewalk to the street gutter, is a method which we definitely do not want. This would, as you mention in your letter, deposit the water in one spot on the sidewalk which would certainly not be desirable and would not meet the requirements of the ordinance.

It is my opinion that the one solution to this drainage problem is the construction of a catch basin and its connection to the city sewer. There is the possibility of locating the old house drain which served the former building on this lot and using it for the outlet of a new catch basin. This old drain should have been sealed at the time of demolition of this building and this department should have been notified of the time of this sealing in order that we could inspect it and make a permanent record of its location. This notification was not made, however, therefore we do not know the exact location of this drain especially since its original construction and location is not on record in this office. Our sewer department foreman, Mr. Charles DiBiase, from his visual inspection during the demolition of the building, believes that the drain entered the cellar near the lower door, which would be close to the proper location of a catch basin. A little exploratory excavation in this area might locate this drain and thus save the owner the expense of a complete new drain to the sewer.

Bryan O. Whitney
Commissioner of Public Works

MWB/mr



August 5, 1957

AP 50 50-52 Chestnut St.--Proposed parking lot

Udell Bramson, Esq.,
142 High St.
Suite 631

Copy to Mr. George C. Slocum
7 Vocational Drive
South Portland, Me.
Bryan O. Whitney
Comm. of Public Works

Dear Mr. Bramson:

With reference to paragraph No. 4 of our letter of July 15, particularly relating to providing suitable drainage for the proposed parking lot at 50-52 Chestnut St. and to your letter of July 19 on the same subject, which said you are contemplating putting in a wooden gully at the side of the lot in the macadam which will permit the water to drain off into the street, Commissioner of Public Works Whitney feels that the method proposed would prove most unsatisfactory. Therefore, no certificate of occupancy could be issued on the basis of that method of drainage.

The only satisfactory solution, Mr. Whitney says is the construction of a catch basin on your own property and its connection to the City sewer. There is a possibility of locating the old house drain which served the former building on this lot (now demolished), and using it for the connection between the new catch basin and the public sewer. This old drain should have been sealed at the time of demolition of the building on the front of the lot, and the Public Works Department should have been notified of the time of this sealing in order that they could have inspected it and made a permanent record of its location. Unfortunately, either you or the man demolishing the former dwelling did not give any notice so that the Department of Public Works has no record of the location of the drain.

Public Works Department Foreman Charles DiBiase, however, believes that the drain entered the cellar near the lower corner of the former building, a location which would be close to the proper location of the new catch basin. It is Mr. Whitney's belief that a little exploratory excavation in this area might locate the drain and thus save you the expense of a complete new drain to the public sewer in the street.

It is noted in passing the lot that nothing further has been done, and it is suggested that this exploration be made before anything further is done to improve the lot.

Very truly yours,

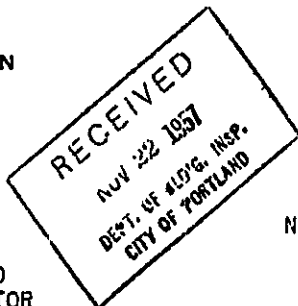
Warren McDonald
Inspector of Buildings

WMC/D

UDELL BRAMSON

ATTORNEY AT LAW

TEL SPRUCE 3-5293



142 HIGH STREET
SUITE 631
PORTLAND, MAINE

NOVEMBER 21, 1957

WARREN MC DONALD
BUILDING INSPECTOR
CITY HALL
PORTLAND, MAINE

RE: 50-52 CHESTNUT ST.

DEAR MR. MC DONALD:

FINAL COMPLETION OF THIS FOR A PARKING LOT, IS NOW IN THE
PROCESS. WHEN MAY I EXPECT YOUR APPROVAL?

HOPING TO HEAR FROM YOU I AM,

VERY TRULY YOURS,

Udell Bramson
UDELL BRAMSON

UB/GR

UDELL BRAMSON

ATTORNEY AT LAW

TEL SPAUCE 3-5293

142 HIGH STREET

SUITE 531

PORTLAND, MAINE

Dec. 24, 1957

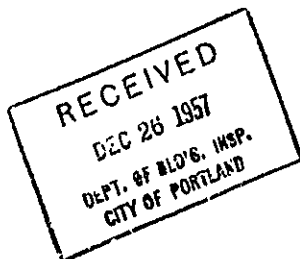
Warren McDonald
Building Inspector
City Hall
Portland, Maine

Dear Mr. McDonald:

The last time I talked with you you said there were some additional arrangements to be made at 50-52 Chestnut St. Can you mail me the list of these other requirements so that I can finish that portion of the work.

Very truly yours,

Udell Bramson
Udell Bramson



December 30, 1957

AP Co - 50-52 Chestnut Street - Proposed parking lot
contrary to zoning ordinance

Udell Bramson, Esq.
142 High Street
Suite 631

Dear Mr. Bramson:

In reply to your request of Dec. 24th for a list of details relating to the above proposed parking lot which do not meet the requirements of the zoning ordinance, you are bearing in mind of course, our telephone conversation of several weeks ago to the effect that, due to a court decision about the clause of the zoning ordinance which you had formally relied upon to authorize the use of this lot for off-street parking, that clause is invalid; and that, therefore, this department is not able to issue a certificate of occupancy for the use of the lot, even after the detailed requirements have been met, and the use of the lot for off-street parking is unlawful.

Enclosed is marked copy of Sec. 14-b which shows the physical requirements for such a parking area if the use is allowable otherwise under the zoning ordinance. I feel sure if you will examine this section and then review carefully my letters of July 15th and August 5th -- then look over the lot for yourself as it now stands, you will see that hardly any of the features as regards guard curbs, filling, surfacing and drainage, and fencing have been complied with.

In view of the detailed descriptions we have already given you and now the copy of the ordinance itself furnished to you, it appears unnecessary for us to make any further inspection or furnish any further descriptions.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD:M

Enc: copy of portion of Sec. 14 of the zoning ordinance



APCO-50-52 Chestnut Street

March 20, 1959

Udell Branson, Esq.
Suite 631
142 High Street

cc to: Corporation Counsel
cc to: Traffic Engineer

Dear Mr. Branson:

As you must be aware, the present use for off-street parking of the premises at 50-52 Chestnut Street, of which you are reported to be the owner, is unlawful and a violation of the Zoning Ordinance. Now that uncertainty as to control of the Zoning Ordinance over the situation has been removed by adoption on January 19, 1959 of a new Ordinance under which parking lots located in the R-6 Residential Zone in which your property is located are allowable only by authorization of the Board of Appeals, it is necessary that you take steps at once to place the matter before the Appeal Board for consideration or that parking on the lot be discontinued.

If you are to ask the Board of Appeals for such authorization, it is necessary that you file at this office an application for a certificate of occupancy and a revised plot plan in duplicate which shows all details of the lot in compliance with Zoning Ordinance requirements. When such an application and a plan bearing the approval of the Traffic Engineer as regards location and width of driveway approaches to the lot has been furnished, we will be able to write a certification letter authorizing filing of the appeal. An outline of the information needed to be shown on the plan and a summary of Zoning Ordinance requirements applying to off-street parking are enclosed for your information and that of the man who prepares the plan. Since parking area for more than six motor vehicles is involved, requirements of Section B and D of this summary will apply.

It is necessary that we receive from you before March 27, 1959 definite assurance that steps have been taken toward securing and filing of an adequate plan on which a zoning appeal can be based or else that parking on this lot be discontinued at once.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/jg



P.B.

(A) APARTMENT HOUSE ZONE
CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION
COMPLAINT

Location: 50-52 Chestnut St.

INSPECTION COPY

COMPLAINT NO. 56/89

Date Received 11/7/56

Location 50-52 Chestnut St. Use of Building _____
 Owner's name and address Udell Bramson, 142 High St. Telephone _____
 Tenant's name and address _____ Telephone _____
 Complainant's name and address Neighbor Telephone _____

Description: Lot being used as a parking lot for about 20 cars without a certificate of occupancy.

BD

NOTES: 11/20/56 same info to Corp. - WMS
6/19/59 - Lot still in use. Sign advertising
parking on fence in rear. AG

Lined area for additional notes or details.

CITY OF PORTLAND, MAINE

LEGAL DEPARTMENT

Price will be paid at the time of the purchase of the property. No more copies of this letter to be made. No. 17/19/56

December 17, 1956

Udell Francon, Esquire
142 High Street
Portland, Maine

Re: 50-52 Chestnut Street

Dear Mr. Francon:

The Inspector of Buildings has called the attention of this office to the violation of the City of Portland Zoning Ordinance existing on your property at the above address. As you are probably aware, the City of Portland Zoning Ordinance, by recent amendments, permits parking in Apartment House zones where this property is located only under certain conditions. We are attaching hereto a copy of Section 8-A-11 which details the conditions under which parking may be permitted.

Inasmuch as your present use of the lot for parking does not meet these conditions, will you take immediate steps to (1) discontinue the use completely, (2) meet all of the conditions in said Section 8-A-11 of the Zoning Ordinance and (3) obtain a certificate of occupancy for the use from the Inspector of Buildings.

Your prompt cooperation in correcting this violation will be appreciated.

Very truly yours,

Robert V. Donovan
Assistant Corporation Counsel

C
Enc.

RECEIVED
DEC 18 1956
DEPT OF BLD'G. INSP.
PORTLAND

Revised 5/28/59
59/50

DATE: May 28, 1959

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF UDEL BRAMSON

AT 50-52 Chestnut Street

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

BOARD OF APPEALS

VOTE

	Yes	No
Franklin G. Hinckley	()	()
Joseph T. Gough, Jr.	()	()
Ralph L. Young	()	()

Record of Hearing:

Opposed: Representatives of Portland Boys Club
Ira E. Ball, Sr.

In favor: Owner of property at 67 Chestnut Street

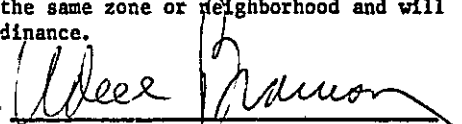
CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 15, 1959

CONDITIONAL USE APPEAL

Udell Bramson, owner of property at 50-52 Chestnut Street, under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to: Permit use of the lot for off-street parking of 13 passenger cars. This permit is presently not issuable because the proposed use is not allowable under the Zoning Ordinance in the R-6 Residence Zone in which the property is located, unless authorized by the Board of Appeals as indicated in Sec. 7-A-7d thereof.

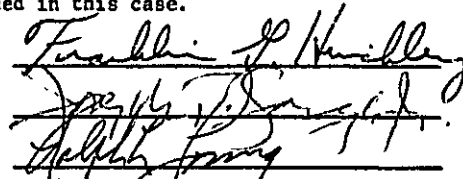
LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Zoning Ordinance.


APPELLANT

DECISION

After public hearing held May 28, 1959, the Board of Appeals finds that such use of the premises will ~~not~~ adversely affect property in the same zone or neighborhood and will ~~not~~ be contrary to the intent and purpose of the Zoning Ordinance.

It is, therefore, determined that permit should ~~not~~ be issued in this case.


BOARD OF APPEALS



Member of
Boys' Clubs of America,
Inc.

Portland Boys' Club
founded 1909 277 Cumberland Ave.
Portland, Maine

RICHARD B WHITE, Executive Director



Member of
United Fund

OFFICERS

President
GUY F DUNTON
1st Vice President
E. SYLVESTER CURSIAN
2nd Vice President
BARNETT I. SHUR
3rd Vice President
A. EVERETT STROUT
4th Vice President
CARRINGTON GATCHELL
5th Vice President
MISS GERTRUDE CHAPMAN
Treasurer
~~WALTER F. WATSON~~
Jotham Pierce
Assistant Treasurer
MARY A. MAGUIRE
Secretary
EDWARD F. DANA

May 27, 1959

Zoning Board of Appeals
City of Portland
City Hall
Portland, Maine

Gentlemen:

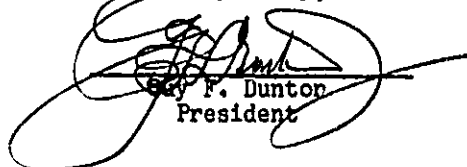
With reference to the application of Udell Bramson for permission to establish a parking place on the lot of land on Chestnut St. just below the building of the Portland Boys' Club.

The Boys' Club very definitely objects to the establishment of a public parking place at this site. This is close below the lower entrance to the Club on Chestnut St. and for the young boys going back and forth to the Club, it will create a definite hazard.

We feel that the best interests of the Boys' Club will be served if your Board does not grant this appeal.

Mr. Jotham Pierce, Mr. Edgar Hagen and myself will represent the Club at the hearing so as to answer any questions that you may see fit to put to us.

Yours very truly,


Guy F. Dunton
President

D/d

CITY, SUBURBAN
FARMS, SHORE AND
BUSINESS PROPERTIES

Wells & Farwell, Inc.

REALTORS
MAIN STREET - TEL. VALLEY 9-3207
CUMBERLAND CENTER, MAINE

OWEN FARWELL
PRESIDENT AND TREASURER
BUILDER OF NEW HOMES

May 27, 1959

Board of Appeals
c/o Corporation Council
Room 208
Portland, Maine

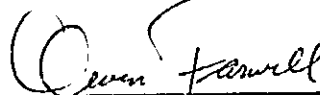
Gentlemen:

As I will be out of town May 28th, I would like to go on record as opposing a public parking lot located in the rear of the Portland Boys Club on Chestnut Street.

I understand it is the intent of the city to upgrade the property below Cumberland Avenue in the Bayside Area. Certainly a public parking lot is undesirable in a residential area.

I will be represented at the hearing By Jotham Pierce.

Respectfully yours,



Owen Farwell

OF:ejb

May 25, 1959

Udell Bramson, Esq.
142 High Street
Portland, Maine

Dear Mr. Bramson:

May 28

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 18, 1959

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, May 28, 1959, at 4:00 p.m. to hear the appeal of Udell Bramson requesting an exception to the Zoning Ordinance to permit use of the lot at 50-52 Chestnut Street for off-street parking of 13 passenger cars.

This permit is presently not issuable because the proposed use is not allowable under the Zoning Ordinance in the R-6 Residence Zone in which the property is located, unless authorized by the Board of Appeals as indicated in Section 7-A-7d thereof.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such permit may be granted only if the Board of Appeals finds that such use of the premises will not adversely affect property in the same zone or neighborhood and will not be contrary to the intent and purpose of the Zoning Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

CITY OF PORTLAND, MAINE

DEPT. OF BUILDING INSPECTION



ALBERT J. SEARS
INSPECTOR

THEODORE T. RAND
DEPUTY INSPECTOR

APCO-50-52 Chestnut Street

May 12, 1959

Udell Bramson, Esq.
142 High Street

cc to: Corporation Counsel
cc to: Mr. G. C. Slocum
56 Vocational Drive
So. Portland, Maine

Dear Mr. Bramson:

A certificate of occupancy for use of the lot at the above named location for off-street parking of 13 passenger cars is not issuable because the proposed use is not allowable under the Zoning Ordinance in the R-6 Residence Zone in which the property is located, unless authorized by the Board of Appeals as indicated in Section 7-A-7d thereof.

We understand that you would like to exercise your appeal rights concerning this matter. 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. Please note that the plot plan filed with application for certificate of occupancy indicates a 20 inch high continuous bumper guard just inside street and lot lines. If appeal is sustained, it will be necessary to provide such a bumper guard instead of a 6 inch high guard curb.

Very truly yours,

Albert J. Sears

Albert J. Sears
Inspector of Buildings

AJS/jg

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 18, 1959

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BOARD OF APPEALS

Franklin G. Hinckley

Chairman