

103 FEDERAL STREET

95



First cut # 920R - Half cut # 920R - Third cut # 920R - Fifth cut # 920R

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION 95-99 Federal Street

Issued to **Dominic Tallento**

Date of Issue **July 19, 1957**

This is to certify that the building, premises, ~~and contents~~ at the above location, ~~has been~~
—changed as to use ~~under Building Regulations~~, ~~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

Entire lot

APPROVED OCCUPANCY

Parking Motor Vehicles but no
commercial vehicles allowed at
any time

Limiting Conditions: Variance as to detailed
arrangements granted by Board of Appeals on
7/12/57 but subject to condition that suitable
protection shall be provided so that no part of any
parked vehicle shall extend into any public street

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

W. A. ...
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 lessee for one dollar.

June 28, 1957

AP CO 95-103 Federal St., corner of Hampshire St.--Proposed
parking lot and zoning appeal relating to guard curbs

Mr. Dominic Taliento
60 Hampshire St.

Copy to Corporation Counsel

Dear Mr. Taliento:-

Required certificate of occupancy to authorize the use of the lot at 95-103 Federal St., corner of Hampshire St. as a parking lot is not issuable because the premises being in an R-6 Residential Zone where certain specific guard curbs or bumpers are required around all sides of the lot, according to Section 14b of the Zoning Ordinance, you plan the following departure from the requirements:

- along the Federal St. front and along the side toward Franklin St. no curb at all.
- along the rear line (approximately parallel with Federal St.) instead of a continuous curb 5 feet from the property line you propose sections of concrete curb about 8 inches by 8 inches with intervals of several feet between the sections and these sections to be only 8 inches from the property line.
- along Hampshire St. a wooden 6x8 curb with the 6-inch dimension upright to be 46 inches from the street line of Hampshire St. instead of the required 5 feet.

You have indicated your desire to seek a variance from the Zoning Board of Appeals; so, there is enclosed an outline of the appeal procedure

Very truly yours,

Warren McDonald
Inspector of Buildings

WHCD/G
Enclosure: Outline of appeal procedure

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Mr. Warren McDonald, Director
of Building Inspection
FROM: City Planning Board
SUBJECT: Access to Parking Lot for Federal Super Market

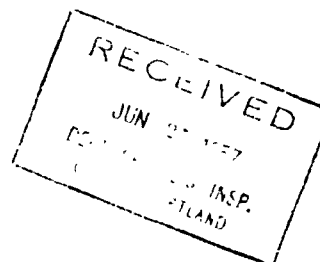
DATE June 27, 1957

After viewing the sketch plan of this parking lot, the Planning Board, at its meeting of June 27, 1957, gave its approval to access and egress onto Federal Street from this lot as required under Section 14 of the Zoning Ordinance as adopted June 6, 1957.

For: Neal W. Allen
Chairman
By: *F. E. McRay*
Floyd E. McRay
Acting Planning Director

FEM:yds

cc: Mr. Samuel Conner
Traffic Engineer
Mr. Mitchell, Division Engineer
Public Works Department



AP CO 95-103 Federal St.—Proposed parking lot in R6 Residential Zone

June 10, 1957

Mr. Dominic Tallento
60 Hampshire St.

Copy to Floyd McKay
Acting Director of Planning

Dear Mr. Tallento,

As far as I can discover from our records you have some misunderstanding about the requirements for the parking lot which you propose at 95-103 Federal St. When the permit for demolition of the apartment house there was issued on March 4 a letter was sent with the permit to you advising you of the necessity of a certificate of occupancy and that there were certain limiting conditions in the Zoning Ordinance which must be observed in order to secure the certificate of occupancy, without which it is not lawful to use the lot for the proposed purpose.

You were advised in that letter that if you were not aware of the limiting conditions, it would be well to come to this office some afternoon to find out what the regulations are. That letter was written about three months ago, and the only other indication of your going by it is a paper tracing of a plan received with your letter of June 3. The plan does not show compliance with the requirements of the Zoning Ordinance.

That no more time may be lost than absolutely necessary in getting your project underway in accordance with the law, there is enclosed a marked copy of Section 14b of the Zoning Ordinance which describes the requirements. It is necessary that you have a plan made showing that you propose to satisfy all of these requirements, including paragraphs numbered 1 to 4 inclusive. Please read carefully the paragraph numbered 2, and see that the plan is made accordingly. Apparently your lot is on the corner of Federal St. and Hampshire St., and, therefore, access to the lot is available (although not shown on the plan) from more than one street. Therefore, the approval of the City Planning Board must be secured upon the ingress and egress driveways over the public sidewalk. In addition to that as indicated in the last paragraph of my letter of March 4, a blueprint of the plan is to have on it the approval of Traffic Engineer Samuel Conner associated with the Department of Public Works.

To expedite the matter, when you have the plan all made showing compliance with the requirements of the Ordinance as far as they are given (enclosed with this letter) it is suggested that you take one print of the plan to the Acting Director of Planning at the City Planning Board office on the third floor of City Hall and ask him to get consideration of the Planning Board and to also consult with Traffic Engineer Conner, so that the approvals may be the same. When both parties have shown their approval on the plan, the print bearing their approvals should be filed at this office with your letter of request of June 3. If the plan then appears to be all in order and in compliance with the Ordinance and having the proper approvals, you will be notified in writing and will be at liberty to proceed with making the improvements.

Mr. Dominic Tallento-----2

June 10, 1957

When the improvements are all done, it is necessary that you notify this office of readiness for inspection whereupon, if all is found in order, the certificate of occupancy for use of the lot will be issued, without which it is not lawful to permit any parking on the lot.

Very truly yours,

Warren McDonald
Director of Buildings

WMCJ/B

Enc: Your sketch returned

P.D.

6/3/57

*2nd and 3rd floors of 7
corner of that street
from street at all
times and that there
has been no parking
of vehicles at all
into any public
street*

Building Inspector Dept.
City Hall
Portland, Maine

Dear Sir:

We have taken care of all matters pertaining to
our parking lot at 95-103 Federal Street.

The Public Works Dept. has notified us to get a
certificate of occupancy from your department. We
would appreciate it very much if you could issue one
to us as soon as possible.

Yours truly,

FEDERAL SUPER MARKET

Dominic Taliento

Dominic Taliento

*C. O.
received
7/19/57
D.M.*

DT:PAT

*appl. for
see letter
mm 6/7/57
mm Taliento 6/12/57
phoned will get
plan mm
6/12/57*

March 4, 1957

AP 95-103 Federal St.--Demolition of apartment house
and proposed parking lot

Mr. Dominic Taliento
60 Hampshire St.

Copy to Mr. Roland Gagne
Hill Beach Road
Biddeford, Maine

Dear Mr. Taliento:-

Enclosed is the building permit for demolition of the apartment house at 95-103 Federal St., we having received certification that eradication of rodents and vermin from the building has been completed.

Because you have indicated the proposed use of the land thus made vacant for parking, it is important that you should know the application of the Zoning Ordinance to the proposed use.

The Ordinance requires that a certificate of occupancy shall be issued from this department before the land may be used at all for the proposed purpose. The property is in an Apartment House Zone where off-street parking is allowable only under certain limiting circumstances including a number of conditions which are set forth in Section 8411 of the Ordinance. If you are not aware of these limiting conditions, it would be well to come to the office some afternoon where they will be made clear to you.

In any event when the arrangements are all worked out you should have a plan made showing all the proposed arrangements including the proposed approaches over the public sidewalks, any fencing proposed, surfacing, drainage, bumpers and the like. A print of this plan should be taken to the Traffic Engineer associated with the Department of Public Works. If he is able to approve the approaches over the public sidewalk as to location, width etc., then you should send the print bearing his approval to this office with a letter requesting the certificate of occupancy.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCD/G

July 9, 1957

Mr. Dominic Taliento
60 Harpsnire Street
Portland, Maine

Dear Mr. Taliento:

July 12, 1957

Ben E. Wilson

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

July 2, 1957

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, July 12, 1957, at 10:30 a.m. to hear the appeal of Dominic Taliento requesting an exception to the Zoning Ordinance to authorize use of the lot at 95-103 Federal Street, corner of Hampshire Street, as a parking lot.

This certificate is presently not issuable because of the following proposed departures from the requirements of the Zoning Ordinance relating to the R-6 Residence Zone: Along the Federal Street front and along the side toward Franklin Street no curb proposed. Along the rear line (approximately parallel with Federal St.) instead of a continuous curb 5 feet from the property line sections of concrete curb about 8 inches by 8 inches with intervals of several feet between the sections and these sections to be only 8 inches from the property line are proposed. Along Hampshire Street a wooden 6x8 curb with the 6 inch dimension upright proposed 46 inches from the street line of Hampshire Street instead of the required 5 feet.

This appeal is taken under Section 23 of the Zoning Ordinance which provides that the Board of Appeals, by the vote of not less than four concurring members, may grant variances in specific cases where practical difficulties or unnecessary hardship in the development of property exist which are inconsistent with the intent and purpose of said Ordinance; where the granting of the variance is necessary to avoid confiscation and to permit reasonable use of property; where exceptional or unique circumstances exist that generally do not apply to other property in the same zone or neighborhood; where property in the same zone or neighborhood will not be adversely affected by the variance; and where the granting of the variance will not be contrary to the intent and purpose of said 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

Ben B. Wilson

Chairman

WARREN McDONALD
INSPECTOR OF BUILDINGS

ALBERT J. SEARS
DEPUTY INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

June 28, 1957

AP CO 95-103 Federal St., corner of Hampshire St.--Proposed
parking lot and zoning appeal relating to guard curbs

Copy to Corporation Counsel,

Mr. Dominic Taliento
60 Hampshire St.

Dear Mr. Taliento:-

Required Certificate of occupancy to authorize the use of the lot at
95-103 Federal St., corner of Hampshire St., as a parking lot is not issuable
because the premises being in an R-5 Residential Zone where certain specific
guard curbs or bumpers are required around all sides of the lot, according to
Section 14b of the Zoning Ordinance, you plan the following departures from the
requirements of the zoning Ordinance relating to the R-5 Residential Zone:

- along the Federal St. front and along the side toward Franklin St.
no curb at all proposed.
- along the rear line (approximately parallel with Federal St.) in-
stead of a continuous curb 5 feet from the property line ~~pro-~~
posed sections of concrete curb about 8 inches by 8 inches with
intervals of several feet between the sections and these sections
to be only 8 inches from the property line ~~are proposed~~;
- along Hampshire St. a wooden curb with the 6-inch dimension up-
right ~~40~~ 40 inches from the street line of Hampshire St. instead
of the required 5 feet.

You have indicated your desire to seek a variance from the Zoning Board
of Appeals; so, there is enclosed an outline of the appeal procedure

Very truly yours,

Warren McDonald
Inspector of Buildings

Confidential
8/10.00

WMCD/G
Enclosure: outline of appeal procedure

C
O
P
Y

City of Portland, Maine
Board of Appeals
—ZONING—

Granted
Conditionally
7/12/57
June 23, 1957

57/67

To the Board of Appeals:

Your appellant, Dominic Taliento, who is the owner of property at 95-103 Federal Street, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 25 of said Zoning Ordinance.

Certificate of occupancy to authorize the use of the lot at 95-103 Federal Street, corner of Hampshire Street, as a parking lot is not issuable because of the following proposed departures from the requirements of the Zoning Ordinance relating to the R-6 Residence Zone: Along the Federal Street front and along the side toward Franklin Street no curb proposed. Along the rear line (approximately parallel with Federal St.) instead of a continuous curb 5 feet from the property line sections of concrete curb about 8 inches by 8 inches with intervals of several feet between the sections and these sections to be only 8 inches from the property line are proposed. Along Hampshire Street a wooden 6x8 curb with the 6-inch dimension upright proposed 46 inches from the street line of Hampshire Street instead of the required 5 feet.

The facts and conditions which make this exception legally permissible are as follows:

An exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Dominic Taliento
Appellant

After public hearing held on the 12 day of July, 1957 the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance on the condition that suitable protection shall be provided so that no part of any parked vehicle shall extend into a public street.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case, on the condition that suitable protection shall be provided so that no part of any parked vehicle shall extend into a public street.

[Signatures]

BOARD OF APPEALS