

127-137 COMMERCIAL STREET

Good
STOCK NO. HK1531
Published for the year 2007
Fidelity, Fidelity, Fidelity, Fidelity



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 77-14

Portland, Maine, April 20, 1977

PERMIT ISSUED

APR 22 1977

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 77/64 pertaining to the building or structure comprised in the original application 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 125 Commercial St. Within Fire Limits? ☐ Dist. No.
Owner's name and address Anthony DiMillo - Owner of DiMillo Telephone
Lessee's name and address Telephone
Contractor's name and address DiMillo Construction - 40 Wellington Rd. Telephone 774-6422
Architect Plans filed ☐ No. of sheets
Proposed use of building 3 stores and 5 apts. No. families
Last use No. families
Increased cost of work No increase Additional fee 5.00

Description of Proposed Work

Amendment to change floor plans to second floor as per plans.
1 sheet of plans.

Details of New Work

Is any plumbing involved in this work? ☐ Is any electrical work involved in this work? ☐
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
Material of underpinning Height Thickness
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining
Framing lumber—Kind Dressed or full size? ☐
Corner posts Sills Girt or ledger board? ☐ Size
Girders Size 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

Approved:

Signature of Owner Mary H. Till

Approved:
Inspector of Buildings

FILE COPY

CITY OF PORTLAND, MAINE

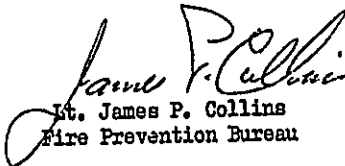
MEMORANDUM

TO: Building Inspectors
FROM: Fire Prevention Bureau
SUBJECT: 127 Commercial St.

DATE: 3/10/78

Approval is hereby given for a building permit
from this Department subject to the following requirements/reasons:

- 1) All heat producing appliances shall be installed with clearances as recommended by the manufacturer.
- 2) Interior finish shall be class A or B.


Lt. James P. Collins
Fire Prevention Bureau

127 Commercial Street

March 13, 1978

Paul LaLiberte
18 Brown Street
Lewiston, Maine

cc: Tony DiMillo *copy sent to*
~~24 Veranda St.~~ *291 Caprice St.*
cc: Earlier R. Guay
22A Whipple Rd.
Kittery, Me.
cc: Fire Dept.

Dear Mr. LaLiberte:

Permit to make alterations to inside of the above building to be used as pizza and sandwich shop as per plans is being issued here- with subject to the following requirements.

All heat producing appliances are required to be installed with clearances as specified by the manufacturer.

The interior finish is required to be of an incombustible nature, Class A or B.

Very truly yours,

Earle S. Smith
Building Inspection Supervisor

ESS/r



APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP

0156

MAR 13 1978

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION B-3

PORTLAND, MAINE, March 6, 1978

CITY OF PORTLAND

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

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 127 Commerical Street Fire District #1 ☐ #2 ☐
1. Owner's name and address Tony DiMillo - 96 Veranda St. Telephone
2. Lessee's name and address Laurier R. Guay - 22A Whipple Road Telephone 439-3782
Contractor's name and address Paul LaLiberte - 18 Brown St. Lewiston Telephone 439-4782
Architect Specifications Plans No. of sheets
Use of building pizza and sandwich shop No. families
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ 4,000 Fee \$ 16.00

FIELD INSPECTOR—Mr.

GENERAL DESCRIPTION

This application is for:

@ 775-5451

Dwelling

Ext. 234

Garage

Masonry Bldg.

Metal Bldg.

Alterations

Demolitions

Change of Use

Other

To make alterations to inside of
bldg. to be used as pizza and
sandwich shop as per plans 1 sheet
of plans. Stamp of Special Conditions

PERMIT ISSUED
WITH LETTER

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 ☐

Other:

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?

APPROVALS BY:

DATE

MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER

Will work require disturbing of any tree on a public street? ..

ZONING: Q.R. M. 3/15/78BUILDING CODE: J. K. 3/13/78

Will there be in charge of the above work a person competent
to see that the State and City requirements pertaining thereto
are observed?

Fire Dept.: James Collins

Health Dept.:

Others:

Signature of Applicant

Laurier R. Guay

Phone #

Type Name of above

Laurier R. Guay1 ☐ 2 ☐ 3 ☐ 4 ☐

Other
and Address

FIELD INSPECTOR'S COPY

NOTES

3-10-78 work started - has ceiling sheet-
pocked - und

3-16-78 has drop ceiling in - no
equipment set up - will be ready
in about a week - und

3-24-78 still not ready yet \rightarrow waiting
for equipment - und

3-31-78 has more work done - needs
a permit to the sign they're going
to put up - und

4-7-78 work completed und

Permit No. 98/0228
Location 127 Goodland Rd.
Owner Long Dr Mills
Date of permit 3-6-78
Approved 3-13-78 Pitzer
Sandwich Shop

Birds feeding up eggs



APPLICATION FOR PERMIT
DEPARTMENT OF BUILDING INSPECTIONS SERVICES
ELECTRICAL INSTALLATIONS

Date March 10 19 78
Receipt and Permit number A 10468

To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:

The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:

LOCATION OF WORK: 127 Commercial St. -

OWNER'S NAME: Laurier R. Guay ADDRESS: same

OUTLETS: (number of) 1-30

| | | |
|-------------|------------------------|-------------|
| Lights | _____ | FEES |
| Receptacles | _____ | |
| Switches | _____ | |
| Plugmold | _____ (number of feet) | |
| TOTAL | _____ | <u>3.00</u> |

| | | |
|----------------------------|---|-------------|
| FIXTURES: (number of) | | |
| Incandescent | _____ | |
| Fluorescent | <u>9</u> (Do not include strip fluorescent) | <u>3.00</u> |
| TOTAL | _____ | |
| Strip Fluorescent, in feet | _____ | |

SERVICES:

| | | |
|--------------------------|-------|--|
| Permanent, total amperes | _____ | |
| Temporary | _____ | |

METERS: (number of) _____

MOTORS: (number of)

| | | |
|--------------|-------------------------------|-------------|
| Fractional | <u>3</u> - <u>208 voltage</u> | <u>1.50</u> |
| 1 HP or over | _____ | |

RESIDENTIAL HEATING:

| | | |
|------------------------------|-------|--|
| Oil or Gas (number of units) | _____ | |
| Electric (number of rooms) | _____ | |

COMMERCIAL OR INDUSTRIAL HEATING:

| | | |
|--------------------------------|-------|--|
| Oil or Gas (by a main boiler) | _____ | |
| Oil or Gas (by separate units) | _____ | |
| Electric (total number of kws) | _____ | |

APPLIANCES: (number of)

| | | | |
|------------|----------|-----------------------|-------------------|
| Ranges | _____ | Water Heaters | _____ |
| Cook Tops | <u>X</u> | Disposals | _____ |
| Wall Ovens | _____ | Dishwashers | _____ |
| Dryers | _____ | Compactors | _____ |
| Fans | _____ | Others (denote) | <u>pizza oven</u> |
| TOTAL | _____ | <u>microwave oven</u> | <u>4.50</u> |

MISCELLANEOUS: (number of)

| | | |
|---------------------------|-------|--|
| Branch Panels | _____ | |
| Transformers | _____ | |
| Air Conditioners | _____ | |
| Alarm Alarms | _____ | |
| Arms, etc. | _____ | |
| Wire to wires | _____ | |
| Wire for fire | _____ | |
| Heavy Duty, 220v outlets | _____ | |
| Emergency Lights, battery | _____ | |
| Emergency Generators | _____ | |

INSTALLATION FEE DUE: _____

FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT DOUBLE FEE DUE: _____

FOR REMOVAL OF A "STOP ORDER" (304-16.b) _____

FOR PERFORMING WORK WITHOUT A PERMIT (304-9) 12.00

TOTAL AMOUNT DUE: _____

INSPECTION:

Will be ready on _____, 19____; or Will Call XX

CONTRACTOR'S NAME: Pine Tree Electric Co., Inc.

ADDRESS: 257 Washington St. Auburn, Me.

TEL.: 782-5006

MASTER LICENSE NO.: 929

LIMITED LICENSE NO.: _____

SIGNATURE OF CONTRACTOR:

[Signature]

INSPECTOR'S COPY

Permit Number 10162
Location 127 Commerce St.
Owner Louisea Guss
Date of Permit 5-10-78
Final Inspection 4-3-78
By Inspector Aditya
Permit Application Register Page No. 131

PROGRESS INSPECTIONS:

| | | | | |
|-------------------|----------------|---|---|---|
| CODE | <u>3-10-78</u> | / | / | / |
| COMPLIANCE | <u>3-26-78</u> | / | / | / |
| COMPLETED | <u>4-3-78</u> | / | / | / |
| DATE | <u>4-3-78</u> | / | / | / |

CODE
COMPLIANCE
COMPLETED
DATE 4-3-78

[illegible]

John H. Watson

PERMIT TO INSTALL PLUMBING

PERMIT NUMBER **1381**

Date Issued **11-7-77**
 Portland Plumbing Inspector
 By **ERNOLD R. GOODWIN**

Date **NOV 9 1977**
 By **ERNOLD R. GOODWIN**
 CHIEF PLUMBER

App. Final Insp.
 Date **NOV 9 1977**
 By **ERNOLD R. GOODWIN**

- Type of Bldg.
- ☐ Commercial
 - ☒ Residential
 - ☐ Single
 - ☐ Multi Family
 - ☐ New Construction
 - ☐ Remodeling

| | | | |
|------------------|------|-----------------------------------|--------------|
| Address | | 127 Commercial St. | |
| Installation For | | Restaurant | |
| Owner of Bldg | | Dinillo's Restaurant | |
| Owner's Address | | Sano | |
| Plumber | | Reuben Katz - 173 Neal St. | |
| Date | | 11-7-77 | |
| NEW | REPL | | |
| | | SINKS | 2 4.00 |
| | | LAVATORIES | 1 2.00 |
| | | TOILETS | 3 6.00 |
| | | BATH TUBS | |
| | | SHOWERS | |
| | | DRAINS FLOOR SURFACE | 1 2.00 |
| | | HOT WATER TANKS | |
| | | TANKLESS WATER HEATERS | |
| | | GARBAGE DISPOSALS | |
| | | SEPTIC TANKS | |
| | | HOUSE SEWERS | |
| | | ROOF LEADERS | |
| | | AUTOMATIC W. ASHERS | |
| | | DISH WASHERS | |
| | | OTHER urinal | 1 2.00 |
| | | base fee | 3.00 |
| | | TOTAL | 19.00 |

Building and Inspection Services Dept.: Plumbing Inspection

CERTIFICATE OF APPROVAL

FOR INTERNAL PLUMBING FOR THE TOWN/CITY OF Portland

OWNER _____
 ADDRESS _____, MAINE
 Location where plumbing was done and inspected
 Plumbing installed by _____

Cert. of App. Number
Nº 2289 10

Date C.O.A. Issued
OCT 11 1977
 Month Day Year

Date Inspected
OCT 11 1977
 Month Day Year

Date Permit Issued
7-21-77

THE INTERNAL PLUMBING INSTALLED PURSUANT TO THE ABOVE CERTIFICATE OF APPROVAL NUMBER
 HAS BEEN TESTED IN MY PRESENCE, FOUND TO BE FREE FROM LEAKS, AND WAS INSTALLED
 IN COMPLIANCE WITH THE MUNICIPAL AND STATE PLUMBING REGULATIONS.

Signature of LPI _____

ERNOLO R. GOODWIN
 CHIEF PLUMBING INSPECTOR

State Office
 Use Only
 Date Received _____

ORIGINAL—To be sent to: Department of Human Services
 Division of Health Engineering 221 State Street Augusta, Maine 04333

INTERNAL PLUMBING PERMIT FOR THE TOWN/CITY OF

Town/City Code **057110** LPI Number **1123** License Number **137** Date Issued **7-21-77** PERMIT NUMBER **Nº 2289 10**
 Master Plumber
 Address of where plumbing is done **101-18 COMMERCIAL ST** St./Lot Number _____
 Name of Owner **DIMILLO** Last Name _____ F.I. _____ M.I. _____
 Mailing Address _____ Zip Code _____

Type of Construction
 1. New 2. Remodeling 3. Addition 4. Remodeling & Addition 5. Replacement of Hot Water Heater 6. Hook-up of Mobile Home 7. Minor Change 8. Other (Specify) _____
 Plumbing to Serve
 1. Single (Res) 2. Multi-Fam (Res) 3. Mobile Home 4. Mobile Home without Seal 5. Commercial 6. School 7. Other (Specify) _____

SCHEDULE OF FEES

(See Sect. 1, 12 of the Part I Code)

1-10 Fixtures \$2.00 each
 11-20 Fixtures \$1.00 each
 21 Fixtures on up \$.50 each
 Hook-ups \$2.00 each
 Note: Hotwater Heater (tank or tankless) is considered a fixture

| Fixture | # | Fixture | # | Fixture | # |
|------------|---|-----------------|---|-------------------|---|
| Sinks | 4 | Showers | | Hot Water Heaters | 8 |
| Toilets | 8 | Urinals | | Floor Drains | |
| Bathrooms | 5 | Clothes Washers | | Other | |
| Lavatories | 8 | Dish-Washers | | Hook-ups | |

Quantity Fee
 Fixtures... **34** **32.00**
 Hook-ups... **4** **8.00**
 Administrative fee **3.00**
 Total or Double Fee **43.00**
 Double Fee 1. Yes. ☐ 2. No. ☒

STATE OFFICE USE ONLY
 Date Received **JUL 29 1977**
 Receipt Number _____ Money Received \$ _____
 Administrative Code ☐

This "Internal Plumbing Permit" is invalid if work is not commenced within six (6) months from date of issuance
 Upon completion of work a "Certificate of Approval" must be obtained.
 Original—To be sent to: Department of Human Services, Division of Health Engineering 221 State Street, Augusta, Maine 04333

HHE-211 377



APPLICATION FOR PERMIT
DEPARTMENT OF BUILDING INSPECTIONS SERVICES
ELECTRICAL INSTALLATIONS

Date July 29, 1977
Receipt and Permit number A 10241

To the CHIEF ELECTRIC INSPECTOR, Portland, Maine:

The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:

LOCATION OF WORK: 127 Commercial St.

OWNER'S NAME: DiMillo's Restaurant ADDRESS: same

OUTLETS. (number of)

Lights
Receptacles
Switches
Plugmold
TOTAL 90 (number of feet)

FEES

8.00

FIXTURES (number of)

Incandescent
Fluorescent (Do not include strip fluorescent)
TOTAL
Strip Fluorescent, in feet

SERVICES:

Permanent, total amperes 25 450... 6.00
Temporary

METERS: (number of) 9 4.50

MOTORS: (number of)

Fractional
1 HP or over

RESIDENTIAL HEATING:

Oil or Gas (number of units)
Electric (number of rooms)

COMMERCIAL OR INDUSTRIAL HEATING:

Oil or Gas (by a main boiler)
Oil or Gas (by separate units)
Electric (total number of kws) 37 3.70

APPLIANCES: (number of)

Ranges 5
Cook Tops
Wall Ovens
Dryers
Fans 8
TOTAL
Water Heaters
Disposals
Dishwashers
Compactors
Others (denote) 19.50
X

MISCELLANEOUS: (number of)

Branch Panels
Transformers
Air Conditioners
Signs
Fire/Burglar Alarms
Circus, Fairs, etc.
Alterations to wires
Repairs after fire
Heavy Duty, 220v outlets
Emergency Lights, battery
Emergency Generators

INSTALLATION FEE DUE: 41.70

FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT DOUBLE FEE DUE:

FOR REMOVAL OF A "STOP ORDER" (304-16.b)
FOR PERFORMING WORK WITHOUT A PERMIT (304-9)
TOTAL AMOUNT DUE: 41.70

INSPECTION:

Will be ready on , 19 ; or Will Call X

CONTRACTOR'S NAME: Neal Redman (Curran Elec.)

ADDRESS: 49 Dartmouth St.

TEL.: 772-5424

MASTER LICENSE NO.: 1292

LIMITED LICENSE NO.:

SIGNATURE OF CONTRACTOR:

INSPECTOR'S COPY

Permit Number 10271
Location 127 Canal St.
Owner DeMull
Date of Permit 7-29-77

Date of Permit 1-21-11

By Inspector _____

Permit Application Register, Page No. 108

INSPECTIONS: Service _____ by Triller

Service called in 9-15-70

Closing-in 8-16-77 by Twibez

PROGRESS INSPECTIONS: 8-12-77

CODE
COMPLIANCE
COMPLETED
DATE 10-5-77

[illegible]



APPLICATION FOR PERMIT
DEPARTMENT OF BUILDING INSPECTIONS SERVICES
ELECTRICAL INSTALLATIONS

Date April 5, 19 77
Receipt and Permit number A00139

To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:

The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:

LOCATION OF WORK: 127 Commerical Corner of Silver St.

OWNER'S NAME: DiMillos Restaurant ADDRESS: same

OUTLETS: (number of)

Lights _____
Receptacles _____
Switches _____
Plugmold _____ (number of feet)

FEES

TOTAL _____

FIXTURES: (number of)

Incandescent _____
Fluorescent _____ (Do not include strip fluorescent)

TOTAL _____

Strip Fluorescent, in feet _____

SERVICES:

Permanent, total amperes 100 Temp? 3.00
Temporary 100 3.00

METERS: (number of) 1 .50

MOTORS: (number of)

Fractional _____
1 HP or over _____

RESIDENTIAL HEATING:

Oil or Gas (number of units) _____
Electric (number of rooms) _____

COMMERCIAL OR INDUSTRIAL HEATING:

Oil or Gas (by a main boiler) _____
Oil or Gas (by separate units) _____
Electric (total number of kws) _____

APPLIANCES: (number of)

| | |
|------------------|-----------------------|
| Ranges _____ | Water Heaters _____ |
| Cook Tops _____ | Disposals _____ |
| Wall Ovens _____ | Dishwashers _____ |
| Dryers _____ | Compactors _____ |
| Fans _____ | Others (denote) _____ |

TOTAL _____

MISCELLANEOUS: (number of)

Branch Panels _____
Transformers _____
Air Conditioners _____
Signs _____
Fire/Burglar Alarms _____
Circus, Fairs, etc. _____
Alterations to wires _____
Repairs after fire _____
Heavy Duty, 220v outlets _____
Emergency Lights, battery _____
Emergency Generators _____

INSTALLATION FEE DUE: _____

FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT DOUBLE FEE DUE: _____

FOR REMOVAL OF A "STOP ORDER" (304-16.b) _____

FOR PERFORMING WORK WITHOUT A PERMIT (304-9) _____

TOTAL AMOUNT DUE: 3.50

INSPECTION:

Will be ready on _____, 19____; or Will Call X

CONTRACTOR'S NAME: Curran Electric

ADDRESS: 49 Dartmouth St.

TEL.: 772-5424

MASTER LICENSE NO.: 1292

LIMITED LICENSE NO.: _____

SIGNATURE OF CONTRACTOR: [Signature]

INSPECTOR'S COPY

ELECTRICAL INSTALLATIONS —

Permit Number 0137

Location 127 Commercial St.

Owner Di Giulio Rest.

Date of Permit 4-5-77

Final Inspection 4-11-77

By Inspector Libby

Permit Application Register Page No. 93

INSPECTIONS: Service Temp by Libby
 Service called in 4-11-77
 Closing-in _____ by _____

PROGRESS INSPECTIONS: _____ / _____ / _____
 _____ / _____ / _____
 _____ / _____ / _____
 _____ / _____ / _____
 _____ / _____ / _____

CODE
 COMPLIANCE
 COMPLETED
 DATE 4-11-77

| DATE: | REMARKS: |
|-------|---------------------------------|
| | |
| | |
| | |
| | OK but needs copper & alum wire |
| | separated. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Handwritten signature/initials

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

- A. Applicant Antonio DiMillo
- B. Property Location 125-137 Commercial St. abutting 1-3 Silver St. & 10-14 Old Wharf St.
- C. Applicant's Interest in Property:
- ☒ Owner
☐ Tenant
☐ Other _____
- D. Property Owner Antonio DiMillo
- E. Owner's Address 271 Capisic St.
- F. Zone (Circle One):
- R-1 R-2 R-3 R-5 R-6
R-P B-1 B-2 B-3 A-B
I-P I-1 I-2 I-2b I-3 I-3b
RPZ
- G. Site Plan Approval Required yes
- H. Present Use of Property vacant
- I. Section(s) to Which Variance Related _____
- J. Reasons Why Permit Cannot be Issued _____

- K. Requested Variance Would Permit stores & apts.

- L. Notice Sent to _____ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

Daniel Mooers - attorney
Mr Tony Dimillo
Mr Nunzi De Millo

B. Those Opposing Variance

William Roberts -
160 Newbury St
Boston

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

photo, blueprints, map, overlay

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for space and bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e).

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience [Section 602.24C 3.b.(1) (a)]

() Yes/Agreement with statement

() No/Disagreement with statement

Reasons This area is filled land.

B. If yes, the unique physical conditions: (Check One) [Sec. 602.24C 3.b.(1) (b)]

☒ existed at the time of the enactment of the provision from which a variance is sought; or

() were caused by natural forces; or

() were the result of governmental action

- C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions [Sec. 602.24C 3.b.(1) (c)]

☒ Yes/Agreement with statement

☐ No/Disagreement with statement

Reasons Existing foundation remains.

- D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. [Sec. 602.24C 3.b.(1) (d)]

☒ Yes/Agreement with statement

☐ No/Disagreement with statement

Reasons _____

- E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety [Sec. 602.24C 3. b.(1) (e)]

☒ Yes/Agreement with statement Refer to condition which must be complied with

☐ No/Disagreement with statement

Reasons _____

V. Specific Relief Granted

After a public hearing held on Jan. 19, 1977, the Board of Appeals finds that: (Check One)

- ☐ Approval - All of the conditions required by Sec. 602.24C 3.b.(1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E. above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If Any) (see next sheet)

() Disapproval - All conditions required by Sec. 602.24C 3.b.(1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

✓ Erik Erikson Chairman
Jacqueline Cohen
James O'Mallin
L. J. Snow
Thomas J. Murphy

Condition: A centralized, interior area for trash storage must be provided with ~~for~~ access from all stores & apartments in the building. All city codes must be complied with.

125-137 Commercial St. abutting 1-3 Silver St. &
10-14 Old Wharf St.

January 26, 1977

Antonio Di Millo
125 Commercial St.
Portland, Maine

C.C. Daniel Mooers
482 Congress St.

Following is the decision of the Board of Appeals regarding your petition to change the use of this building at the above named location from 3 families to 4 with 2 apts. in the first story and one on the 2nd and one on the 3rd which are not issuable under the Zoning Ordinance. Please note that your appeal was granted.

Very truly yours,

A. Allan Soule
Assistant Director

AAS:k

P.S. Appeal granted with the following conditions: A centralized, interior area for trash storage must be provided with access from all stores and apartments in the building. All city codes must be complied with.

WILLIAM ROBERTS & ASSOCIATES
ARCHITECTURAL AND PLANNING SERVICES
180 NEWBURY STREET
BOSTON
MASSACHUSETTS 02116

29 November 1976

Ms. Jacqueline Cohen, Secretary
Board of Appeals
Room 113 - City Hall
Portland, Maine 04111

RE: Proposal by Antonio Dimillo for 10-14 Wharf Street

Gentlemen:

As owner of the property at 13 Wharf Street which faces the site of this proposed structure, I am making adverse comment on the proposal in its present form. My reasons are as follows:

Under the Zoning Ordinance of the City of Portland, any structure proposed for this site is required to have specific setbacks from the street lines. As the Zoning Ordinance was enacted to protect the public health and safety and to assure development consistent with the published plans of the municipality, this requirement for setbacks recognizes the proximity of the proposed structure to existing residential buildings on the north side of Old Wharf Street. Explicitly, the zoning ordinance allows the waiving of this requirement only under circumstances of extreme hardship.

Admittedly, the previous structure on the site had no setbacks, but, as it was constructed many decades prior to the enactment of the Zoning Ordinance, its physical form should not be a consideration in planning for a future building under the existing ordinance. Moreover, the developer, Mr. DiMillo, has little ground for claiming hardship in the strict sense which the body of American zoning law has come to give to that term. Primarily, the developer cannot show that the unique character of the site prohibits its development within the zoning envelope. (True, such development would not be as profitable as occupying the entire site, but no where have the courts interpreted the hardship provision as a license of maximum return on investment.)

It should be noted that the developer purchased the property as a speculative investment, knowing full well the poor condition of the existing building and the failure of the previous two owners to utilize it in any economic way. The developer subsequently employed a contractor as his agent to partially demolish the existing building. During the course of that work there was an unfortunate fire which rendered the structure further damage. Knowing the zoning ordinance in effect, the developer completed the demolition of the structure. All of these actions have been bona fide

responses of the developer in the face of normal investors' risks which he voluntarily took upon himself.

These risks were not concealed. In fact, as anyone familiar with basic economics will agree, it is this element of investment in the face of risk which gives the developer opportunity to make financial gains -- or losses.

The City of Portland has no legal obligation to protect the real estate speculator from an unfortunate turn of events in his investment strategy. To do so would be to make a mockery of the public objectives of municipal zoning as they have been interpreted for the past half-century in our courts.

As a property owner in Portland, I have both sympathy for the developer and interest in the economic well-being of the city and the region. And although it is explicit in the body of law that the structure as proposed cannot be built without violating the conditions of the B-3 zone, it is implicit that the Zoning Board of Appeals may act in the public interest to mitigate the constraints of the ordinance. And, even though I underscore the words public interest to avoid any confusion with the private interest of the developer, it is unclear whether or not such public interest "quid pro quo" exchanges are allowable except under liberal interpretation of the law.

I draw attention to this point of "quid pro quo" only in the interest of encouraging the Appeals Board to explore with its counsel the possibility granting a variance on the basis of concessions on the part of the developer which compensate the public for its relinquishment of its protections under the presently required zoning envelope.

For example, many municipalities have chosen to allow developers to exceed the bulk requirements of the zoning ordinance in exchange for the provision of public open space on a nearby site, the provision of amenities for the public benefit, or even for creating a structure of such character as to enhance measureably its public surrounds. Such exchanges must be justified against some objective standard and follow due process on the part of the public regulatory agency. To measure and justify such transactions within the spirit of the law, many agencies have developed techniques for assessing the economic benefit granted to the developer and measuring such benefit against the additional costs imposed upon him.

I doubt that such a liberal construction of the ordinance is possible, perhaps it can only come about by the eventual change of the zoning ordinance itself. Nonetheless, as an abutter who will be directly affected by this proposal, I choose not to give up the protections which I have under the law which, through the set-back requirements, grant my tenants and myself access to sunlight and fresh air, relief from noise and congestion, and even-handed treatment by the municipality. For myself and my neighbors to make such a concession solely for the benefit of an individual attempting to recoup a poor investment would be foolish.

29 November 197

I trust that these comments will be taken into account by the Zoning Board of Appeals in reviewing the application for variance. In addition, I am sending copies of this letter to other municipal officials for their use should they have to consider other actions concerning the eventual development of 10-14 Old Wharf Street.

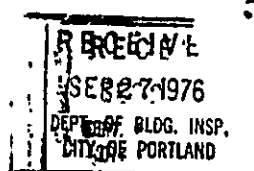
Respectfully yours,



William Lee Roberts

cc: Mr. A. J. Wilson, city manager
Mr. William O'Brien, corporation counsel
Mr. Donald Megathlin, planning director
Mr. Joesph Lovegren, Old Port Association

SPECIFICATIONS



DESCRIPTION OF WORKS:

GENERAL. For determining the scope of work this section shall be used in conjunction with the drawings.

3. CONCRETE

3.1 Install all concrete as shown on the drawing: Footing, foundation walls, grade beams and slabs shall be ready-mix 2500 P.S.I. and reinforced with reinforcing as shown on plans.

3.2 Install all 8" prestressed pre-cast concrete slab as shown on drawing. Fill the ends of slabs with grout.

3.3 Reinforce all concrete slab with 6x6 10/10 WWM reinforcing.

4. MASONRY

4.1 Install all masonry as shown on drawing.

4.2 Exterior brick veneer to be laid with brick approved by the architect or owner.

4.3 Install all lintels with 3-#6 reinforcing bars or as necessary to withstand the loads.

6. CARPENTRY WORK:

6.1 Material for carpentry work shall be yellow pine or fir. Material for roof sheathing shall be 3/4" T&G exterior type plywood. All exterior wall sheathing shall be 5/8" exterior type plywood.

6.2 All sill and shoes in contact with masonry shall be treated grade lumber.

6.3 All board & batten siding shall be of #2 grade lumber. The board to be 1" x 8" and the battens 1" x 3/4".

8. ROOFING AND SHEET METAL WORK

8.1 Roofing shall be John Mansville Seal-O-Matic 300 asphalt shingles.

8.2 Flashing shall be 16% copper.

9. DAMP-PROOFING AND WATERPROOFING

9.1 On the roof asphalt shingles shall be laid over 20# felt paper.

9.3 On exterior walls all siding and brick veneer should be laid on 20# felt paper.

10. DOORS AND HARDWARE

10.1 All doors shall be installed in accordance with the door schedule noted on plans.

10.2 All interior doors shall be hollow-core 1 3/8" thickness. Exterior wood doors to be "stay straight" 1 3/4". Both types as manufactured by the U.S. Plywood Co. or equally approved by architect or owner.

10.3 For all other exterior doors. See door schedule.

10.4 All closet bifolding doors are to be X-Act bifold or equally approved by the architect or owner.

10.5 Hardware to be as shown on the door schedule noted on the plans.

11. WINDOWS

11.1 First floor store front windows are to be custom made using clear pine and thermopane glass. Shop drawing details for windows to be checked and approved by the architect.

11.2 First floor rear windows are to be prime or flex vent windows Cat. No. 21421 manufactured by Anderson or equally approved by architect or owner.

11.3 All second floor windows are to be permashield narrow-line, double-hung windows with combination unit Cat. No. 2446 manufactured by Anderson or equally approved by the architect or owner.

12. GLAZING

12.1 All glass shall be double strength except store front and glass doors which should be tempered glass.

12.2 All glazing shall be done in accordance to the manufacturing instructions.

RECEIVED

SEP 27 1973

DEPT OF BLDG INSP.
CITY OF PORT. AND

Specifications:

Page 3.

13. FURRING, LATHING, PLASTERING, DRYWALLS

13.1 Walls in a room shall be gypsum drywall construction 1/2" thickness with 1/16 inch thin coat finish except walls which separate apartment from other apartment or apartment from hallway in which case 5/8" thick gypsum drywall construction shall be used.

13.2 Ceiling same as the wall with 3/8" thickness.

13.4 On the ground floor layer 3/8" gypsum board shall be installed over 1" of rigid insulation.

14. CERAMIC TILE

14.1 Install ceramic tile in all residential bathrooms and all store lavatories 42" up the walls except in the tub area where tile should go up to the ceiling.

14.2 Ceramic tile shall be manufactured by American Tile Co. or equally approved by the architect.

15. RESILIENT FLOORING

15.1 Install resilient flooring in all kitchens, residential bathrooms and all store lavatories.

15.2 All tile for resilient flooring shall be Vinyl-Asbestos Tile of "Traverten" or Imperial Modern. Patterns manufactured by the Armstrong & Company or equally approved by the architect or owner.

16. PAINTING AND FINISHING

16.1 After priming, at least two coats shall be applied on all walls and ceilings.

16.2 Materials shall be Pittsburgh Paints or Sherwin-Williams Company. Colors to be selected by owner or architect.

17. KITCHEN EQUIPMENT

17.1 Install one 30" vented hood in each apartment manufactured by Hotpoint or NuTone or equally approved by the architect.

17.2 Install base and wall hung kitchen cabinets as shown on plans manufactured by Connor Forest Industries or equally approved by the architect or owner.

RECEIVED

SEP 27 1976

DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Specifications:

Page 4.

18. PLUMBING

18.1 The contractor shall install all the fixtures shown on the plans in accordance with National Plumbing Code.

18.2 All fixtures shall be manufactured by Eljer Company or equally approved by the owner or architect.

18.3 Lavatories in baths shall be vanity-type lavatories.

18.4 Double stainless steel sink in the kitchen

18.5 Install bath and shower enclosure.

18.6 Furnish and install 42-gallon domestic hot water heater manufactured by A.O. Smith Corp. or equally approved by the architect or owner.

19. HEATING

19.1 Contractor shall furnish and install baseboard electrical heating system as noted on plans.

19.2 The electrical baseboard heating units are to be low density units manufactured by Ray Wall or Legend or equal.

20. ELECTRICAL WORK

20.1 The contractor shall furnish and install all light fixtures switches, bathroom exhausts and other outlets shown on plans such as circuit breakers and main panels.

20.2 All wiring and fixtures shall be U.L. approved and installed in accordance with the National Electric Code current edition.



P.d.
11/9/76

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Antonio DiMillo, owner of property at abutting 1-3 Silver St & 10-14 Old
125-137 Commercial St. Wharf
St.

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit:

five dwelling units on the second floor and as such the ordinance requires a 20' rear yard (Sec. 602.10C.1) and a front yard and side yard of 10' (Sec. 602.10C.2.3) instead of a setback of only approximately 1' from the street lines. This is not permissible in the B-3, Business Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds ... that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan:: approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

Antonio DiMillo
APPELLANT

602.24 C(3)(b)(1) Space and Bulk Variances other than for Dwelling Unit Conversions:

- (a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.
- (b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.
- (c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.
- (d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.
- (e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

D-07

November 5, 1976

125-137 Commercial St., abutting 1-3 Silver St. & 10-14 Old Wharf St.

Antonio DiMillo
271 Capisic Street

cc to: DiMillo construction Company
40 Wellington Road
cc to: Donald Megathlin, Planning Dept.
cc to: William O'Brien, Corp. Counsel

Gentlemen:

Building permit to construct a building approximately 75' x 55' at the above named location is not issuable under the Zoning Ordinance in the B-3 Business Zone in which this property is located because this structure will be used for five dwelling units on the second floor and as such the ordinance requires a 20' rear yard (Sec. 602.10C.1) and a front yard and side yard of 10' (Sec. 602.10C.2.3) instead of a setback of only approximately 1' from the street lines.

Construction of this building will bring the area of the lot occupied to about 94 per cent of the total area, which is in excess of the allowable occupancy of 70 per cent. (Sec. 602.10C.5).

We understand that you would like to exercise your appeal rights in this matter. Accordingly you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$5.00 for a space and bulk appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter then consider this letter as a matter of formality (Sec. 602.24.C.3.b.1).

I would call your attention to two things, first, the cornice (that has been referred to at times as a canopy) which extends over the public sidewalk 5', will need the approval of the City Council before this can be allowed. Sec. 310.2 of the Building Codes states that, cornices shall project not more than 3' over the public sidewalk.

In Mr. Megathlin's letter to you on November 1st of this year, he states that he must disapprove your site plan as presented to him. We will need his approval even if your appeal is approved by the Board of Appeals before any building permits can be issued.

Very truly yours,

A. Allan Soule
Asst. Director

AAS:m

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

75

Applicant Antonio DiMillo Date Oct. 20, 1976
 Address 127-137 Commercial St. cor. 1-3 Silver St. & 10-14 Old Wharf St.
 Mailing Address Retail stores (3) & 5 apartments Address of Proposed Site 29-D-1
 Proposed Use of Site 3900 sq./ft. Site Identifier(s) from Assessors Maps B-3 Zone
 Acreage of Site / Ground Floor Coverage _____ Zoning of Proposed Site _____
 Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors 2
 Board of Appeals Action Required: () Yes () No Total Floor Area 7,776 sq. ft
 Planning Board Action Required: () Yes () No
 Other Comments: Shore land
 Date Dept. Review Due. Oct. 27, 1976

BUILDING DEPARTMENT SITE PLAN REVIEW

(Does not include review of construction plans)

- ☐ Use does NOT comply with Zoning Ordinance
☐ Requires Board of Appeals Action
☐ Requires Planning Board/City Council Action

Explanation _____

- ☐ Use complies with Zoning Ordinance — Staff Review Below

Zoning: SPACE & BULK, as applicable

| | DATE | ZONE LOCATION | INTERIOR-OR CORNER LOT | 40 FT SETBACK AREA (SEC. 21) | USE | SEWAGE DISPOSAL | REAR YARDS | SIDE YARDS | FRONT YARDS | PROJECTIONS | HEIGHT | LOT AREA | BUILDING AREA | AREA PER FAMILY | WIDTH OF LOT | LOT FRONTAGE | OFF-STREET PARKING | LOADING BAYS | |
|---------------------------|------|---------------|------------------------|------------------------------|-----|-----------------|------------|------------|-------------|-------------|--------|----------|---------------|-----------------|--------------|--------------|--------------------|--------------|----------------------------------|
| COMPLIES | ✓ | B3 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | Not req |
| COMPLIES CONDITIONALLY | | | | | | | | | | | | | | | | | | | CONDITIONS SPECIFIED BELOW |
| DOES NOT COMPLY | | | | | | | | | | | | | | | | | | | REASONS SPECIFIED BELOW |

REASONS: _____

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT — ORIGINAL

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form

Applicant Antonio Dimillo Date Oct. 20, 1976
127-137 Commercial St. cor. 1-3 Silver St. & 10-12 Old Wharf St.
Mailing Address retail stores (3) & 5 apartments Address of Proposed Site 24-25-1
Proposed Use of Site 3900 sq. ft. Site Identifier(s) from Assessors Maps B-3 one
Acreage of Site / Ground Floor Coverage _____ Zoning of Proposed Site _____
Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors 2
Board of Appeals Action Required: () Yes () No Total Floor Area 7,776 sq. ft.
Planning Board Action Required: (X) Yes () No
Other Comments: Shore land
Date Dept. Review Due: Oct. 27, 1976

PLANNING DEPARTMENT REVIEW

10/21/76
(Date Received)

☐ Major Development — Requires Planning Board Approval: Review Initiated

☒ Minor Development — Staff Review Below

| | LOADING AREA | PARKING | CIRCULATION PATTERN | ACCESS | PEDESTRIAN WALKWAYS | SCREENING | LANDSCAPING | SPACE & BULK OF STRUCTURES | LIGHTING | CONFLICT WITH CITY PROJECTS | FINANCIAL CAPACITY | CHANGE IN SITE PLAN | |
|------------------------|--------------|---------|---------------------|--------|---------------------|-----------|-------------|----------------------------|----------|-----------------------------|--------------------|---------------------|----------------------------|
| APPROVED | X | X | X | X | X | X | X | | X | X | | | |
| APPROVED CONDITIONALLY | | | | | | | | | | | | | CONDITIONS SPECIFIED BELOW |
| DISAPPROVED | | | | | | | | X | | | | | REASONS SPECIFIED BELOW |

REASONS: CONTAINED IN LETTER SENT TO MR. DIMILLO
DATED 11/1/76 FROM MR MEGATHLIN.

(Attach Separate Sheet if Necessary)

[Signature] 11/1/76
SIGNATURE OF REVIEWING STAFF/DATE

PLANNING DEPARTMENT COPY



CITY OF PORTLAND

DONALD E. MEGATHLIN, JR.
PLANNING DIRECTOR

November 1, 1976

Mr. Antonio DiMillo
DiMillo's Lobster House
121 Commercial Street
Portland, Maine

Dear Tony:

Thank you for meeting with the Planning Department on October 18, 1976 to discuss your proposed building on the corner of Commercial and Silver Streets. As I mentioned, I heartily endorse the uses you propose for this parcel of land. I was, however, disappointed that you were unwilling to explore other alternatives before a decision was reached. I was particularly disappointed that you would not afford us the opportunity to even meet with your architect. I was chagrined when you stated that private development adjacent to your building in Old Port Exchange was not your concern or interest, particularly when the City is initiating steps for neighborhood cooperation and support on a Waterfront Historic District and the redesign of Commercial Street. Your lack of interest in planning and designing the entire block which you own was equally frustrating. My style is perhaps different than yours, one of mutual consent, consensus and compromise, but you wanted no changes at all, simply an answer from the City.

The Planning Department has, therefore, reviewed your proposal in detail and the City Ordinances which relate to development. You will be hearing shortly from other departments relative to their comments and concerns, specifically the amount of wood above the first floor in this Fire District and the violation of Building Code with regard to the canopy. The Department of Building and Inspection Services and Fire Department will be contacting you shortly on these matters. My comments, however, will relate to three areas of Planning Department responsibility.

1. Shoreland Zoning

Your property is located in the Shoreland area as defined by State Legislation and the City Zoning Ordinance. Development proposals in the shoreland area require departmental approvals under the City's Zoning Ordinance. I have reviewed the standards that apply to your proposal and find no conflicts with the Shoreland Ordinance. Should you receive other City approvals, I will approve your permit with regard to Shoreland Zoning.

2. Site Plan Ordinance

As a development proposal of less than 10,000 square feet of floor area, your site plan requires departmental approvals under the Site Plan Ordinance. One of the components of the Site Plan review is the way in which the bulk of a building might be detrimental to other private development in the neighborhood. For your information, I am attaching a copy of Section 604.6 A2, which relates to bulk. Bulk, by definition, means quantity, size, massing, volume and magnitude. Bulk not only affects adjacent areas in measures of sheer volume, but also in the way the bulk of a building is displayed through its facade treatment. The overhang is an element of bulk. Specifically, the overhang or canopy which you propose is not compatible with the style and scale of the neighborhood. I realize the City approved this overhang for your existing structure on November 26, 1973. However, that was before the Site Plan Ordinance was enacted. Had it been in effect at the time, I would have opposed the original building. With the exception of incidental non-permanent awnings, your proposed canopy is the only such overhang on the north side of Commercial Street. I do not think it is compatible with the street scape. It is detrimental to the waterfront commercial district. There is also the economic effect this bulk will have on adjacent restoration efforts.

With regret, I must disapprove your site plan. This is not an easy decision. Since the Site Plan Ordinance was adopted in 1974, no development has ever been stopped by the Site Plan Ordinance requirements. This includes over one hundred and fifty site plans reviewed and approved. However, with your refusal to even consider other alternatives, I am left with no other choice.

You will be afforded an appeal of my decision to the City Council. Since you also need action by the City Council on another item from the Department of Building and Inspection Services, I would suggest they be handled at the same time. Please check with the Department of Building & Inspection Services for the schedule of their appeals to the City Council. In order to give you wider exposure and to test my own point of view, I would be happy to review this matter with the Planning Board prior to a City Council meeting. Unless you object, I will place this item on the Planning Board agenda for November 9th. You certainly are invited to present your point of view at that meeting. The meeting will start at 7:30 P.M.

3. Board of Appeals

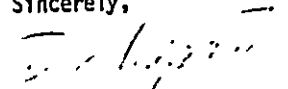
According to Section 602.17 E of the Zoning Ordinance, your building is a non-conforming building because it does not meet the set-back standards and building area requirements for residential uses in the B-3 zone. As I mentioned to you, we prepare reports on all items before the Board of Appeals. Should your proposal remain unchanged, you can expect an unfavorable recommendation from this Department for your four variance requests.

Letter to Antonio DiMillo
November 1, 1976
Page 3

Finally, let me reiterate my disappointment in your refusal to meet further and explore possible alternatives and to treat your block as an entity. Be assured of my continued willingness to work with you on the entire block. I feel that with further meetings and discussions with your architect and interested adjacent property owners, we could come up with a proposal acceptable to all concerned and one which would be an asset to your property and the neighborhood. The City is fortunate to have your outstanding restaurant in Portland. I also think your proposal for offices and apartments in keeping with private development efforts in the area and would be a positive factor in further revitalization of Commercial Street and Old Port Exchange.

I would welcome the opportunity to meet with you and revise your site plan in what otherwise is an outstanding contribution to the growth of the waterfront.

Sincerely,


Donald E. Megathlin, Jr.
Planning Director

DEM/1

cc: Chairman and Members of the Planning Board
Chairman and Members of the Board of Appeals
A. J. Wilson, Jr., City Manager
R. Lovell Brown, Director of Building & Inspection Services
William O'Brien, Jr., Corporation Counsel
Joel B. Russ, Executive Director, Landmarks
Robert Wood, President, Old Port Exchange Association
John Flynn, Fire Chief

Attachment: Site Plan Ordinance

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form

75

Antonio DiMillo
Applicant
127-137 Commercial St. cor. 1-3 Silver St. & 1-14 Old Wharf St.
Mailing Address
Retail stores (3) & 5 apartments
Proposed Use of Site
3900 sq. ft.
Acreage of Site / Ground Floor Coverage
Site Location Review (DEP) Required: () Yes () No
Board of Appeals Action Required: () Yes () No
Planning Board Action Required: () Yes () No
Other Comments: Shore land
Date Dept. Review Due: Oct. 29, 1976
Date
Address of Proposed Site
22-D-1
Site Identifier(s) from Assessors Maps
B-3 Zone
Zoning of Proposed Site
Proposed Number of Floors 2
Total Floor Area 7,776 sq. ft.

RECEIVED

PUBLIC WORKS DEPARTMENT REVIEW 21 1976

DEPARTMENT OF PUBLIC WORKS

| | TRAFFIC CIRCULATION | ACCESS | CURB CUTS | ROAD WIDTH | PARKING | SIGNALIZATION | TURNING MOVEMENTS | LIGHTING | CONFLICT WITH CITY CONSTRUCTION PROJECT | DRAINAGE | SOIL TYPES | SEWERS | CURBING | SIDEWALKS | OTHER | |
|------------------------|---------------------|--------|-----------|------------|---------|---------------|-------------------|----------|---|----------|------------|--------|---------|-----------|-------|----------------------------|
| APPROVED | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | | ✓ | ✓ | | CONDITIONS SPECIFIED BELOW |
| APPROVED CONDITIONALLY | | | | | | | | | | | | | | | | |
| DISAPPROVED | | | | | | | | | | ✓ | | ✓ | | | | REASONS SPECIFIED BELOW |

REASONS: Roof drainage and sanitary sewer information required prior to our approval.

(Attach Separate Sheet if Necessary).

John P. Ryan 10-26-76
SIGNATURE OF REVIEWING STAFF/DATE

PUBLIC WORKS DEPARTMENT COPY



CITY OF PORTLAND-MAINE

GEORGE A. FLAHERTY
PUBLIC WORKS DIRECTOR

December 2, 1976

Mr. Antonio DiMillo
DiMillo's Lobster House
121 Commercial Street
Portland, Maine

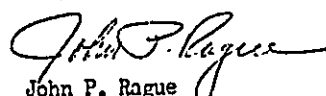
Dear Mr. DiMillo:

This is to acknowledge receipt of your letter of December 1, 1976 stating your intentions to utilize the existing drains of the old Jordan Building for the disposal of sanitary waste from the proposed addition to your existing building on Commercial Street. You also stated your willingness to comply with the recommendations of this Department as they pertain to disposal of the storm water run-off from the roof of said proposed addition.

After a study of existing facilities in this location, we feel it is in your best interest to utilize the existing drain in Commercial Street as a sanitary line and the existing drain in Silver Street for disposal of the roof water run-off. We would further recommend that if your architect finds that the existing drain in Silver Street is of an inadequate size, then a larger drain should be constructed to the Silver Street sewer for this purpose. If indeed a larger drain need be constructed, then you may have the option of putting your sanitary waste in either of the two existing drains.

With due consideration of these recommendations, and your willingness to comply with same, I feel this Department is now in a position to approve your site plan as it pertains to Public Works review.

Respectfully submitted,


John P. Rague
Associate Engineer II
Department of Public Works

JPR/JPB/jpr

DiMillo's Lobster House

Dec. 1, 1976

John Rague
Department of Public Works
Room 404
City Hall
Portland, Maine

Mr/ Rague,

In reference to your recent disapproval of my planned expansion to my existing restaurant at 121 Commercial Street.

I'm sorry I did not get to you originally when I made application for the proposed addition.

I assumed building on the existing Old Jordan Building foundation your department would have the information as to sewerage facilities.

However, the building borders on 3 streets. Commercial St., Old Wharf Street, and Silver Street. There are presently 5 " waste lines on both Commercial and the Silver Street sides of the building, connected to city sewerage.

As I told you in our earlier conversation, the former Jordan's Building was a 5 story - meat packaging plant and as such, generated 80% more waste volume than my proposed apartments and stores will do.

As to the problem of rain drains (or gutters) the Jordan's Building used to dump directly into the city sewers. However this does not mean that I would expect to do the same. I will go which ever route your department recommends, sewers or common gutters and downspouts.

If you have any questions please call me as I need your approval on this matter as soon as possible.

Sincerely,

Antonio DiMillo
Antonio DiMillo

RECEIVED

DEC 1 1976

DEPARTMENT OF PUB. WORKS

ON THE WATERFRONT

TEL. 772-2216
121 COMMERCIAL STREET

PORTLAND, MAINE 04111

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

Applicant REDAKED SIMILAR Date Oct. 20, 1976

Mailing Address 17-127 Commercial St. Cor. 1-3 Silver St. & 10-14 McPherson St. Address of Proposed Site

Proposed Use of Site 3 or 5 apartments Site Identifier(s) from Assessors Maps

Acreage of Site / Ground Floor Coverage 1.77 sq. ft. Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors 2

Board of Appeals Action Required: () Yes () No Total Floor Area 7.77 sq. ft.

Planning Board Action Required: () Yes () No

Other Comments: Shore land

Date Dept. Review Due: 10/22/76

FIRE DEPARTMENT REVIEW

(Date Received)

| | ACCESS TO SITE | ACCESS TO STRUCTURES | SUFFICIENT VEHICLE TURNING ROOM | SAFETY HAZARDS | HYDRANTS | SIAMENSE CONNECTIONS | SUFFICIENCY OF WATER SUPPLY | OTHER | |
|------------------------|----------------|----------------------|---------------------------------|----------------|----------|----------------------|-----------------------------|-------|----------------------------|
| APPROVED | ✓ | ✓ | ✓ | | ✓ | | ✓ | | |
| APPROVED CONDITIONALLY | | | | | | | | | CONDITIONS SPECIFIED BELOW |
| DISAPPROVED | | | | | | | | | REASONS SPECIFIED BELOW |

REASONS: _____

Attach Separate Sheet if Necessary)

Capt. H. Miller

SIGNATURE OF REVIEWING STAFF/DATE

FIRE DEPARTMENT COPY

October 4, 1976

125 Commercial Street

DeMillo Construction Company
40 Wellington Road

cc to: Antonio DeMillo
125 Commercial Street
cc to: Bejan Arfaa
37 Harrison Ave.
Portsmouth, N. H.

Gentlemen:

In checking the zoning of the proposed mercantile and residential use at the above location we find the proposed building is located in an I-3 B zone in which a residential use is prohibited.

However, a recent study done by the City of Portland called "The City Edges" reveals that such a combination of uses as are being entertained at the above location might be looked at in a sympathetic light if you would care to approach the Planning Board for a change of zone.

Initially I would suggest you contact Mr. Nickerson or Mr. Holtenhoff of the Planning Board staff who will advise you as to the necessary procedure for requesting a change of zone.

In further processing the plan for compliance with the BOCA Code it would appear the exit way does not meet the requirements of Sec. 607.2 which requires that all exitways be so located as to be discernable and accessible with unobstructed access thereto and so arranged to lead directly to the street or to an area of refuge with supplemental means of egress that will not be obstructed or impaired by fire, smoke or other cause. — *Revised* — 10/4/76

Whenever more than one exit way is required from any room space or floor of the building they shall be placed as remote from each other as practicable and shall be arranged to provide direct egress in separate directions from any point in the area served.

The means of egress now indicated on the plan do not seem to meet that requirement.

Very truly yours,

Earle S. Smith
Plan Examiner

ESS:m

Sept. 28, 1976

125 Commercial Street

DeMillo Construction Company
40 Wellington Road

cc to: Antonio DeMillo
125 Commercial Street
cc to: Bejan Arfaa
37 Harrison Ave.,
Portsmouth, N. H.

Gentlemen:

In making a preliminary plan check of the building proposed to be constructed on an existing foundation at the above address, is not issuable at this time until the following items, which are in conflict with the Building Code are corrected.

Section 302.9 of the 1975 BOCA Building Code does not allow any building to be covered on the outside with exposed wood. — *O.K.*

The same is true of the wooden canopy which would not now be allowed. — *O.K.*

Please file a statement of design (copy enclosed) stating that the roof trusses are good for a 45 pound live load. — *WOOD STRUCTURE BRIDGE*

Section 624 requires that all means of egress in other than one and two family dwellings shall be equipped with artificial lighting facilities to provide the intensity of illumination herein prescribed continuously during the time that conditions of occupancy of the building require exitways be available. *TIME SWITCH*

Section 902 referring to the fire grading of use groups, page 277, the separation between the business and residential area is required to be at least a two hour fire resistant separation, therefore the hallways leading from the second floor to the first floor are required to be of a two hour fire resistant material together with two hour rated door assemblies at top and bottom requiring locksets which will open immediately from the inside without the use of keys, special knowledge or ability. The door at the top is required to be equipped with a self-closing device. — *ONLY SEP. BETWEEN USES.*

Table 214 requires that hallways on the second floor into which the tenants will enter in, in the event of a fire is to be a one hour rated wall and doors from each apartment into this hallway and area of refuge are required to be 1-3/4 inch solid wood core doors equipped with self closing devices.

page 2

DeMillo Construction Co. 125 Commercial St. 9-28-76

This office will need at least four plot plans showing the distance to all lot lines and streets so that this office may submit the plans to Site Plan Review.

We also need the site plan to determine whether or not enough land is available for the use intended in order to further determine whether or not the amount of land will negate the probability of having to appear before the Board of Appeals.

Very truly yours,

Earle S. Smith
Plan Examiner

ESS:m

PRETI, FLAHERTY & BELIVEAU
ATTORNEYS AT LAW
443 CONGRESS STREET
PORTLAND, MAINE 04101

207/775-5531

CABLE MAINSTAY

| | |
|-------------------------|-----------------------|
| JOHN J. FLAHERTY | ROBERT F. PRETI |
| ARTHUR A. PEABODY | ROBERT W. SMITH |
| ALBERT J. BELIVEAU, JR. | SEVERIN M. BELIVEAU |
| MARTIN R. JOHNSON | DAVID M. COHEN |
| JOHN PAUL ELLER | HAROLD C. PATNOS |
| ROBERT E. BURNS | MICHAEL J. GENTILE |
| THOMAS A. COX | GERALD F. PETRUCCELLI |
| RICHARD H. SPENCER, JR. | KEITH A. POWERS |
| HAROLD J. FRIEDMAN | |
| CHRISTOPHER D. NYHAN | JONATHAN S. PIPER |
| JOEL E. MARTIN | ERIC P. STAUFFER |
| LOUISE H. POPPENA | DANIEL RAPAPORT |

AUGUSTA OFFICE
ONE MEMORIAL CIRCLE
AUGUSTA, MAINE 04230
207/622-3187

RUMFORD OFFICE
180 CONGRESS STREET
RUMFORD, MAINE 04278
207/364-4583

January 16, 1979

Department of Building Inspection
City Hall
389 Congress Street
Portland, ME 04101

Gentlemen:

RE: Surface Cleaning Experts and Demolition of
Top Two Floors of Building at 127-137 Commercial
Street in 1976

This office is representing Tony DiMillo in regard to pending litigation in regard to a fire on June 1, 1976 at the above location. I have previously received from your office an application for a demolition permit, a receipt of \$25, and an unsigned Permit No. 176 to deposit materials along the width of Commercial Street at Silver Street.

Because this matter may be going to trial, I would like to receive true and complete certified copies of any and all written permits, receipts, applications, or other documentation in your office relating to any work performed by Surface Cleaning Experts at the above location in 1976.

In addition, I would like to be made aware of what sections of the city ordinances in effect as of June 1, 1976 that were applicable to the demolition work undertaken by Surface Cleaning Experts, so that I may obtain copies of same from the appropriate individual in City Hall. Thank you for your attention to this request.

Sincerely,

Keith A. Powers
/Keith A. Powers

KAP:tc



CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

COMPLAINT

Location
131 Commercial St.

FILE COPY

COMPLAINT NO. 72/71

Date Received July 13, 1972

Location 131 Commercial St.

Use of Building _____

Owner's name and address Jordan Maats

Telephone _____

Tenant's name and address _____

Telephone _____

Complainant's name and address Fire Department.

Telephone _____

Description: 5 story bldg. Rafters, structural members rotted out on 5th floor.
Loose wires - dangerous - no sprinkler heads.

NOTES:

File GL

131 Commercial St.

June 4, 1976

Mr. Tony DiMillo
121 Commercial St.
Portland, Maine

Dear Mr. DiMillo:

The recent fire of June 1, 1976 to the structure at the above address has made it a dangerous condition which is structurally not sound or repairable.

I am requesting that the remains be demolished at the earliest date possible as some of the walls are in imminent danger of collapse. Please be advised accordingly.

Very truly yours,

R. Lovell Brown
Director

RLB:k



CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION
COMPLAINT

INSPECTION COPY

COMPLAINT NO. 76/49

Date Received April 30, 1976

Location:
127-137 Commercial St.

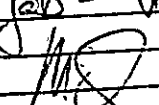
Location 127-137 Commercial St. Use of Building _____

Owner's name and address Tony DiMillo same _____ Telephone _____

Tenant's name and address _____ Telephone _____

Complainant's name and address neighbor Telephone _____

Description: Making a mess of demolition job. Hazardous conditions exist.
Permit issued: #76/0289 to Surface Cleaning

NOTES: 4-30-76 There is a permit out on this job - it's
demolition so it will be a little messy - 

Handwritten signature and large 'X' mark over the remaining lines of the notes section.

PRETI, FLAHERTY & BELIVEAU
ATTORNEYS AT LAW
443 CONGRESS STREET
PORTLAND, MAINE 04101
207/775-5831
CABLE: MAINSTAY

JOHN J. FLAHERTY
ARTHUR A. PEABODY
ALBERT J. BELIVEAU, JR.
MARTIN R. JOHNSON
JOHN PAUL ERLER
ROBERT E. BURNS
THOMAS A. COX
RICHARD H. SPENCER, JR.
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ERIC P. STAUFFER
DANIEL RAPAPORT

ROBERT F. PRETI
ROBERT W. SMITH
SEVERIN M. BELIVEAU
DAVID M. COHEN
HAROLD C. PACHIOS
MICHAEL J. GENTILE
GERALD F. PETRUCCELLI
HAROLD J. FRIEDMAN
CHRISTOPHER D. NYMAN
JOEL C. MARTIN
LOUISE M. POPPEMA
JOHN P. COYLE, JR.

AUGUSTA OFFICE:
ONE MEMORIAL CIRCLE
AUGUSTA, MAINE 04330
207/622-5157

RUMFORD OFFICE:
150 CONGRESS STREET
RUMFORD, MAINE 04276
207/364-4593

April 17, 1979

Department of Building Inspection
City Hall
389 Congress Street
Portland, ME 04101

Gentlemen:

RE: DiMillo's Inc. vs. Surface Cleaning Experts

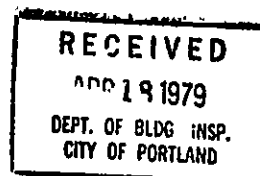
I am enclosing a copy of my letter of January 16, 1979, requesting certified copies of certain documentation in your office. I have not heard from you since sending this letter, and I would appreciate it if someone would forward the appropriate information or call me to explain what is available and not available.

Sincerely,

Keith
Keith A. Powers

KAP:tc
Enclosure

*Sent Certified Copies
of permit 4-18-79*



PRETI, FLAHERTY & BELIVEAU
ATTORNEYS AT LAW
443 CONGRESS STREET
PORTLAND, MAINE 04101

207/775-5131

CABLE MAINSTAY

| | |
|-------------------------|------------------------------|
| JOHN J. FLAHERTY | ROBERT F. PRETI |
| ARTHUR A. PEABODY | ROBERT W. SMITH |
| ALBERT J. BELIVEAU, JR. | SEVERIN H. BELIVEAU |
| MARTIN R. JOHNSON | DAVID H. COHEN |
| JOHN PAUL ELLER | HAROLD C. PACHIOS |
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| JOEL C. MARTIN | ED. C. STAUFFER |
| LOUISE M. POPPEMA | DANIEL RAPAPORT |

AUGUSTA OFFICE:
ONE MEMORIAL CIRCLE
AUGUSTA, MAINE 04330
207/622-3197

BUMFORD OFFICE
150 CONGRESS STREET
BUMFORD, MAINE 04278
207/384-4393

January 16, 1979

Department of Building Inspection
City Hall
389 Congress Street
Portland, ME 04101

Gentlemen:

RE: Surface Cleaning Experts and Demolition of
Top Two Floors of Building at 127-137 Commercial
Street in 1976

This office is representing Tony DiMillo in regard to pending litigation in regard to a fire on June 1, 1976 at the above location. I have previously received from your office an application for a demolition permit, a receipt of \$25, and an unsigned Permit No. 176 to deposit materials along the width of Commercial Street at Silver Street.

Because this matter may be going to trial, I would like to receive true and complete certified copies of any and all written permits, receipts, applications, or other documentation in your office relating to any work performed by Surface Cleaning Experts at the above location in 1976.

In addition, I would like to be made aware of what sections of the city ordinances in effect as of June 1, 1976 that were applicable to the demolition work undertaken by Surface Cleaning Experts, so that I may obtain copies of same from the appropriate individual in City Hall. Thank you for your attention to this request.

Sincerely,

Keith A. Powers
/Keith A. Powers

KAP:tc

CITY OF PORTLAND, MAINE
BUILDING & INSPECTION SERVICES

Date April 30, 1976

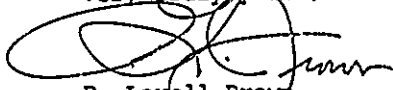
To: Surface Cleaning

With relation to permit applied for to demolish a ~~the top two~~
~~floors of abandon dwelling at 127-137 Commercial~~ belonging to
~~Tony Dikille~~, it is unlawful to
commence demolition work until a permit has been issued from this
department.

Section 6 of the Ordinance for rodent and vermin control provides,
"It shall be unlawful to demolish a building or structure unless
provision is made for rodent and vermin eradication. No permit for
the demolition of a building or structure shall be issued by the
Building and Inspection Services Department until and unless provi-
sions for rodent and vermin eradication have been carried out under
supervision of a pest control operator registered with the Health
Department."

The building permit for demolition cannot be issued until the
provisions of this section have been satisfied. It is the obligation
of owner or demolition contractor or both to take up with the Health
Department the matter of complying with this section, being prepared
to inform that department what registered pest control operator is
to be employed.

Very truly yours,


R. Lovell Brown
Director

Health Department comments: 4.21.76 No Evidence of
Rodent activity gfb

Copies to:
Original - - - - - applicant
Health (Mr. Blain) - - - - - 2
Health (Mr. Noyes) - - - - - 1
Public Works - - - - - 1
Fire Department - - - - - 1



APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP 0289

APR 22 1976

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION PORTLAND, MAINE, 4/20/76

CITY of PORTLAND

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

The undersigned hereby applies for a permit to erect, alter, repair, demolish 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 ... 127-137 Commercial St. Fire District #1 ☐, #2 ☐
1. Owner's name and address . Dimillo, Commercial St. Telephone
2. Lessee's name and address Telephone 774-6428
3. Contractor's name and address Surfas Cleaning Box 7060 Portland Telephone
4. Architect Specifications Plans No. of sheets
Proposed use of building No. families
Last use No. families
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ Fee \$ 25.00

FIELD INSPECTOR—Mr. Marge

GENERAL DESCRIPTION

This application is for: @ 775-5451

To demolish top two floors of abandon bldg.

Dwelling Ext. 234

Garage

Masonry Bldg.

Metal Bldg.

Alterations

Dev. actions

Change of Use

Other

Stamp of Special Conditions

to Health Dept. 4/20

Rec'd from Health Dept.

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 ☐

Other:

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?

APPROVALS BY:

DATE

MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER

Will work require disturbing of any tree on a public street? ..

ZONING:

BUILDING CODE: P.S. 8. 4/22/76

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 Phone #

Type Name of above Therese Audette 1 ☐ 2 ☐ 3 ☐ 4 ☐

Other

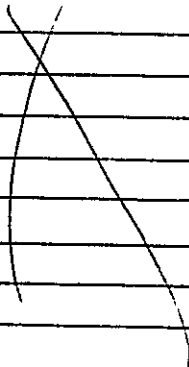
and Address

FIELD INSPECTOR'S COPY

NOTES

4-28-76 - No work started - MRS
 5-4-76 Work started - has precautions around
 important perimeter - MRS
 5-11-76 Cleaned up the cave-in from along the
 sidewalk - working - MRS
 5-18-76 Still working - MRS
 5-26-76 Most of top floor removed - MRS
 6-2-76 Most of the rest of the bldg was destroyed
 by fire - MRS
 6-30-76 All of structure down - some piles of
 Rubble still left that must
 be cleaned up - MRS
 8-2-76 Most of Rubble cleaned
 up & foundation area closed
 in but not filled in - MRS
 MR Brown has spoken with owner

Permit No. 76/0289
 Location 127-137 Commercial
 Owner D. J. Miller
 Date of permit 4/22/76
 Approved Municipal 2-1-1 4/20/76





FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR
HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, December 19, 1957

PERMIT ISSUED

01947

DEC 20 1957

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 131 Commercial St. Use of Building Meat Packing No. Stories 4 New Building
Name and address of owner of appliance Jordana Ready-to-Eat Meats 131 Commercial St. Existing
Installer's name and address Ballard Oil & Equipment Co. Telephone

General Description of Work

To install oil fired steam boiler and relocate oil storage

IF HEATER OR POWER BOILER

Location of appliance Basement Any burnable material in floor surface or beneath? None
If so, how protected? Kind of fuel? #2 oil
Minimum distance to burnable material, from top of appliance or casing top of furnace 7"
From top of smoke pipe 23" From front of appliance 6' From sides or back of appliance 2'
Size of chimney flue 18 x 18 Other connections to same flue None
If gas fired, how vented? Rated maximum demand per hour 15,000 GPH
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? Yes

IF OIL BURNER

Name and type of burner Ballard Gun Type Model L Labelled by underwriters' laboratories? Yes
Will operator be always in attendance? No Does oil supply line feed from top or bottom of tank? Top
Type of floor beneath burner Concrete Size of vent pipe 1 1/2"
Location of oil storage Basement Number and capacity of tanks 2-275 gallon
Low water shut off Make Mc Donnell & Miller No #47-2
Will all tanks be more than five feet from any flame? Yes How many tanks enclosed? None
Total capacity of any existing storage tanks for furnace burners existing tanks to be relocated as shown on plan

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Height of Legs, if any
Skirting at bottom of appliance? Distance to combustible material from top of appliance?
From front of appliance From sides and back From top of smokepipe
Size of chimney flue Other connections to same flue
Is hood to be provided? If so, how vented? Forced or gravity?
If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Replacing boiler on first floor existing.

Mr. Cole has had a boiler installed in the basement under the wall
type and operates at 20 lbs. pressure. The boiler is a
three foot type of boiler underwriters' label
a bench clearance overhead - See Page 229 of
International Building Code of N.B.I.U. 1957.

Amount of fee enclosed? \$2.00 (\$3.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

OK-12/20/57-AGS

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?

Ballard Oil & Equipment Co.

INSPECTION COPY

Signature of Installer

Richard J. Cole, Manager
Oil Heating Department

NOTES

Permit No. 57/1947
Location 131 Commercial St.
Owner Peulacio Kelly-T. & J. Roth
Date of permit 17 20 197
Approved 3/27/58

2/6/58 Remote control
limited needed & values
suppl. line. — Allan

AP - 131 Commercial Street

March 5, 1958

J. E. Roberts Construction Co.
1024 Washington Ave.

Copy to: Jordan's Ready-To-Eat Meats
131 Commercial St.

Ballard Oil & Equipment Co.
135 Marginal Way

Gentlemen:

Upon inspection of the above job on March 5, 1958, the following omissions or defects were found:

Cleanout door needed in chimney extension. (See our letter to you of December 17, 1957)

Hole in wall where smokepipe passes thru the rear wall of boiler room.

It is important that correction of these conditions be made before March 19, 1958, and notification be given this office of readiness for another inspection.

If additional information relative to the above is desired, please phone Inspector Allan Soule at 4-1431, extension 234, any week day but Saturday between 8:00 and 8:30 A.M.

Very truly yours,

A. Allan Soule
Field Inspector

AAS/H

December 17, 1957

AP - 131 Commercial Street

J. E. Roberts Construction Co.
1024 Washington Avenue

d co. to Jordan's Ready-To-Eat Meats
131 Commercial Street
Ballard Oil & Equipment Co.
133 Marginal Way

Gentlemen:

Approval of the Municipal Officers for projections into Wharf Street having been secured, permit for construction of enclosing walls and ceiling for new heater room in basement and for an extension on side of existing chimney at the above named location is issued herewith based on plan filed with application for permit but subject to the following conditions:-

1. A cleanout door is to be provided for chimney extension.
2. It is understood that existing heater in first story is to be removed as soon as new installation is ready for operation and permit is issued on this basis.
3. A separate permit issuable only to the actual installer is required for installation of the new heating boiler.

Very truly yours,

Albert J. Sears
Deputy Inspector of Buildings

AJS:M

*approved by MO
12/4/57*

City of Portland, Maine

IN BOARD OF MUNICIPAL OFFICERS

C O P Y

ORDERED, that a building permit authorizing alterations to building at 131-137 Commercial Street, owned by Emma E. Jordan and occupied by Jordan's Ready-To-Eat Meats, be and hereby is approved as per Section 103c of the Building Code to include maximum projections of 30 inches into Wharf Street, which the rear of the building abuts:

--of an addition extending several feet above grade to the side of an existing outside chimney which is located within the limits of the street;

--and of an areaway about $4\frac{1}{2}$ feet long extending several inches above the surface of the ground

subject to an agreement to be entered into between the owner and the City of Portland relating to the construction and maintenance of these projections into the public way, and subject to full compliance with all terms of the Building Code and all other laws relating to the same subject matter.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Julian H. Orr, City Manager
DATE November 22, 1957
FROM: Albert J. Soars, Deputy Inspector of Buildings
SUBJECT: Municipal Officers order relating to projections into Wharf Street
from rear of building at 131-137 Commercial St.

In re-locating a heating boiler in this building from its present location in first story to the basement it becomes necessary to extend the existing outside chimney flue below grade, which they propose to do by building a new section of chimney beside the existing one and extending it above grade until it can be sloped to make connection with the existing flue. Projection into the street from the building will be no greater than that of the existing chimney.

The new areaway is needed to provide air for combustion purposes to the heater room to be constructed for enclosure of the new boiler. There already are several existing areaways which are located within the limits of the street and new areaway is to project no more than do the existing ones.

AJS/H

Deputy Inspector of Buildings

November 19, 1957

AP - 131 Commercial Street

J. E. Roberts Construction Co.
1024 Washington Avenue
Ballard Oil & Equipment Company
135 Marginal Way

cc to: Jordan's Ready-To-Ent-Ments
131 Commercial Street

Gentlemen:

Examination of plan filed with application for permit for construction of enclosing walls for new boiler room in basement discloses the following questions as to compliance with Building Code requirements:

1. It appears that the work is to also involve construction of an addition to the side of an existing outside chimney and of a new areaway, both of which according to any information we have available it appears will be located within the limits of Wharf Street which abuts the rear of the building. If this is the case, we can issue a permit for such construction only after approval for these projections has been given by the Municipal Officers.

2. According to plan it appears that clearance between top of new boiler to be installed and new plastered ceiling is to be very small. It should be borne in mind that, while perhaps the proposed metal lath and plaster ceiling can be accepted in lieu of a shield, the minimum clearance even with a shield allowable under the Building Code between the top of the boiler and any combustible material above is ten inches unless the appliance is to be of a type approved for a lesser clearance by a recognized testing laboratory.

3. The proposed enclosure of the new heater does not meet Building Code requirements for a required heater room in that oil storage tanks and all of smokepipe are not to be within the enclosure. A building of this height and use (we understand it is equipped with an automatic sprinkler system throughout) is ordinarily required to have heater, fuel storage and smokepipe enclosed in separations of at least one-hour fire resistance. However, it appears that the existing heating plant is now located in the first story in some sort of a sub-standard enclosure. What are the plans in regard to this existing plant? It may be that some allowance can be made if changes are to provide improved conditions as regards fire safety over those existing, but we need to know just what the situation is to be before a decision can be made.

We shall of course be unable to issue a permit for construction of the proposed heater room until information indicating compliance with Building Code requirements has been received.

Very truly yours,

Albert J. Sears
Deputy Inspector of Buildings

AJS:M

Jo
bl
e-
mud



I-2 INDUSTRIAL ZONE
APPLICATION FOR PERMIT

Class of Building or Type of Structure Nov. 2nd class
Portland, Maine Nov. 15, 1957

PERMIT ISSUED
01917
DEC 17 1957
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 131 Commercial St. Within Fire Limits? yes Dist. No. 1
Owner's name and address Jordan's Ready-To-Eat Meats, 131 Commercial St. Telephone
Lessee's name and address Telephone
Contractor's name and address J.E. Roberts Construction Co., 1024 Washington Ave Telephone 3-6576
Architect Specifications Plans yes No. of sheets 1
Proposed use of building Processing Meats No. families
Last use No. families
Material brick No. stories 4 Heat Style of roof Roofing
Other building on same lot
Estimated cost \$ 500.00 Fee \$ 2.00

General Description of New Work

To erect 8" concrete block wall with fire door and metal lath and plaster ceiling.
To provide boiler room for new boiler as per plan.

Permit Issued with Letter

Approved by Municipal Officers 12/4/57

12/16/57 - Mrs. Meally says agreement has been signed and
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 contractor**

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
Material of underpinning Height Thickness
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
Kind and thickness of outside sheathing of exterior walls?
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

Jordan's Ready-To-Eat Meats.
J.E. Roberts

Signature of owner by: J.E. Roberts

INSPECTION COPY

F.M.

NOTES

1/3/58 - work started.

1/16/58 - Oil storage has been relocated. Risk of work has not been done.

2/6/58 - First chimney needed. Hole in wall. Clear work done for chimney.

3/5/58 - Hole in wall in the rear of boiler room. Clean out door for chimney needed.

3/26/58 - work done.

| | |
|---------------------------|-----------------------------------|
| Permit No. | 57/1917 |
| Location | 31 Commercial St. |
| Owner | William O. Cook, 25 East Main St. |
| Date of permit | 12/17/57 |
| Notif. closing-in | |
| Inspn. closing-in | |
| Final Notif. | |
| Final Inspn. | |
| Cert. of Occupancy issued | |
| Staking Out Notice | |
| Form Check Notice | |



(G) GENERAL BUSINESS ZONE
APPLICATION FOR PERMIT

00437

Class of Building or Type of Structure Brick building
Portland, Maine, March 26, 1953

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair or 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 131-137 Commercial Street Within Fire Limits? _____ Dist. No. _____
Owner's name and address Jordan's Ready-to-eat-meats, 127 Commercial St. Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Eastern Fire Protection Co., Lewiston, Maine Telephone 2-411
Architect _____ Specifications _____ Plans yes No. of sheets 1
Proposed use of building Meat processing No. families _____
Last use " " No. families _____
Material second No. stories 4 Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$ 2.00

General Description of New Work

To install automatic wet sprinkler system as per plan.

PERMIT ISSUED WITH MEMO

REQUIREMENTS

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** Eastern Fire Protection 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? _____
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 _____
Material of underpinning _____ Height _____ Thickness _____
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 _____ Girt or ledger board? _____ Size _____
Girders _____ Size _____ 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? _____

APPROVED:

[Signature]
Inspector of Buildings

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

Jordan's Ready-to-eat-meats

Signature of owner by: *[Signature]*

INSPECTION COPY