

EREBUS
69-71 CENTER ST

No 803L

2/24/75

11.30 A.M.

26 March

9 AM

EREBUS 2/24/75

FROM THE DESK OF:
DAVID A. LOURIE
ASSISTANT CORPORATION COUNSEL

*This file belongs
to you —*

BUS
CENTER ST

36

P.M.

ERB 505 2/14/1955

Edward I. Barnstein, City Councilor

12/23/74

George A. Flaherty, Assistant City Manager

Zoning Problem - Center Street

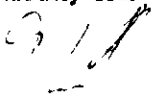
At the last Council meeting (December 16, 1974) you requested a status report on the zoning situation in the area of Center Street. The basic concern here is the parking lot which abutts Mr. Zakarian's property.

This is to advise you that the City went to court with Krebs December 5, 1974, District Court. As a result of the City's legal action Krebs agreed that they would apply for a certificate of occupancy for this parking lot. It is my understanding that Krebs' contention is that the Zoning Ordinance only required fencing of a parking lot in a residential area. It was the opinion of the City's attorney that instead of pursuing litigation on the 5th which he felt would result in a fine of \$10, it would be to the City's and the abutting property owner's advantage to continue the case to February 3, 1975. During this period Krebs would apply for a certificate of occupancy.

This would then allow jurisdiction to rest with the City so that the city could follow the Zoning Ordinance as a measure of obtaining compliance of the Zoning code.

It is the City's intention that when the property owner files for his certificate of occupancy and if the fence question is unresolved by this action then the applicant would then seek to have the fence requirement resolved through the Zoning Board of Appeals process.

If the Zoning Board of Appeals upholds the decision that a fence must be installed the attorney for Krebs stated that they would comply completely with the findings of the Zoning Board of Appeals and plead guilty at the hearing of February 3rd.


George A. Flaherty
Assistant City Manager

GAF/cb

cc: John E. Henario, City Manager
—Ellsworth T. Rundlott, Assistant Corporation Counsel

December 24, 1974

Mr. Herb Gideon
Erebus
52 Center Street
Portland, Maine

Re: Center Street Parking Lot - Certificate of Occupancy

Dear Herb:

On December 5 your District Court case regarding the above captioned matter was continued with the understanding that you would begin procedures to secure a certificate of occupancy and if necessary an appeal to the Zoning Board. I have been notified that you have discontinued all such efforts, that you have failed to keep appointments and that your plans are grossly inadequate and inaccurate.

If I do not receive word that you are cooperating with the Department of Building and Inspection and the Planning Department I shall consider injunctive relief from Superior Court to prevent you from using your parking lot whatsoever.

Sincerely,

Ellsworth T. Rundlett III
Assistant Corporation Counsel

cc: R. Lovell Brown, Department of Building and Inspection Services
Brian Nickerson, Planning Department

ETR/cie

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Derry Runlett, Asst. Corporation Counsel

DATE: 8-30-74

FROM: A. Allan Soule, Asst. Director Building & Inspection Services


SUBJECT:

Location: 69-71 Center Street -

Parking Lot

As per your request, I have inspected Mr. Gideon's (Erebus) parking lot at the above named location and I find no changes have taken place as of this date. I have called Mr. Gideon only to be informed that he is out of town and will not be back until some time next week.

As a point of information I wrote Mr. Gideon a letter on November 20, 1972, in which I explained that his parking lot was in violation of the Zoning Ordinance, and the steps that he must take to correct this.


A. Allan Soule,
Asst. Dir. Building & Inspection Services

AAS:m

August 30, 1974

Mr. Herb Gideon
Erebus
69 Center Street
Portland, Maine

Dear Herb:

Pursuant to our telephone conversation of last week it was my impression that you would contact Allan Soule, Assistant Director of Building Inspection Services, to discuss arrangements for your parking lot to meet with zoning specifications.

Please understand that I do not wish to be contacted frequently by certain citizens who are concerned by your noncompliance. As this matter is referred to me, I now have no choice but to take legal action against you if your request for compliance is not met.

While I understand your busy schedule, I hope you can appreciate the fact that if I do not receive notice from the Department of Building and Inspection that you have contacted them and arranged a meeting with Mr. Soule, I shall initiate action immediately.

I shall look forward to your cooperation so that this matter can be handled without the necessity of going to court.

Sincerely,

Ellsworth T. Rundlett III
Assistant Corporation Counsel

ETR/dlh

File

mrc
JH
DJK

69-71 Center Street

November 20, 1972

Erebus, Inc.
52 Center Street
Gentlemen:

cc to: Popkins Zakarian
65 Center Street

An inspector from this department reports that a parking lot owned by you at the above named location is now in disrepair. I realize that it may be due to the new Spring Street arterial, but I would call your attention to the following Zoning Ordinance requirements:

1. Sec. 602.14H.2 of the Zoning Ordinance states: where such off-street parking shall abut a lot in residential use, a chain link, picket or sapling fence not less than 48" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Authorization for off-street parking for 5 commercial vehicles at this location was given on April 22, 1963. At that time a chain link fence was provided between this lot and the residential property, towards the waterfront. An inspection showed that only the posts now remain of this fence.

2. If you desire now to park more than 6 motor vehicles in this lot it will be necessary to provide a continuous guard curb, rectangular in cross section, at least 6" in height and permanently anchored, shall be provided and maintained at least 5' from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20" in height, and shall be provided and maintained between such off street parking and that part of the street or lot line involved so the bumpers of the vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface. (Sec. 602.14H.1).

3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street. (Sec. 602.14J.3).

I would suggest that you check with this department and see the plans and letter of authorization given for the parking lot in 1963. You may desire at this time to change the driveway opening for example. If I can be of any help in this matter please do not hesitate to call me here at this office.

Very truly yours,

A. Allan Soule, Assistant Director

S:m

CITY OF PORTLAND, MAINE
Building & Inspection Services

August 6, 1974

ADDRESS 69-71 Center Street

OWNER Erebus Inc. @ 62 Center Street

C
O
P
Y

An inspector from this department reports that the parking lot at the above named location is not being used and maintained per the requirements of the Zoning Ordinance Section 602.14H.2. Unless you can prepare it to its proper condition within 10 days, it will be necessary to refer this case to the Corporation Counsel for whatever action he may deem necessary to enforce the Zoning Ordinance.

Reference is made to numerous letters, conversations, and verbal commitments by you to comply, see letter of November 20, 1972. Reapplication for a certificate of occupancy is required thru this office.

Very truly yours,

R. Lovell Brown
Director

RLB:mas

CITY OF PORTLAND, MAINE
Building & Inspection Services

52 Center Street

February 12, 1975

C
Mr. Herbert Gideon
Erebus, Inc.
52 Center St.
Portland, Maine

c.c. Corporation Counsel
Att: Darry Ruddlett

c.c. Thomas Brand
193 Middle St.

O
Gentlemen:

In reviewing our letter to you dated, February 6, 1975, there was
a typographical error on line 11. The words "municipal offices"
P should have read "municipal officers."

Very truly yours,

A. Allan Soule
Assistant Director

Y
AAS:k

CITY OF PORTLAND, MAINE
Department of Building Inspection
69-71 Center Street

November 20, 1972
CC: to: Popkins Zakarian
65 Center Street

Erebus, Inc.
62 Center Street

Gentlemen:

An inspector from this department reports that a parking lot owned by you at the above named location is now in disrepair. I realize that it may be due to the new Spring Street arterial, but I would call your attention to the following Zoning Ordinance requirements:

1. Sec. 602.14H.2 of the Zoning Ordinance states: where such off-street parking shall abut a lot in residential use, a chain link, picket or sapling fence not less than 48" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Authorization for off-street parking for 5 commercial vehicles at this location was given on April 22, 1963. At that time a chain link fence was provided between this lot and the residential property, towards the waterfront. An inspection showed that only the posts now remain of this fence.

2. If you desire now to park more than 6 motor vehicles in this lot it will be necessary to provide a continuous guard curb, rectangular in cross section, at least 6" in height and permanently anchored, shall be provided and maintained at least 5' from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20" in height, and shall be provided and maintained between such off street parking and that part of the street or lot line involved so the bumpers of the vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface. (Sec. 602.14H.1).

3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street. (Sec. 602.14J.3).

I would suggest that you check with this department and see the plans and letter of authorization given for the parking lot in 1963. You may desire at this time to change the driveway opening for example. If I can be of any help in this matter please do not hesitate to call me here at this office.

Very truly yours,

A. Allan Soule, Assistant Dir.

From the desk of —
A. Allan Soule

5/31/74

69-71 Center St.

Bob-

| All we can do now is
take Evedus to court.

from the desk of -

Mrs. Patricia E. Meally 5/30/74

Allan Soule:

Mr. Zakarian visited
Mr. O'Brien and began again the problem
with Erebus, leaving the attached copy
of your letter.

Will you please review
the situation and take such further
action as your department deems
necessary and appropriate, and keep us
generally advised.

Thanks,

Pat

CITY OF PORTLAND, MAINE

Department of Building Inspection

69-71 Center Street

November 20, 1972

CC: to: Popkins Zakarian
65 Center Street

Erebus, Inc.
62 Center Street

Gentlemen:

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2. If you desire now to park more than 6 motor vehicles in this lot it will be necessary to provide a continuous guard curb, rectangular in cross section, at least 6" in height and permanently anchored, shall be provided and maintained at least 5' from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20" in height, and shall be provided and maintained between such off street parking and that part of the street or lot line involved so the bumpers of the vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface. (Sec. 602.14H.1).

3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street. (Sec. 602.14J.3).

I would suggest that you check with this department and see the plans and letter of authorization given for the parking lot in 1963. You may desire at this time to change the driveway opening for example. If I can be of any help in this matter please do not hesitate to call me here at this office.

Very truly yours,

A. Allan Soule, Assistant Dir.

Section 602.14

A. Off-street parking, either by means of open-air spaces, each having an area eight feet wide and eighteen feet long, or by garage space, in addition to being a permitted use in certain zones, shall be considered as an accessory use when required or provided to serve conforming uses located in any zone.

B. In those zones where off-street parking is required, the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations, and changes of use:

1. 1 parking space for each dwelling unit except that in an R-5 Residence Zone only one space need be provided for each lot under 5,000 square feet and in an R-6 Residence Zone only one space need be provided for each lot under 5,000 square feet and only two spaces for each lot of 5,000 square feet to 5,500 square feet.
2. 1 parking space for each sleeping room.
3. 1 parking space for each 4 guest rooms.
4. 1 parking space for each room used for purposes of instruction.
5. 1 parking space for each 10 seats or major fraction thereof, used for purposes of instruction; if no fixed seats, 1 parking space for each 100 square feet or major fraction thereof used for purposes of instruction.
6. 1 parking space for each 500 square feet or major fraction thereof, of floor area, exclusive of cellar.
7. 1 parking space for each 5 seats or for each 100 square feet, or major fraction thereof, of assemblage space if no fixed seats.

OFF-STREET PARKING

Off-street parking defined
602.14 A.

Uses requiring off-street parking
602.14 B.

Use classification; and number of required parking spaces

Residential structures
602.14 B. 1.

Tourist home, tourist court, motel, cabins
602.14 B. 2.

Hotels and lodging houses
602.14 B. 3.

Schools providing instruction for students up to and including those 15 years of age
602.14 B. 4.

Schools providing instruction for students 16 years of age and over
602.14 B. 5.

Hospitals, sanitariums, nursing homes
602.14 B. 6.

Auditoriums, theaters, assembly halls, funeral homes
602.14 B. 7.

A TRUE COPY. --ATTESI

Arthur H. Duffett
ARTHUR H. DUFFETT
CITY CLERK, PORTLAND, MAINE

DATED Jan 4, 1927

Retail stores
602.14 B. 8.

8. 1 parking space for each 150 square feet or major fraction thereof, of first floor area in excess of 3,000 square feet not used for bulk storage and 1 parking space for each 400 square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage.

Restaurants or establishments constructed and intended for the dispensing of food and drink as the principal activity
602.14 B. 9.

9. 1 parking space for each 100 square feet, or major fraction thereof, of floor area not used for bulk storage or food preparation.

Offices, professional and public buildings
602.14 B. 10.

10. 1 parking space for each 400 square feet or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.

Church and customarily incidental accessory uses located on same or contiguous lots
602.14 B. 11.

11. 1 parking space for each 10 fixed seats in excess of 250, or major fraction thereof; if no fixed seats, 1 parking space for each 100 square feet, or major fraction thereof, of area in sanctuary or principal place of assemblage for worship in the church.

For that part of every business, manufacturing, and industrial building not catering to retail trade and with floor area over 3,000 square feet

12. 1 parking space for each 1,000 square feet of floor area, or major fraction thereof.

602.14 B. 12.
To be located on lot with principal use in Residence Zones; exceptions
602.14 C.

C. Required off-street parking in all Residence Zones and accessory off-street parking in R-1 through R-5 Residence Zones shall be located on the same lot with the principal building or use, except that the Board of Appeals may permit such off-street parking to be located at a distance of not more than 300 feet from said principal building or use, measured along lines of public access where it can not reasonably be provided on the same lot if the premises to be used for parking are held under the same ownership or lease as the building or use served and if said premises are located in the same or a less restricted zone as the building or use served. Evidence of such control, either deed or lease, shall be required.

A TRUE COPY, ATTEST:


ARTHUR H. DUFFETT
CITY CLERK, PORTLAND, MAINE

DATED Jan 4, 1922

To be located on lot with principal use in Business and Industrial Zones; exceptions
602.14 D.

D. Required off-street parking in all Business and Industrial Zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except that where off-street parking can not be provided within these limits, the Board

of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use measured along lines of public access if the premises to be used for parking are held under the same ownership or lease. Evidence of such control, either deed or lease, shall be required.

A TRUE COPY, ATTEST:
Arthur H. Duffett
 ARTHUR H. DUFFETT
 CITY CLERK, PORTLAND, MAINE
 DATED *Jan 4* 19*77*

E. Off-street parking shall not include:

1. More than one commercial motor vehicle per dwelling unit in any Residence Zone or in any B-1 Business Zone.
2. More than six commercial motor vehicles in any B-2 Business Zone.
3. Loading, sales, dead storage repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal building or use when located in an I-2, I-2b, I-3 and I-3b Industrial Zone.

Off-street parking restricted

602.14 E.
 602.14 E. 1.

 602.14 E. 2.

 602.14 E. 3.

F. Where off-street parking for six or less vehicles is required or provided in any Residence Zone, it shall not be located closer than 50 feet to any street line if less than 5 feet from any lot line and shall not be closer to any street line than the required depth of the front yard for the same lot, except on a corner lot where the minimum depth from the line of the side street shall be the minimum width of the side yard on the side street.

Location in Residence Zones for six or less vehicles

602.14 F.

G. Where off-street parking for more than six vehicles is required or provided for non-residential uses in Residence Zones, it shall not be located closer than 25 feet to any residential structure on an adjoining lot.

Location in Residence Zones for more than six vehicles

602.14 G.

H. Where off-street parking for more than six vehicles is required or provided on a lot in a Residence Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side, and rear yards in the zone in which such parking is located, the following requirements shall be met:

When located within required open yard areas in Residence Zones

602.14 H.

1. A continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches

602.14 H. 1.

in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles can not project beyond its face toward the street or lot line involved, either above or below the impact surface.

602.14 H. 2.

- 2. Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residence Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

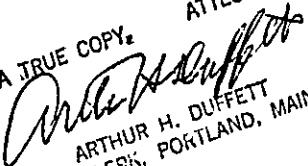
When located adjacent to a street or a residential use

602.14 I.

602.14 I. 1.

I. Where off-street parking for more than six vehicles is required or provided on a lot in any Business Zone, the following requirements shall be met:

- 1. Where vehicles are to be or may be parked within ten feet of any street line, a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles can not project beyond its face toward the street line involved either above or below the impact surface.

A TRUE COPY, ATTEST:

 ARTHUR H. DUFFETT
 CITY CLERK, PORTLAND, MAINE

DATED 2-27, 1975

602.14 I. 2.

- 2. Where such off-street parking shall abut a lot in a Residence Zone or a lot in residential use, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.


Construction requirements when more than six vehicles parked

602.14 J.

602.14 J. 1.

J. Where off-street parking for more than six vehicles is required or provided, the following construction requirements shall apply.

- 1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the Traffic Engineer. When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.

A TRUE COPY, ATTEST:

 ARTHUR H. DUFFETT
 CITY CLERK, PORTLAND, MAINE

DATED Jan 4, 1977

2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a sub-grade consisting of gravel or equivalent materials at least six inches in depth, well compacted, and with a wearing surface equivalent in qualities of compaction and durability to fine gravel. 602.14 J. 2.
3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street. 602.14 J. 3.
4. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways. 602.14 J. 4.

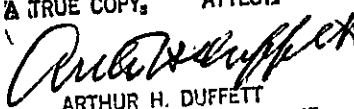
K. The Board of Appeals may, in specific causes of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the streets. Board of Appeals may reduce requirements 602.14 K.

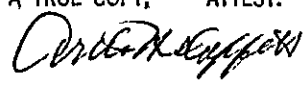
L. The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments. Board of Appeals may approve joint use 602.14 L.

M. In R-1 through R-5 Residence Zones, the Board of Appeals may permit off-street parking for passenger cars only accessory to a use located in and conforming with the provisions of a nearby Business or Industrial Zone (except B-1 Business Zones) if the lot on which the use is proposed is located wholly within 300 feet, measured along lines of public access, of the principal building of the use to which the proposed use would be accessory and provided further that: Board of Appeals may authorize parking in certain residence zones 602.14 M.

(1) The lot where the parking use is proposed shall be under the control of the owner of the use to which the parking use would be accessory. Evidence of such control by deed or lease shall be required before the certificate of occupancy is issued. If such control should be abrogated, the parking use thus allowed shall automatically revert to a non-conforming use in violation of this ordinance and shall be terminated forthwith. 602.14 M. (1)

(2) No such appeal shall be in order for hearing before the Board of Appeals until the City Planning Board shall have reviewed the site plan accompanying the application for building permit or certificate of occupancy for such use and shall have submitted its recommendations with respect thereto. 602.14 M. (2)

A TRUE COPY, ATTEST:

 ARTHUR H. DUFFETT
 CITY CLERK, PORTLAND, MAINE

A TRUE COPY, ATTEST:

 ARTHUR H. DUFFETT
 CITY CLERK, PORTLAND, MAINE

DATED 2.24, 1925

DATED Jan 4, 1927

Expiration of
right granted by
appeal
602.25 L.

L. A right by appeal under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date on which the appeal is granted, and if the work or change is not substantially completed within one year of the date on which such appeal is granted.

Successive appeals
602.25 M.

M. If the Board of Appeals shall deny an appeal respecting certain buildings or premises, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.

LEGAL PROVISIONS

Section 602.26

Relation to other
ordinances
602.26 A.

A. This Ordinance shall not repeal the provisions of any other Ordinance relating to the use of buildings or premises; provided, however, that where this Ordinance imposes greater restrictions, it shall control.

Separability
602.26 B.

B. In the event that any section, subsection, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance.

Violations
602.26 C.

C. The Building Inspector is authorized to institute or cause to be instituted by the Corporation Counsel in the name of the City of Portland any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

Penalty
602.26 D.

D. Any person, firm, or corporation, being the owner or occupant of, having control of, or the use of, any building or premises, or part thereof, who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$5.00 nor more than \$50.00. Each day such violation continues shall constitute a separate offense.

A TRUE COPY, ATTEST:

Arthur H. Duffett
ARTHUR H. DUFFETT
CITY CLERK, PORTLAND, MAINE

ARTHUR H. DUFFETT
CITY CLERK, PORTLAND, MAINE

DATED Jan 4 1927

DATED 2.04 1925

Certificate of
occupancy required
602.22 C.

C. No building or part thereof, shall be constructed, altered, enlarged, or moved unless a permit for such action has been issued by the Building Inspector. Applications for building permits and certificates of occupancy required by the Building Code shall also serve as applications for permits required by this Ordinance. After the building, structure, or part thereof has been completed, altered, enlarged, or moved, a certificate of occupancy shall be obtained for the proposed use before the same may be occupied or used. A certificate of occupancy shall be required for any of the following:

602.22 C. 1.

602.22 C. 2.

602.22 C. 3.

602.22 C. 4.

602.22 C. 5.

1. Any increase in the number of dwelling units in a building.
2. Establishment of any home occupation.
3. Change in the use of a non-conforming use, whether of land or buildings.
4. Occupancy and use, or change of use, of vacant land, except for the raising of crops.
5. Change in the use of an existing building, whether or not alterations are involved, from any use in the following list to any of the uses following it on said list:

Manufacturing or processing use
Residential use
Retail use or service
Storage warehouse use
Transportation or truck terminal use
Wholesale use

A TRUE COPY. ATTEST:
Arthur H. Duffett
ARTHUR H. DUFFETT
CITY CLERK, PORTLAND, MAINE

DATED 2-24, 1975.

Plans to be sub-
mitted

602.22 D.

D. A site plan showing the dimensions of the lot and of all buildings, yards, and parking spaces, existing or proposed, shall accompany each application to the Building Inspector for a building permit or certificate of occupancy. Site plans of all off-street loading and off-street parking whether or not such parking is located on the same lot with the building for which it is required or which it is to serve, shall be provided.

Section 602.23

BOARD OF APPEALS

Appointments; terms;
chairman
602.23 A.

A. There shall be a Board of Appeals of three members and one associate member, all of whom shall be residents of the City of Portland. The members of the Board shall be appointed by the City Council so that the terms of not more than one member shall expire each year.

52 Center Street

February 6, 1975

Mr. Herbert Gideon
Erebus, Inc.
52 Center St.
Portland, Maine

C.C. Corporation Counsel
Att: Derry Rundlett

C.C. Thomas Brand
193 Middle St.

Gentlemen:

We do not understand why you are taking the issue of a parking lot to the courts because you have already applied for a Certificate of Occupancy for 12 passenger cars with a set of plans. We are unable to continue processing your request because the Planning Dept. and Public Works request more information to be shown on the site plan. They recommend that you have an assistant of qualified draftsman. We will be able with proper changes to complete checking your request against the municipal ordinance. If you do not want to meet the requirements set forth by the city, then under Sec. 602.8 of the Site Plan Review Ordinance, you may appeal the decision of any board or department to the municipal offices within 30 days of the disapproval or refusal.

If I can be of any help to you on this matter, please do not hesitate to call me here at this office in City Hall.

Very truly yours,

A. Allan Soule
Assistant Director

AAS:k

CITY OF PORTLAND, MAINE

LEGAL DEPARTMENT
120 725-8431



CORPORATION COUNSEL
WILLIAM J. O'BRIEN JR.
ASST. CORPORATION COUNSEL
CHARLES A. JANE
ASST. CORPORATION COUNSEL
ELLSWORTH T. RUNDLETT III
ADMINISTRATIVE ASSISTANT
PATRICIA E. MEALLY

December 24, 1974

Mr. Herb Gideon
Erebus
52 Center Street
Portland, Maine

Re: Center Street Parking Lot - Certificate of Occupancy

Dear Herb:

On December 5 your District Court case regarding the captioned matter was continued with the understanding that you would begin procedures to secure a certificate of occupancy and file an appeal to the Zoning Board. It has been noted that you have discontinued all such efforts, that you have failed to file plans and that your plans are grossly inadequate and inaccurate.

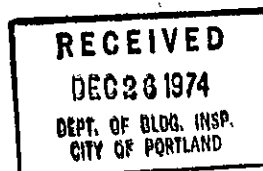
If I do not receive word that you are cooperating with the Department of Building and Inspection and the Planning Department I shall consider injunctive relief from Superior Court to prevent you from using your parking lot whatsoever.

Sincerely,

Ellsworth T. Rundlett III
Assistant Corporation Counsel

cc: ✓ R. Lovell Brown, Department of Building and Inspection Services
Brian Nickerson, Planning Department

ETR/cie



APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Dec 5, 1974

Location 71-67
73-75 Center St Zone _____

To the INSPECTOR OF BUILDINGS, Portland, Maine

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

as set forth on the attached site plan (made by H.G. Gideon whose address is 52 Center St) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Erebus Inc.

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot?

yes. If so, what is use of building or other use retail sales

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? 12, commercial vehicles 0.

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)? no And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? no

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

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

Signature of Owner EREBUS, INC.

By H.G. GIDEON PRESIDENT
(only authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

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

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

(Date) _____ Inspector of Buildings

**CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form**

Erebus Inc. - H.C. Gideon
Applicant
52 Center St
Mailing Address
Parking lot
Proposed Use of Site
4,910 sq ft / entire
Acreage of Site / Ground Floor Coverage

Dec 6, 1974
Date

-67 -71 Center St
Address of Proposed Site
38-C-9
Site Identifier(s) from Assessors Maps
B-3
Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors _____
Board of Appeals Action Required: () Yes () No Total Floor Area _____
Planning Board Action Required: () Yes () No

Other Comments: We may have a court case.

Date Dept. Review Due: December 12, 1974

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 LOCAL | TITLE 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 | / | No | / | X | / | | | X | X | / | X | X | X | X | | | X |
| COMPLIES CONDITIONALLY | | | | | | | | | | | | | | | | | | | CONDITIONS SPECIFIED BELOW |
| DOES NOT COMPLY | | | | | | | | / | / | | | | | | | | | / | REASONS SPECIFIED BELOW |

REASONS: Gen. 4.1. Street line required - 602.14.E.1
Par. 2.1.1 side - Residential use - 602.14.E.2
Cur. Int. signage - Public Works ok needed
Maneuver. sign - Planning board ok needed

D. Collins, Sr. - 12/6/74
SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT - ORIGINAL

**CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form**

Ervin Inc. - H.C. Gibson Dec 6, 1974
 Applicant Date
52 Center St 52-57 -71 Center St
 Mailing Address Address of Proposed Site
Parking lot 20-7
 Proposed Use of Site Site Identifier(s) from Assessors Maps
office / storage E-3
 Acreage of Site / Ground Floor Coverage Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors _____
 Board of Appeals Action Required: () Yes () No Total Floor Area _____
 Planning Board Action Required: () Yes () No

Other Comments: We may have a court case.

Date Dept. Review Due: December 12, 1974 Extension received until 12/17/74

PLANNING DEPARTMENT REVIEW 12/6/74
 (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 | NA | | | | | | | NA | NA | | | |
| APPROVED CONDITIONALLY | | | | | | | | | | | | CONDITIONS SPECIFIED BELOW |
| DISAPPROVED | | XXXXXX | XXXXXX | XXXXXX | XXXXXX | XXXXXX | XXXXXX | | | XXXXXX | | REASONS SPECIFIED BELOW |

REASONS: SITE PLAN GROSSLY INACCURATE. APPLICANT WAS UNABLE TO MEET ATTEND SCHEDULED MEETINGS TO RESOLVE PROBLEMS. APPLICANT IS ADVISED TO RE-DRAFT PLAN WITH ACCURATE MEASUREMENTS. ASSISTANCE OF A QUALIFIED DRAFTSMAN IS RECOMMENDED.

(Attach Separate Sheet if Necessary)

[Signature] 12/18/74
 SIGNATURE OF REVIEWING STAFF/DATE

PLANNING DEPARTMENT COPY

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

PAGE 1

Krebs Inc. - H.O. Gideon

Dec 6, 1974

Applicant

32 Center St

107-71 Center St

Mailing Address

Address of Proposed Site

Proposed Use of Site

Site Identifier(s) from Assessors Maps

Acres of Site / Ground Floor Coverage

Zoning of Proposed Site

Site Location Review (DEP) Required: (x) Yes () No

Proposed Number of Floors _____

Board of Appeals Action Required: () Yes () No

Total Floor Area _____

Planning Board Action Required: () Yes () No

Other Comments: We may have a court case.

Date Dept. Review Due: December 12, 1974

PUBLIC WORKS DEPARTMENT REVIEW

DEC 16 1974
(Date Received)

| | 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 | | X | | | X | | | | X | | | | | | | |
| APPROVED CONDITIONALLY | | | X | | | | | | | X | | | | | | CONDITIONS SPECIFIED BELOW |
| DISAPPROVED | | | | | | | | | | | | | | | X | REASONS SPECIFIED BELOW |

REASONS: 1. Curb Cuts

That the existing curb cut be reduced in width to twenty feet and located at the center of the lot. (Section 602.141.1. of Municipal Code)

(Attach Separate Sheet if Necessary)

(Please refer to Page 2)

W. P. Kennedy 11 Dec 74

SIGNATURE OF REVIEWING STAFF/DATE

PUBLIC WORKS DEPARTMENT COPY

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

PROCESSING FORM

PAGE 2

Erebus Inc. - H.G. Gideon
Applicant

December 6, 1974
Date

52 Center Street
Mailing Address

67 - 71 Center Street
Address of Proposed Site

Parking Lot
Proposed Use of Site

38-C-9
Site Identifier(s) from
Assessors Maps

2. Drainage

That a catch basin and drain pipe be provided in the southerly most corner of the lot (existing low point) to prevent waster from running across a public sidewalk (Section 602.14J.3. of Municipal Code). Catchbasin and pipe to conform to City of Portland specifications for materials and construction.

3. Other

Dimensions shown on site plan do not agree with field measurements made by this Department. Request that revised dimensions be submitted, or that they be verified by reference to Registry of Deeds, book number and page or certified by registered land surveyor.

John P. Kennedy, DPW, 11 DEC 74

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
 Processing Form

Applicant: Easton Inc. - H.C. Gideon Date: Nov 6, 1974

Mailing Address: 32 Center St Address of Proposed Site: 22-67 -71 Center St

Proposed Use of Site: Parking lot Site Identifier(s) from Assessors Maps: 3-3

Acraege of Site: 1 - Ground Floor Coverage Zoning of Proposed Site: _____

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

Board of Appeals Action Required: () Yes () No Total Floor Area: _____

Planning Board Action Required: () Yes () No

Other Comments: we may have a court case.

Date Dept. Review Due: December 12, 1974

FIRE DEPARTMENT REVIEW

12/10/74
 (Date Received)

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

REASONS: _____

(Attach Separate Sheet if Necessary)

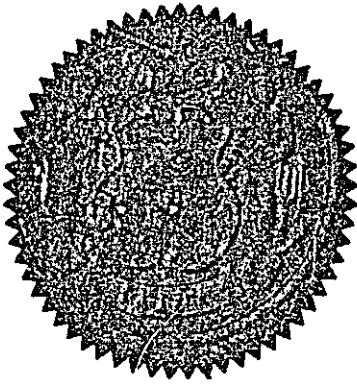
Capt. H. Miller
 SIGNATURE OF REVIEWING STAFF/DATE
 FIRE DEPARTMENT COPY



State of Maine

Department of State

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.



In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this nineteenth day of November in the year of our Lord one thousand nine hundred and seventy-four and in the one hundred and ninety-ninth year of the Independence of the United States of America.

Joseph T. Edgan

Secretary of State

SS-C7-72

(Foreign Corporation should complete (b) of item 2.)

(b) The address of the registered office of the corporation in Maine is _____

(street, city, state and zip code)

and the name of its registered agent at such address is _____

The address of its registered or principal office in its jurisdiction of incorporation is _____

(street, city, state and zip code)

3. The business in which the corporation is actually engaged in the State of Maine, briefly stated, is

retail store

4. Names of officers and directors - Addresses, BOTH Business and Residence are:

| <u>Officers</u> | <u>Business Address</u> (If none, so indicate) | <u>Residence Address</u> |
|-------------------------------------|--|--|
| Pres. <u>Herbert G. Gideon</u> | <u>52 Center Street</u> <u>Portland, Maine</u> | <u>52 Center Street</u> <u>Portland, Maine</u> |
| Treas. <u>Judith C. Kelly</u> | <u>52 Center Street</u> <u>Portland, Maine</u> | <u>34 North Street</u> <u>Portland, Maine</u> |
| Sec. _____ | _____ | _____ |
| Clerk <u>Edwin A. Heisler, Esq.</u> | <u>465 Congress Street</u> <u>Portland, Maine</u> | <u>201 Prospect Street</u> <u>Portland, Maine</u> |
| <u>Directors</u> | | |
| <u>Herbert G. Gideon</u> | <u>52 Center Street</u> <u>Portland, Maine</u> | <u>52 Center Street</u> <u>Portland, Maine</u> |
| <u>Judith C. Kelly</u> | <u>52 Center Street</u> <u>Portland, Maine</u> | <u>34 North Street</u> <u>Portland, Maine</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

ANNUAL REPORT as of December 31, 1973

for

EPEBUS, INC.
~~THOMAS E. DEAND~~
~~LIRINGTON, MAINE~~
 52 CENTER ST., PORTLAND, MAINE

To the Secretary of State of the State of Maine:

The above named corporation does hereby make the following report in compliance with 13-A MRSA §1301

1. the jurisdiction of its incorporation is Maine

2. (Domestic Corporation should complete (a) of item 2.)

(a) The address of the registered office of the corporation in Maine is 465 Congress Street

~~XXXXXXXXXXXXXXXXXXXX~~ Portland, Maine 04111
(street, city, state and zip code)

and the name of its clerk is Edwin A. Heisler, Esq.

(Foreign Corporation should complete (b) of item 2)

(b) The address of the registered office of the corporation in Maine is _____

and the name of its registered agent at such address is _____
(street, city, state and zip code)

The address of its registered or principal office in its jurisdiction of incorporation is _____

3. The business in which the corporation is actually engaged in the State of Maine, briefly stated, is
retail store
(street, city, state and zip code)

4. Names of officers and directors Addresses, BOTH Business and Residence are

| Officers | Business Address (If none, so indicate) | Residence Address |
|-------------------------------------|--|--|
| Pres <u>Herbert G. Gideon</u> | <u>52 Center Street Portland, Maine</u> | <u>52 Center Street Portland, Maine</u> |
| Treas <u>Judith C. Kelly</u> | <u>52 Center Street Portland, Maine</u> | <u>34 North Street Portland, Maine</u> |
| Sec _____ | _____ | _____ |
| Clerk <u>Edwin A. Heisler, Esq.</u> | <u>465 Congress Street Portland, Maine</u> | <u>201 Prospect Street Portland, Maine</u> |
| Directors | | |
| <u>Herbert G. Gideon</u> | <u>52 Center Street Portland, Maine</u> | <u>52 Center Street Portland, Maine</u> |
| <u>Judith C. Kelly</u> | <u>52 Center Street Portland, Maine</u> | <u>34 North Street Portland, Maine</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

| Number of Shares | Class | Series (if any) | Par Value of Shares or Statement that no par value |
|------------------|--------|-----------------|--|
| 5,000 | Common | None | \$10.00 |

Summarized: The total authorized capital with par value that the corporation has authority to issue is \$ 50,000.00

The total number of shares of authorized capital without par value that the corporation has authority to issue is none

6. Date and location of last annual shareholders meeting to elect directors was held on May 11, 1972 in Portland, Maine

(Complete the following if applicable.)

7. The material changes that have occurred since December 31st with respect to the facts set forth hereinabove are as follows: None

EREBUS, INC.
(exact name of corporation)

Dated: May 15, 1974

By: Edwin A. Heisler
(signature)
Edwin A. Heisler, Clerk
(type or print name and capacity of signer)

FORM NO. MBCA-13 Rev 73

TITLE 13-A

1301. Annual report of domestic and foreign corporations. Every such domestic corporation, unless excused as provided in subsection 4 or excused by subsection 6, and each foreign corporation incorporated in this State, shall file, within the time prescribed by this Act, an annual report setting forth:
 - A. The name of the corporation and the jurisdiction of its incorporation.
 - B. The address of the registered office of the corporation in this State, and the name of its clerk if a domestic corporation, or the registered agent in a foreign corporation, in this State at such address as set forth in its certificate of incorporation, in this State at such address as set forth in its certificate of incorporation, in the State of its incorporation, or in the State of its principal office in this State.
 - C. A brief statement of the character of the business in which the corporation is actually engaged in this State.
 - D. The names and respective business and residence addresses of the directors and officers of the corporation, including the street or rural route number, town or city, and State.
 - E. A statement of the aggregate number of authorized shares, registered shares, and shares without par value, and the aggregate par value of shares with par value and the aggregate par value of shares without par value which the corporation has authority to issue.
 - F. The date and place of the last annual meeting of shareholders to elect the directors of the corporation.
2. The information contained in the annual report shall be given as of the close of business on the last day of the month for which the report is filed, including, where applicable, the calendar year in which the corporation is organized. If between such date and the date of execution of the report any material change has occurred with respect to any fact required to be set forth in the report, such change shall also be so stated.
3. The annual report shall be executed as provided in section 104 as to the manner of filing, and shall be filed with the Secretary of State, the treasurer or an assistant secretary, without a seal, certificate, or other document, in accordance with section 104, subsection 1, paragraph 12. Such report shall be delivered for filing between the first and last day of June of the year next succeeding the calendar year for which the report is required to be filed, together with the filing fee required by this Act, to the Secretary of State who shall file the report if he finds that it conforms to the requirements of this Act.
4. The Attorney General, upon application by any corporation and satisfactory proof that it has ceased to transact business and that it is not a corporation under the laws of this State, shall file a certificate of the fact with the Secretary of State and shall cause the certificate to be published in the State Register. Thereupon such corporation shall be excused from filing annual reports with the Secretary of State and from the payment of the annual franchise tax, so long as the corporation in fact transacts no business.
5. The shareholders of a corporation which has been excused pursuant to subsection 4 shall be notified by the Secretary of State by a notice duly called and held for such purpose. A certificate executed and filed as provided in sections 104 and 106, setting forth that a shareholder meeting was held, the date and location of same, and that a majority of the shareholders voted to resume transacting business shall authorize the corporation to file an annual report and pay annual franchise taxes.
6. The requirement of subsection 1 shall not apply to religious, charitable, educational or benevolent corporations, not to corporations organized under Title 27, chapters 83, 91 and 93, nor to corporations organized under Title 27, chapter 7.
7. Failure to file annual report, interest report, penalties.
 - Any corporation required to file an annual report as provided by this section shall file the same on or before the date specified in section 1301. If the annual report is not filed on the date shall be liable to the State in the sum of \$25 for each dollar to be recovered by the Attorney General in a civil action.
 - If the Secretary of State finds that any annual report delivered for filing does not conform with the requirements of section 1301, he shall return the report for correction.
 - When any corporation required to file an annual report as provided by this section fails to file the annual report on or before the date specified in section 1301, the Attorney General shall recover the sum of \$25 for each dollar to be recovered by the Attorney General in a civil action, who, however is applicable.
 - If the annual report of a corporation is not received by the Secretary of State within the time specified in section 1301, the corporation shall be excused from the liability provided in this section and from any other penalty for failure to timely file the report, until it complies with the requirements of this section. The Secretary of State shall file as the report of such corporation a copy of such report within 30 days after it learns of the nonreceipt of the original report.

JUN -3-74 AUG 20 9 37 AM '74 10.00

EREBUS, INC.
NAME OF CORPORATION

MAINE
STATE OF INCORPORATION

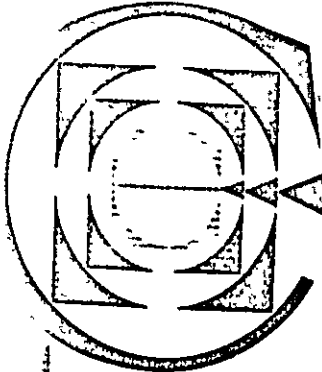
Augusta, Maine 04330
State House
Corporation & UCC Division
Secretary of State

PLEASE NOTE: Requirement to file an Annual Report between January 1 and June 1, annually, in addition to the payment of Annual Franchise Tax directly to the Bureau of Taxation, when assessed. For ease in returning, completed report and filing fee of \$10 may be folded and mailed in a window envelope to:

Allan-

This is in reference to the parking lot on Center St. I should be meeting with him on Mon. or Tues. There should be a revision to the plan that should be checked out by all Depts.
Nick

Nick



CREBUS INC

Portland
Planning Dept.
City Hall
Portland, Maine 04111

12/10/74

Gentlemen:

We hereby agree to extend the review process until 12/17/74 in order to submit revisions to our plan on 73-75 Center St.

RECEIVED
DEC 13 1974
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Yours,
J. G. C. [Signature]

Fraternity House 52 Centre Street Portland, Maine 04111 207-774-3961

STATE OF MAINE

CUMBERLAND
....., ss.

DISTRICT COURT
District NINE
Division of Southern Cumberland
.....
Criminal Docket No.

STATE OF MAINE

v.

EREBUS INCORPORATED

COMPLAINT FOR VIOLATION OF
~~XX~~ ~~XXXXXX~~
Municipal Code of the City of
Portland, Sections 602.14 I 1 & 2,
602.14. J 1 & 2 602.14 H 1 & 2

A. ALLAN SOULE
....., being duly sworn, deposes and says (upon infor-
mation and belief).

That, ~~XX~~ on or about the.....
16th day of October, 1974, in the City/TOWN of
Portland, County of Cumberland and State

of Maine, the above named defendant EREBUS INCORPORATED did
use land for parking contrary to section 602.14 I 1 which provides for public
safeguard such as curb guards or continuous bumper guards of adequate strength
so that cars cannot project beyond its face toward the street line involved, etc.;
and contrary to section 602.14 I 2 which states: "where such off-street parking
shall abut a lot in a Residence Zone or a lot in residential use, a chain link,
picket or sapling fence, not less than 48 inches in height, shall be provided and
maintained between such off-street parking and that part of the lot line involved.";
(602.14.J 1) location and width of approaches over public sidewalks shall be approved
by the Traffic Engineer, etc.; (602.14 J 2) surfaces of driveways, maneuvering areas and
parking areas shall be uniformly graded, etc.; (602.22 C 4) further requires that a
Certificate of Occupancy for the use of the land be issued by the City of Portland,
occupancy and use of vacant land, except processing of crops, etc. and did, in fact,
use land for parking without first securing a Certificate of Occupancy for said purposes
contrary to section 602.22 C 4 of the City of Portland Zoning Ordinance after receiving
notice from ROBERT L. BROWN, Director of Building and Inspection Services for the City
of Portland and did fail to comply with the terms of said notice having been served on
the defendant EREBUS INCORPORATED via HERBERT GIDEON of said EREBUS INCORPORATED by
mailing to him by certified U.S. Mail # 2632, February 21, 1973 to 69-71 Center Street.

Sworn to before me this day of 19.....

8036
OUT 78
9A.M.
Ted Hoek
Carl T...
Quinn...
11-6-74
9A.M.

.....
District Judge
Complaint Justice
Justice of the Peace and
Clerk of the District Court,
duly authorized to issue process

*Affidavit not required unless felony alleged and Warrant of Arrest is to issue.



EREBUS INC

December 20, 1972

RE: 69 - 71 Centre Street

Mr A. Allan Soule,
Assistant Director
City Hall,
Department of Building Inspection
City of Portland, Maine

Dear Mr. Soule:

Please be advised that we are aware of the condition of the parking lot at the above address. Our plans to improve the property were preempted by an early snowfall and now we find that grading and paving can not be done until after the spring thaw. Please be assured that we intend to put this lot in order, legally and aesthetically, as soon as the elements permit.

We will submit a detailed plan of our scheduled improvements at the earliest possible date in January, 1973.

Thank you for your cooperation in this matter.

Yours,

H. G. Gideon
H. G. Gideon

HGG:ewwd

Fraternity House 52 Centre Street Portland, Maine 04111 207-774-3961

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: George Flaherty, Asst. City Manager

DATE: 9-24-74

FROM: A. Allan Soule, Asst. Director Building & Inspection Services

SUBJECT: Parking Lot - 69-71 Center Street

I understand you want a brief rundown on the situation of the parking lot at the above named location. We authorized construction of a parking lot for five commercial vehicles on this property on April 22, 1963. These plans showed, for example, a chain link fence along the right side lot line, located between this lot and Mr. Zakarian's building. Our records do not show that at any time we ever issued a certificate of occupancy, therefore, we never approved this lot for parking.

October 24, 1972 - made inspection of this lot.

November 24, 1972- sent letter to Earle W. Noyes & Sons; I believed them to be the owners of this lot when I wrote the letter.

November 30, 1972 - sent letter to Erebus, Inc., at which time we explained to them that a new certificate of occupancy was required for the parking of passenger cars, which he was doing at that time and certain requirements which had to be met. A plot plan showing the arrangement for the motor vehicles, curb cuts, etc., chain link fence that was needed between the parking lot and Mr. Zakarian's, guard curbs or bumper guards, whichever he needed, how the surface of the lot was to be drained.

December 20, 1972 - This date, we received a letter from Mr. Gideon stating that they were aware of their conditions, in which he stated they were hampered in bringing their parking lot up to compliance because of an early snow fall, but he assured us that they intended to do this legally as soon as the elements permitted. He also went on to say that a detailed plan of his improvements would be in this office at the earliest possible date in January, 1973.

December 26, 1972 - we wrote Mr. Gideon a letter acknowledging his letter and giving him until the end of January, 1973 to comply, with plans and request for certificate of occupancy. We stated in our letter that guard curbs must be provided no later than January 1973, at which time, if this was done, we would allow parking in this lot until spring, at which time he had to have complete compliance.

January 12, 1973 - we informed him he could no longer use this land for a parking lot, unless guard curbs as stated in our letter before, were installed or the wire fence between this parking lot and Mr. Zakarian's was put in place. I was informed that this would be done right off.

January 23, 1973 - no change.

February 4, 1973 - no change.

George Flaherty - Page 12 - Parking Lot - 69-71 Center Street

January 30, 1973 - We notified Corporation Counsel that Mr. Gideon was not in compliance, and asked to be advised what the next step would be.

February 1, 1973 - We received a reply from the Corporation Counsel by Charles Lane, in which he advised us that appropriate action should be taken by our department and to contact Lt. _____ of the Police Department for assistance.

February 17, 1973 - We made inspection of the lot - just the same.

February 21, 1973 - We again wrote Mr. Gideon outlining what we had done. Mr. Brown ended his letter stating that he made every effort to be just and lenient in the duties of his office. In the past two weeks I have put in two calls to you leaving a message for you to call me and have not had any return. Unless immediate compliance was done, we plan to take this case to the courts.

July 18, 1973 - Again made inspection of the lot - just the same.

July 19, 1973 - I wrote a letter to Mr. Gideon stating all of the above and informed him that I was turning this over to Mr. Brown, Director Of Building & Inspection Services for whatever action he deemed necessary.

August 1, 1974 - Again we again made inspection of the lot - and found it just the same.

August 6, 1974 - Mr. Brown wrote Mr. Gideon another letter explaining to him that if this was not complied with he would need to go to court with this case.

August 29, 1974 - Another inspection was made - the lot was found to be the same.

August 26, 1974 - I had a meeting with Derry Rundlett, the Asst. City Counsel on the steps necessary to go to court on this issue.

August 30, 1974 - I sent a memo to Derry Rundlett explaining to him that there was no change in Mr. Gideon's lot. As he requested I called Mr. Gideon and was informed that he would be out of town until some time next week.

Sept. 16, 1974 - I contacted Mr. Gideon and he informed me that he would come to the City Hall to see me at 3:30 on Sept. 17, 1974.

Sept. 17, 1974 - No Mr. Gideon.

Sept. 18, 1974 - Mr. Gideon gave me to understand that he would have a meeting on this date - again he did not appear.

I have been informed by Derry Rundlett to report to him on Sept. 30, 1974, if my notes are correct, on the status of this parking lot and a number of other violations.

Nov 25, 1974 - Lot the same. - Allan
Dec 5, 1974 - Lot the same Allan

Sim

A. Allan Soule, Asst. Dir. Building & Inspection Services

b-3 zone

req for use?

Cert of Occup?

Bumper guards etc

69-71 Center Street

November 20, 1972

Zrebus, Inc.
52 Center Street

cc to: Popkins Zakarian
65 Center Street

Gentlemen:

An inspector from this department reports that a parking lot owned by you at the above named location is now in disrepair. I realize that it may be due to the new Spring Street arterial, but I would call your attention to the following Zoning Ordinance requirements:

1. Sec. 602.14H.2 of the Zoning Ordinance states: where such off-street parking shall abut a lot in residential use, a chain link, picket or sapling fence not less than 48" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Authorization for off-street parking for 5 commercial vehicles at this location was given on April 22, 1963. At that time a chain link fence was provided between this lot and the residential property, towards the waterfront. An inspection showed that only the posts now remain of this fence.

2. If you desire now to park more than 6 motor vehicles in this lot it will be necessary to provide a continuous guard curb, rectangular in cross section, at least 6" in height and permanently anchored, shall be provided and maintained at least 5' from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, a top of which shall be at least 20" in height, and shall be provided and maintained between such off street parking and that part of the street or lot line involved so the bumpers of the vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.
(Sec. 602.14H-1). - 6.7 177 -

3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.
(Sec. 602.14J.3).

I would suggest that you check with this department and see the plans and letter of authorization given for the parking lot in 1963. You may desire at this time to change the driveway opening for example. If I can be of any help in this matter please do not hesitate to call me here at this office.

Very truly yours,

A. Allan Soule, Assistant Director

S:m

Epebus Inc
52 Center St

60-71 Center Street

Oct. 24, 1972

Carl M. Hayes & Sons
C. E. Hayes & Sons
34 Cotton Street

cc to: Popkins Zakarian
65 Center Street

Gentlemen:

An inspector from this department reports that a parking lot owned by you at the above named location is now in disrepair. I realize that it may be due to the new Spring Street arterial, but I would call your attention to the following Zoning Ordinance requirements.

1. Sec. 602.14H.2 of the Zoning Ordinance states; where such off-street parking shall abut a lot in residential use a chain link, picket or sapling fence not less than 43" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Authorization for off-street parking for 5 commercial vehicles at this location was given on April 22, 1963. At that time a chain link fence was provided between this lot and the residential property, towards the waterfront. An inspection showed that only the posts now remain of this fence.

2. If you desire now to park more than six motor vehicles in this lot it will be necessary to provide a continuous guard curb, rectangular in cross section, at least 6" in height and permanently anchored, shall be provided and maintained at least 5' from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20" in height, and shall be provided and maintained between such off street parking and that part of the street or lot line involved so the bumpers of the vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface. (Sec. 602.14H.1)

3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street. (Sec. 602.14H.3)

C. E. Noyes & Sons

Page 2

Oct. 24, 1972

I would suggest that you check with this department and see the plans and letter of authorization given for the parking lot in 1963. You may desire at this time to change the driveway opening for example.

If I can be of any help in this matter please do not hesitate to call me here at this office.

Very truly yours,

A. Allan Soule
Assistant Director

AAS:m

Re: 69-71 Center Street

December 26, 1972

Erebus, Inc.
52 Center Street

cc: Popkins Zakarian
65 Center Street

Att: Herman G. Gideon

Dear Mr. Gideon:

779-3241
This is to acknowledge your letter of December 20, 1972. If a plan is submitted to us and a Certificate of Occupancy is applied for before the end of January 1973 and adequate guard curbs are provided between this lot and the adjoining residential property towards Fore Street (guard curbs shall be at least 5 feet from the property line (Section 602.14H.1) anchored with drift pins. They shall not be less than 6 inches in height) by at least January 9, 1973, then we will allow parking at this location until spring at which time the lot shall comply with the Zoning Ordinance requirements.

If you have any questions in regards to this parking lot please do not hesitate to contact me here at this office in City Hall.

Very truly yours,

A. Allan Soule
Assistant Director

AAS/pc

11/12/73 Call Mr. Kelly today, told his lot cannot be used (refuse aboff) re: his guard curbs (see above) are installed on some fence post (said) He said this would be done right off - Allan

12/23/73 - lot just the same Allan

2/4/73 Lot just the same. Re: Brown 2PM -

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Bob Donovan, Corporation Counsel DATE: 1-30-73
FROM: A. Allan Soule, Assistant Director Building & Inspection Services
SUBJECT: Certificate of occupancy for parking lot
Location: 69-71 Center Street

This property at the above named location is being used for a parking lot for passenger cars without first securing a certificate of occupancy from this department. See letter of April 22, 1963, in which E. W. Hoyes & Sons applied for a certificate of occupancy to park five commercial vehicles at this location with plans attached. We made an inspection of this lot in November and found that the fence around part of this lot, bumper guards, etc. were missing and that the new owner (Erabus, Inc.) were parking a number of passenger cars. See our letter to them of November 20, 1972. We have not had any compliance from them, see our letter of Dec. 26, 1972 and the notes that I made at the bottom.

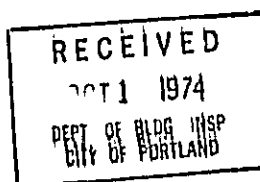
As stated in our letter of Dec. 26, 1972, we will go along with guard curbs anchored five feet from the property line or as I said to him as per conversation, on January 12, 1973, see note at bottom of letter, he could install the wire fence down the right side of the lot line or if he decided not to do either of the above, he could rope the lot off and remove all motor vehicles. He has done none of the above. Please advise us what our next step should be.

A. Allan Soule
Assistant Director

AAS:m

attachments

CITY OF PORTLAND, MAINE
MEMORANDUM



TO: R. Lovell Brown, Building Inspections Director

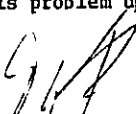
DATE: 9/26/74

FROM: George A. Flaherty, Assistant City Manager

SUBJECT: Zoning Problem

This is to confirm my conversation with you of Friday, September 20, 1974, concerning a number of problems which Mr. Zakarian raised at the Council Meeting of September 18th. It is my understanding that several years ago Mr. Alan Soule viewed the problem concerning Mr. Zakarian and Erebus. It is my understanding that the problems revolve around a lot which Erebus acquired from Noyes Company.

It is my further understanding that there were several alleged zoning violations such as no fencing, inadequate surface drains etc. It is my understanding that you have already dealt with the problem for an extended period of time and have conferred with both parties involved. It is my understanding that you have now exhausted all administrative means in order to enforce the zoning ordinance and you will be contacting Corporation Counsel in order that this item may be resolved in the courts. It is my further understanding that you will be submitting to me a summary of events which concern this problem up to this present time.


George A. Flaherty
Assistant City Manager

GAF/cb

cc: William J. O'Brien, Corporation Counsel

CITY OF PORTLAND, MAINE
Department of Building Inspection
69-71 Center Street

November 20, 1972
CC: to: Popkins Zakarian
65 Center Street

Erebud, Inc.
62 Center Street

Gentlemen:

An inspector from this department reports that a parking lot owned by you at the above named location is now in disrepair. I realize that it may be due to the new Spring Street arterial, but I would call your attention to the following Zoning Ordinance requirements:

1. Sec. 602.14K.2 of the Zoning Ordinance states: where such off-street parking shall abut a lot in residential use, a chain link, picket or sapling fence not less than 48" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Authorization for off-street parking for 5 commercial vehicles at this location was given on April 22, 1963. At that time a chain link fence was provided between this lot and the residential property, towards the water-front. An inspection showed that only the posts now remain of this fence.

2. If you desire now to park more than 6 motor vehicles in this lot it will be necessary to provide a continuous guard curb, rectangular in cross section, at least 6" in height and permanently anchored, shall be provided and maintained at least 5' from the street or lot line involved; or a street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20" in height, and shall be provided and maintained between such off street parking and that part of the street or lot line involved so the bumpers of the vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface. (Sec. 602.14B.1).

3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street. (Sec. 602.14J.3).

I would suggest that you check with this department and see the plans and letter of authorization given for the parking lot in 1963. You may desire at this time to change the driveway opening for example. If I can be of any help in this matter please do not hesitate to call me here at this office.

Very truly yours,

A. Allan Soule, Assistant Dir.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: A. Allan Soule, Assistant Director
Building & Inspection Services
FROM: Charles A. Lane, Assistant Corporation Counsel
SUBJECT: Erebus, Inc. -- Premises at 69-71 Center Street

DATE: 2/1/73

This is in response to your memorandum dated January 30, 1973. It appears that Erebus is in violation of Section 602.H.2 and 602.14.J.3 of the Zoning Ordinance. Furthermore, Erebus has refused to respond to your directions to bring their use of the property in question into conformity with the provisions of the Zoning Ordinance.

Under the circumstances, it appears that the appropriate action for your Department to take would be to initiate criminal prosecution of Erebus, Inc. for violation of the Zoning Ordinance. Section 602.26.D makes a violation of the Zoning Ordinance a misdemeanor and provides for a penalty of from \$5 to \$50 per day for each such violation.

You may contact Lieutenant Harvey at the Police Department for assistance in arranging the prosecution of your complaint.

Your file is being returned herewith.



Charles A. Lane
Assistant Corporation Counsel

CAL:kf

reg. mail

69-71 Center Street

Feb. 21, 1973

Erebus, Inc.
Att: Herbert G. Gideon
52 Center Street

Dear Mr. Gideon:

On November 20, 1972 a letter was submitted to you through this office pertaining to the parking lot owned by you at the above location. On December 26, 1972 another letter was submitted to you pertaining to the parking lot at the above location. On January 12, 1973 Mr. Soule called Mr. Kelley and told him what the conditions we would go along with would be for winter use until compliance to be met on the parking lot in response to our letters and your reply dated December 20th stating that improvements would be made by January, 1973.

Since these letters we have made a number of other inspections and find no action has been taken by you to keep your word or comply with the law. As in the past this office has made every effort to be just and lenient in the duties of their office. In the past two weeks I have put in two calls to you leaving a message for you to call me and I have not had any return. It is obvious to me inasmuch as you care less I am proceeding to take this case to court and unless immediate compliance can be done in this good weather you may expect to meet me in the court house in the next week. This is my last and final gentlemanly order.

Very truly yours,

R. Lovell Brown
Director

SAVE THIS RECEIPT FOR REG. MAIL

REGISTRATION—Domestic insurance for registered mail. The value of the article at the time of mailing must not exceed the limit fixed for the postage. Postmaster for additional details of insurance for domestic registered mail.

CLAIM—Claim must be filed within 1 year. Present this receipt and submit evidence of loss or cost of duplication.

INTERNATIONAL COUNTRIES—Consult postmaster as to insurance for registered articles addressed to foreign countries.

reg. mail

69-71 Center Street

Feb. 21, 1973

Erebus, Inc.
Att: Herbert G. Gideon
52 Center Street

Dear Mr. Gideon:

On November 20, 1972 a letter was submitted to you through this office pertaining to the parking lot owned by you at the above location. On December 26, 1972 another letter was submitted to you pertaining to the parking lot at the above location. On January 12, 1973 Mr. Soule called Mr. Kelley and told him what the conditions we would go along with would be for winter use until compliance to be met on the parking lot in response to our letters and your reply dated December 20th stating that improvements would be made by January, 1973.

Since these letters we have made a number of other inspections and find no action has been taken by you to keep your word or comply with the law. As in the past this office has made every effort to be just and lenient in the duties of their office. In the past two weeks I have put in two calls to you leaving a message for you to call me and I have not had any return. It is obvious to me inasmuch as you care less I am proceeding to take this case to court and unless immediate compliance can be done in this good weather you may expect to meet me in the is is my last and final gentlemanly

truly yours,

Lovell Brown
Sector

REGISTERED NO. 2632

| | | | |
|--------------------|----|----------------------------------|-----|
| Value \$ | KV | Special Delivery \$ | |
| Reg. Fee \$ | 95 | Return Receipt \$ | .15 |
| Handling Charge \$ | | Restricted Delivery \$ | |
| Postage \$ | 08 | <input type="checkbox"/> AIRMAIL | |

POSTMASTER (By) *C*

POSTMARK OF:
FFB
21
1973

MAILING OFFICE

FROM: *City of Portland*
Bldg Inspector
Portland, Me

TO: *Mr. Herbert Gideon*
Portland, Maine

69-71 Center Street

July 19, 1973

Erabus, Inc.
Att: Herbert G. Gideon
52 Center Street

cc to: Corporation Counsel

cc to: Popkins Zakarian
65 Center Street

Dear Mr. Gideon:

Parking lot at the above named location owned by you is still in disrepair. In our letters to you on December 26, 1972, November 20, 1972 and February 21, 1973, we state, that this parking lot will need to meet Zoning Ordinance requirements.

A certificate of occupancy needs to be applied for here at this office with plans showing the number of parking spaces that you desire. I would call your attention to our letter of November 20, 1972 in which we state the following: where such off-street parking abuts a lot in a residential use, a chain link, picket or sapling fence not less than 48 inches in height shall be provided and maintained between such off-street parking and that part of the lot-line involved. We allowed you to park on this lot until spring, if, guard curbs were provided. You was to apply for a certificate of occupancy, replace the fence along the lot line, provide adequate drainage in the spring. This has not been done. In your letter to us on December 20, 1972 you state, that you intend to put this lot in order legally and aesthetically as soon as the elements permit. You also go on to state that you would submit a detailed plan of your scheduled improvements at the earliest possible date in January, 1973. This has not been done, therefore I am giving you until August 7, 1973 to apply for a certificate of occupancy, with plans, and to erect a fence along the lot line that you have agreed to do. If this is not done, I will turn it over to Mr. R. Lovell Brown, Director of Building & Inspection Services for what action he deems necessary.

Very truly yours,

A. Allan Soule
Assistant Director

AAS:IN

August 6, 1974

62 Center Street

Erabus Inc. @ 62 Center Street

From this department reports that the parking lot
named location is not being used and maintained
requirements of the Zoning Ordinance Section 602.14H.2.
If you can prepare it to its proper condition within 10 days,
it will be necessary to refer this case to the Corporation
Council for whatever action he may deem necessary to enforce
Zoning Ordinance.

Reference is made to numerous letters, conversations, and
verbal commitments by you to comply, see letter of November
20, 1972. Reapplication for a certificate of occupancy is
required thru this office.

Very truly yours,

R. Lovell Brown
Director

RLB:mes

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Darryl Runlett, Asst. Corporation Counsel
DATE: 8-30-74
FROM: A. Allan Soule, Asst. Director Building & Inspection Services
SUBJECT:

Location: 69-71 Center Street -
Parking Lot

As per your request, I have inspected Mr. Gideon's (Erebus) parking lot at the above named location and I find no changes have taken place as of this date. I have called Mr. Gideon only to be informed that he is out of town and will not be back until some time next week.

As a point of information I wrote Mr. Gideon a letter on November 20, 1972, in which I explained that his parking lot was in violation of the Zoning Ordinance, and the steps that he must take to correct this.

A. Allan Soule,
Asst. Dir. Building & Inspection Services

AAS:im

APCO - 69-71 Center Street

April 22, 1963

Earle W. Noyes & Son
34 Cotton Street

Gentlemen:

Authorization for off-street parking for five commercial motor vehicles on vacant land at the above named location is issued herewith based on plans filed with application for certificate of occupancy. Presumably the lot is to be graded in such a manner as to drain to the catch basin shown on the plan. It is necessary that the lot be graded in such a manner as to prevent surface water from draining across the public sidewalk at any location, as required by Section 14-J-3 of the Zoning Ordinance. Permit is issued on the basis that this will be done.

Very truly yours,

Albert J. Soars
Director of Building Inspection

AJS/h

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine April 11, 1963

Location 45 Center Street (69-71) Zone 1-2 INDUSTRIAL ZONE

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for Off-street parking,

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

Owner (name, address and phone number) Earle W. Noyes & Son, 234 Cotton Street

Lessee (name, address and phone number) _____

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

If off-street parking is sought, what is proposed maximum number of vehicles to be parked—passenger cars? 0, commercial vehicles? 5.

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

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? 0

Do you propose to remove or disturb any tree on a public street? none
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner Earle W. Noyes & Son
[Handwritten Signature]

By _____
(duly authorized thereto)

\$2.00 fee
paid 4-11-63

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To Earle W. Noyes & Son
34 Cotton St.
Portland Maine

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

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

See letter

(Date) April 22, 1963

Albert J. Sears
Inspector of Buildings

INSPECTION COPY

FU-N.F.C.- 4-8-63

BP- 62/1632 71 Center Street

March 28, 1963

Earle W. Noyes & Son
34 Cotton Street

Gentlemen:

Information furnished by your letter of Feb. 14, 1963 concerning proposed parking area at the above named location is not adequate to show compliance with Zoning Ordinance requirements. It is necessary that an application for a certificate of occupancy for use of the land be filed at this office together with a plot plan showing location and width of any new driveway entrances to the lot, type of surfacing to be provided, location of catch basins and manner in which lot is to be graded to prevent surface water from flowing across the public sidewalk, location of guard curbs or bumper guards along street line, and all other details needed to show compliance with Zoning Ordinance requirements.

We are enclosing for your information a summary of Zoning Ordinance requirements relating to off-street parking areas and an outline of details needing to be shown on plot plan. It is realized that winter weather has prevented work of completion of this parking area, but now that spring is here, there appears to be no reason why work necessary to meet Zoning Ordinance requirements cannot be started as soon as frost is out of the ground.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

Telephones: Office Spruce 2-4645 - Night Spruce 4-1255

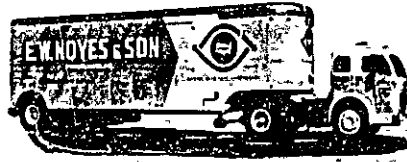
Over 30 Years of Public Service

EARLE W. NOYES & SON

Interstate - Modern Vans

Agents for United Van Lines

34 COTTON STREET - PORTLAND MAINE



February 14, 1963

Department of Building Inspection
City of Portland, Maine

ATTN: Albert J. Sears, Director of Building Inspection

Gentlemen:

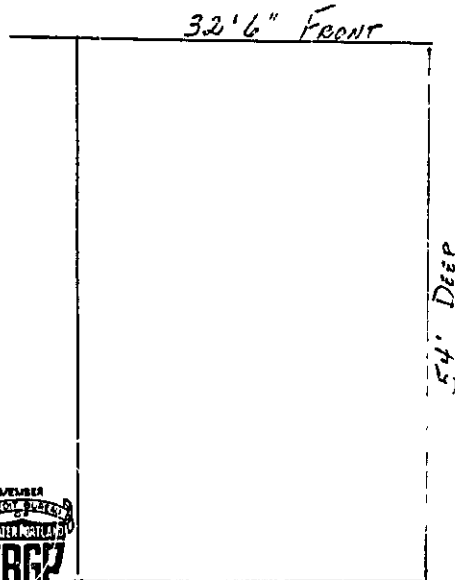
At the bottom hereof please find a sketch showing the layout of the land at 71 Center St., Portland, Maine. Inasmuch as this land is to be used for parking our vehicles and equipment we feel it unnecessary to have a plot plan drawn up. This land abuts property already being used by us as a parking lot.

If you should desire any further information please feel free to call us.

Very truly yours,

EARLE W. NOYES & SON

Earle W. Noyes Sr.
by Earle W. Noyes Sr.



RECEIVED
 FEB 14 1963
 DEPT. OF BUILDING INSPECTION
 CITY OF PORTLAND



"THINK OF NOYES WHEN YOU THINK OF MOVING"

2/11/63

Copy made
Mr. Noyes 2/19/63

Ap. 71 Center Street

Dec. 5, 1962

Mr. Earle W. Noyes
34 Cotton Street

cc to: Santino J. Viola
84 Fayson Street

Dear Mr. Noyes:

Permit for demolition of the building at the above named location is being issued to Mr. Viola. If vacant land left after demolition is to be used for any purpose, such as off-street parking of motor vehicles, a certificate of occupancy is required from this department before the use may be lawfully established. With application for certificate of occupancy will need to be filed a plot plan showing arrangement of lot in compliance with Zoning Ordinance requirements.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Earle W Moyes
34 Cotton St.
Portland Maine

Nov. 27, 1962

Dear Sir:

With relation to permit applied for to demolish a building or portion of building at #71 Center St. 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 any 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 Inspector until and unless provisions 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,

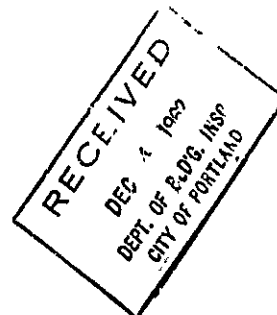
Albert J. Sears

Albert J. Sears
Inspector of Buildings

AJS/H

Eradication of this building has been completed.

J. L. Klein
11-30-62





INDUSTRIAL WORK

APPLICATION FOR PERMIT

Third Class

Class of Building or Type of Structure

November 27, 1962

Portland, Maine

PERMIT ISSUED

01672

DEC 3

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 71 Center St. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Earle W Noyes, 34 Cotton St. Telephone 2-4645
 Lessee's name and address _____ Telephone _____
 Contractor's name and address Santino J Viola, 84 Payson St. Telephone _____
 Architect _____ Specifications _____ Plans no No. of sheets _____
 Proposed use of building _____ No. families _____
 Last use Dwelling & Store No. families 1
 Material frame No. stories 2 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ 5.00

General Description of New Work

To demolish existing 2-story frame dwelling and store.

Do you agree to tightly and permanently close all sewers or drains connecting with public or private sewers from this building or structure to be demolished, under the supervision and to the approval of the Dept. of Public Works of the City of Portland? Yes.

Land possibly to be used for parking lot.

Permit Issued with Lett.

Execution letter sent 11-27-62
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 _____
 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? _____

APPROVED:

ON-12/5/62-ajl

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

Earle W Noyes
Santino J Viola

Signature of owner by:

Santino J Viola

INSPECTION COPY

7/21

Permit No.

6411634

Location

71 Center St

Owner

Earle H. Hayes

Date of permit

12/5/62

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

Staking Out Notice

Form Check Notice

NOTES

1/7/63 Demolished
Allen

~~X~~

JOSEPH T. EDGAR
SECRETARY OF STATE
PETER M. DAMBORG
DEPUTY SECRETARY OF STATE



DORIS HAYES
SUPERVISOR
CORPORATION & UCC DIVISION

State of Maine
Department of State
CORPORATION & UCC DIVISION

AUGUSTA, MAINE 04330

November 19, 1974

Earle Smith
Department of Building Inspection
City Hall
389 Congress Street
Portland, Maine

Dear Sir:

The officers for EREBUS, INC. from the 1974 annual report are President, Herbert G. Gideon, 52 Center Street, Portland, Maine; Treasurer, Judith C. Kelly, 52 Center Street, Portland, Maine; and Clerk, Edwin A. Heisler, Esquire, 465 Congress Street, Portland, Maine.

Herbert G. Gideon and Judith C. Kelly are the directors.

Very truly yours,

A handwritten signature in cursive script that reads "Doris Hayes".
Doris Hayes
Supervisor

amp

STATE OF MAINE
CUMBERLAND, SS.

Registry of Deeds

The within instrument is hereby certified to be a

True Copy

of the record of a Quit-Claim Deed

From Earle W. Noyes & Son

To Erebus Inc.

received at said Registry of Deeds on the

12th day of

May A. D. 1972, at

12 o'clock 29M. P. M. and recorded in

Book 3236 Page 292

By W. Lester Hughes, Register

Attest November 25, 1974

W. Lester Hughes

REGISTER OF DEEDS