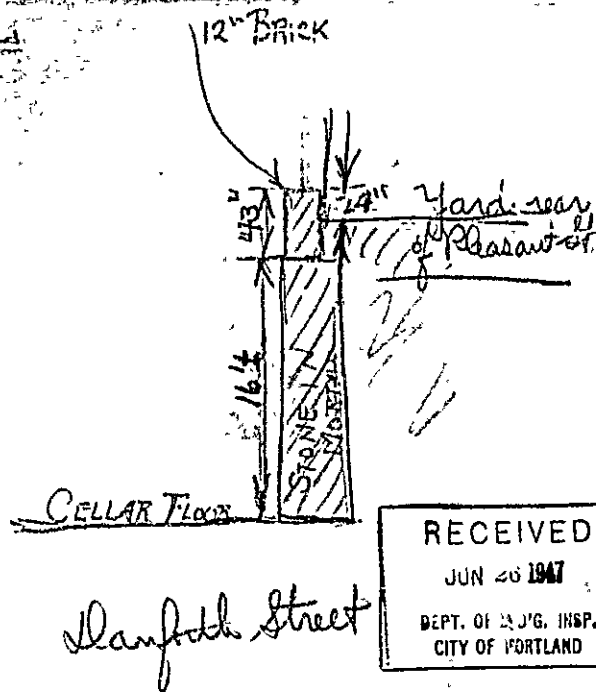


15 DANFORTH STREET.

SHAW-WALKER

Full cut #920R - Half cut #9202R - Third cut #9203R - Final cut #9205R



RECEIVED

JUN 26 1947

DEPT. OF B'G. INSP.
CITY OF PORTLAND

July 22, 1947

To: Edward T. Gignoux
Assistant Corporation Counsel

From: Warren McDonald
Inspector of Buildings

Subject: Demolition of city-owned
building at 15 Danforth St. and
maintenance of retaining wall at
the rear

Now that contractor Charles L. Dennison has completed the demolition of the building, this memo is to clear our record and make sure that there is not some misunderstanding as to what is to be done about protection at the public sidewalk line and with regard to the retaining wall in the rear.

Our inspector reports that a temporary and not very stout barricade has been erected along the inside edge of public sidewalk, since the cellar has not been completely filled up to the grade of the sidewalk (this applies also to the job at 13 Danforth Street), and it is understood that filling material is to be procured as soon as possible and the cellars filled up to grade—then the barricades to be removed.

The last time I talked with you about the retaining wall in the rear, it is my recollection that you or Mr. Moore were to ask the City Engineer to have the strength of the wall investigated—thus to determine what is needed to make it permanently safe. While it is clear from your memorandum of June 26 that the city is only responsible for lateral support of the land of others in the rear as it was in its natural condition, I presume the city would not want any part of this land to slide over onto the city-owned land on Danforth Street.

Anyway, in event this retaining wall should overturn or break, there would be a very fine engineering point to determine what part of the bank caused the breakage or failure. In my judgment it would be impossible to prove that it was the filling material above the natural grade of the ground on the adjoining land that caused the trouble.

It is my belief that the retaining wall is not nearly strong enough to permanently support this bank, and I doubt if there is any drainage arrangement to relieve any water that may accumulate behind the wall. It seems necessary to me to make the wall permanently safe and try to make reasonable arrangements with the owner of the land in the rear to bear a proportionate part of the cost. Certainly this matter all ought to be cleared up before winter weather comes again.

Inspector of Buildings

WMCD/S

CC: Lester F. Wallace
Purchasing Agent

CITY OF PORTLAND, MAINE
CORPORATION COUNSEL

RECEIVED

JUN 26 1947

DEPT. OF P.B. INSP.
CITY OF PORTLAND

TO: Warren McDonald, Inspector of Buildings DATE: June 26, 1947
FROM: Edward T. Gignoux, Assistant Corporation Counsel
SUBJECT: City's liability in connection with maintenance of retaining wall at rear of City-owned building being demolished at 15 Danforth Street

Referring to your memorandum of June 18, 1947 and attached copy of your memorandum of June 2, 1947 to Mr. Wallace concerning the situation at 15 Danforth Street, I have this morning talked with Mr. Dennison, the contractor, and inspected the property personally.

My understanding of the situation is as follows: The rear foundation and wall of the building being demolished act as a retaining wall to support the rear yard of the premises, #30 Pleasant Street. The surface of the ground of this rear yard is approximately 12 feet above the cellar floor of the building being demolished. Of this 12 feet, approximately 8 feet is being supported by a stone foundation of unknown thickness and the top 4 feet is being supported by a brick wall 1 foot thick. It is evident that, if this foundation and brick wall are removed, the rear yard of the Pleasant Street premises will be let down onto the City's property. Mr. Dennison states, however, that it is his intention to leave the 8 foot stone wall as it now is, removing only the bricks which can be sold by him.

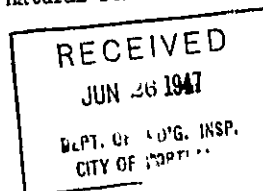
The liability of the City for the support of the Pleasant Street property is as follows: The owner of the premises at 30 Pleasant Street has the right to lateral support of his land in its natural condition. Apparently, when the City-owned building was originally built, the owner excavated considerably below the normal ground level and constructed the stone foundation wall for the purpose of supporting the adjoining premises. The City is, therefore, definitely under an obligation to take such steps in demolishing this building as to ensure continued lateral support of the adjoining premises in their natural condition.

On the other hand, the right to lateral support of the owner of the Pleasant Street property does not extend to any improvements or additions to the land in its natural condition and the City would not be liable for damage caused to his land by the removal of support for any additions to, or fill upon, the Pleasant Street property.

June 26, 1947

After looking at the situation of the ground, it would appear that the original ground level more or less approximated the top of the stone wall and that the earth above that point, which is now being supported by the brick retaining wall, was filled in at a subsequent date. There is no obligation upon the City to provide support for this fill, beyond the City's duty to use reasonable care in demolishing the retaining wall and to notify the adjoining owner in time so as to give him an opportunity to take such steps as are necessary to protect his premises against those damages which cannot be wholly averted by the exercise of reasonable care in the demolition of the wall.

In conclusion then, it is my opinion that the City should notify the owner of the premises at 30 Pleasant Street of the proposed removal of the brick wall and give him a reasonable time in which to protect the fill in his rear yard from falling off into the basement of the building. As to the stone wall, it would seem that the City must leave this and take such further steps as necessary to ensure that the land in its original natural state will not be injured.



Edward T. Gignoux
Assistant Corporation Counsel

ETG:M

cc: Lester F. Wallace
Purchasing Agent

File: AP 15 Danforth Street-I

June 18, 1947

To: Edward T. Gignoux
Assistant Corporation Counsel

Subject: Maintaining of retaining wall
at rear of city owned building at 15
Danforth Street

From: Warren McDonald
Insptr. of Bldgs.

Contractor Charles L. Dornison of 182 Oxford Street, who is demolishing the city owned building, came in this morning to inquire what he is to do about this retaining wall.

After referring to my letter to the Purchasing Agent of June 2 (copy to you) I phoned Mr. Wallace who said that he had talked with Mr. Shur some time ago who said that the matter was being taken care of and Mr. Wallace need do nothing about it.

I suppose any instructions to the contractor should be given by Mr. Wallace, but the contractor naturally came in here to find out because I issued the permit to demolish. He probably has reached the point where he has nothing more to do than demolish the building at 15 Danforth Street, the other one having been demolished, and he understands that it is unsafe from every standpoint to demolish any major part of the building at 15 Danforth Street until some arrangements have been made about the retaining wall.

Inspector of Buildings

WMCD/J

June 2, 1947

To: Lester F. Wallace
Purchasing Agent

Subject: Special problem in connection with demolition of city-owned building now being demolished at 15 Danforth Street—reply to your memorandum of May 27

From: Warren McDonald
Insptr. of Bldgs.

Aside from the usual necessity of providing stout barricades of such character that pedestrians on the public sidewalk would not have their clothing or persons damaged thereby, to be provided along the public sidewalk in front of the cellars of those buildings unless or until the cellar depressions are filled up approximately level with the public sidewalk, there is a special problem at the rear of the building at 15 Danforth Street which promises to be troublesome and perhaps somewhat costly, depending upon the liability of the city.

The rear foundation and underpinning wall of the building at 15 Danforth Street acts as a retaining wall to support the rear yard of the habitation backing up to the Danforth Street lot and numbered on the building 30 Pleasant Street. The surface of the ground of this rear yard is perhaps 12' or more above the cellar floor of the building at 15 Danforth Street now being demolished. Obviously, the height of the building now being demolished and the bracing effect of its floors is an important factor, and has been through the years, in keeping this retaining wall stable.

While the true nature and thickness of the wall cannot be determined, the upper part above the surface of the ground on the sides of the building to be demolished appears to be 12" thick of brick. It appears likely that the wall is of stone below that point and probably gets thicker as it approaches the bottom of the wall. The wall with a retaining height of 12', even if in sound condition, ought to have at the level of the ground on the low side of the wall a thickness of no less than 4' 6". If the building should be removed and nothing done to the wall, it is likely that the wall would collapse at the first heavy rain after the building was demolished or before that time, letting more or less of the rear yard of the building on Pleasant Street down onto city property.

It is suggested that the Corporation Counsel be requested to look into the city's responsibility with regard to this wall and the supporting of the earth on the lot in the rear, and that the plans of the city be laid accordingly. It may be that the city has no responsibility, but certainly the owners at 30 Pleasant Street should be notified and warned. Possibly both the city and the owner at 30 Pleasant Street have joint responsibility toward the situation, and some agreement can be reached between the two so that a permanently satisfactory condition may be established.

I have talked with our contractor who is demolishing the building. He seems to understand the situation, his own liability and possible hazard to his men should the building at 15 Danforth Street be demolished to such an extent as to weaken the wall. I told him that it hardly seems safe to remove any of the floors of the building at 15 Danforth Street until this matter was adjusted, and warned him of hazard to his men should they be working within striking distance of this wall. He suggested that he would not be held up in his work because he could go to work on the building at 13 Danforth Street first, if necessary.

WMC/D

Inspector of Buildings

CC: Lyman S. Moore, City Manager
Edward T. Gignoux, Assistant Corporation Counsel

INTER-OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE
PURCHASING DEPARTMENT

To: Warren McDonald, Bldg. Inspector DATE: May 27, 1947
From: Lester F. Wallace, Purchasing Agent
SUBJECT: Demolition of Buildings - 13 & 15 Danforth Street.

As you know, the City Council ordered the demolition of the buildings at 13-15 Danforth Street, and in accordance with that order, I called for bids.

Contract for the demolition has been awarded to Charles L. Dennison, 182 Oxford Street, Portland, Me.

It has been reported to me that there is the possibility of a dangerous situation developing on these premises after the buildings are torn down due to a steep drop in the land, as I understand it.

It has been suggested that for the city's protection a fence should be built to prevent any accident which might result in a claim against the city.

I am not clear as to just what department may be responsible for providing such protection, but Mr. May of the Public Works Dept. did not feel it was his responsibility.

As the contractor will be starting demolition in the immediate future, I felt this matter should be called to your attention for whatever action, if any, may be necessary.

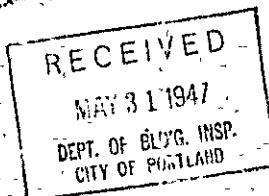
Lester F. Wallace

Lester F. Wallace
Purchasing Agent

LFW/jw

40-13-24
15-17 Danforth

4039-26-30 *Dennison*
Charles L. Dennison



C O P Y

May 23, 1947

Mr. Charles L. Dennison,
182 Oxford Street,
Portland, Maine

Dear Sir:

Your proposal of April 28, 1947, to demolish two buildings at 13 and 15 Danforth Street and remove all material from the lots, in accordance with specifications contained in proposal, and your further agreement to fill in cellar excavations to grade level, all for the sum of Two hundred dollars (\$200.00) is hereby accepted.

It is understood that the work will be begun at once and will be carried on without unnecessary delay. Payment is to be made on satisfactory completion of the undertaking.

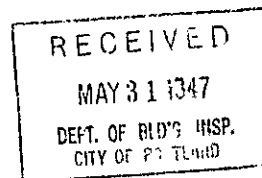
Yours very truly,

Lester F. Wallace,
Purchasing Agent

LFW/jw

P.S. Please deliver liability insurance policy to this office before commencing work.

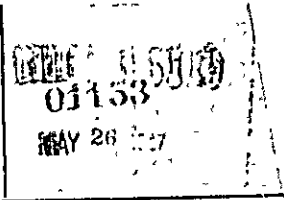
L.F.W.





APPLICATION FOR PERMIT

Class of Building or Type of Structure Third
Portland, Maine, May 27, 1947



To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~construct~~ 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 15 Denforth Street Within Fire Limits? yes Dist. No. 1
Owner's name and address City of Portland Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Charles J. Dennison, 122 Oxford Street Telephone _____
Architect _____ Specifications _____ Plans _____ No of sheets _____
Proposed use of building _____ No. families _____
Last use Dwelling house No. families 2
Material wood No. stories 2 1/2 Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot none
Estimated cost \$ _____ Fee \$ 1.00

General Description of New Work

To demolish 2 1/2 story dwelling 25' x 40'

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 Department of Public Works Department? Yes

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.

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
Height average grade to top of plate _____ Height average grade to highest point of roof _____
Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
Material of underpinning _____ Height _____ Thickness _____
Kind of roof _____ Rise per foot _____ Roof covering _____
No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
Framing lumber—Kind _____ Dressed or full size? _____
Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____
Girders _____ Size _____ Columns under girders _____ Size _____ Max. on centers _____
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____
On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
If one-story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

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

APPROVED:

INSPECTION COPY

Signature of owner

Charles J. Dennison

