

22422

FU - 5/2/60 MSB

60-199-207 Wighton Avenue

April 22, 1960

cc to: Commercial Properties, Inc.  
10 Congress Square  
cc to: Corporation Counsel

Mr. Orris H. Seavey  
205 Brighton Avenue

Dear Mr. Seavey:

The Board of Appeals in considering your appeal under the Zoning Ordinance involving the extension of the service station use on the premises at the above named location approved the parking of customer cars on the thirty foot strip of land extending across the rear of the premises provided that said strip is completely black-topped, but denied a variance to permit the sale of used motor vehicles on the premises.

It is therefore necessary that the sale of used cars which you have been conducting on the premises be discontinued without any unnecessary delay. If you are to continue the use of the thirty-foot wide area of the lot for parking of customers' cars, it is necessary that the area involved be provided with black-topped surfacing and that a bumper guard at least 20 inches high be installed on private property just inside the line of St. George Street so that parked cars cannot extend beyond the street line. In such a case you should proceed to have this done and when it has been accomplished, notify this department for an inspection, when, if everything is found in order, a certificate of occupancy authorizing such use of that part of the lot will be issued. If you are not prepared to provide a black-top surfacing and bumper guard it is necessary that you abandon parking on that part of the premises involved.

Very truly yours,

Albert J. Sears  
Inspector of Buildings

MSB/jg

3  
Cplt. 59/86-199-207 Brighton Avenue

December 15, 1959

Mr. Orris E. Seavey  
205 Brighton Avenue

cc to: Commercial Properties, Inc.  
10 Congress Square

Dear Mr. Seavey:

An inspector from this department reports operations being conducted on the premises outside the service station operated by you at the above named location which appear to be contrary to Zoning Ordinance restrictions. The property is located mostly in a B-1 Business Zone where the service station use, as well as automobile sales, is not an allowable use. The service station use was established about 20 years ago after authorization of the Board of Appeals and there have been a number of other appeals involving the property sustained since that time.

The property therefore has rights as a lawful existing non-conforming use and Sections 17 of the Zoning Ordinance provides that any lawful non-conforming use of building or premises existing on June 5, 1957 may continue but may not be enlarged or extended to any part of the building or premises not so used on that date. It appears that you have recently filled in the rear portion of the lot on which the building is located and are using it for the sale and display of used cars. Since the sale of automobiles is not an allowable use in the B-1 Business Zone and it is being conducted on a part of the premises not so previously used, such an operation is unlawful under the Zoning Ordinance and must be discontinued at once.

If you wish to continue such operations at this location, you should try to secure approval of the Board of Appeals. To instigate appeal proceedings it is necessary that you file at this office an application for a certificate of occupancy for such a use and that you furnish therewith a plot plan showing location of existing building on lot and areas where cars are to be displayed for sale, including location and width of existing and new driveway entrances to lot from both streets. Should you have further questions concerning application of the Zoning Ordinance to this situation, I shall be glad to go further into the matter upon request.

Very truly yours,

Albert J. Sears  
Inspector of Buildings

AJS/jg

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine January 13, 1960

Location 199-207 Brighton Avenue Zone B-1 & A-5

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 and sales of motor vehicles in connection with existing service station on lot,

as set forth on the attached site plan (made by Orris Seavey whose address is 205 Brighton Avenue) 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) Commercial Properties, Inc., 10 Congress Sq.

Lessee (name, address and phone number) Orris Seavey, 205 Brighton Ave.

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 Service Station

If off-street parking is sought, what is proposed maximum number of vehicles to be parked—passenger cars? 25, commercial vehicles? \_\_\_\_\_.

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

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)? None

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 Orris E. Seavey

By \_\_\_\_\_  
(Duly authorized thereto)

\*\*\*\*\*

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To

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

However, improvement of the premises according to the site plan and the above application may now proceed with the usual application, but subject to the conditions indicated below—notice of the Department of Building Inspection to be given to this department when the premises are ready for occupancy in compliance with the requirements:-

(Date) \_\_\_\_\_ Inspector of Buildings

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Robert W. Donovan, Asst. Corporation Counsel

DATE: March 23, 1964

FROM: Albert J. Sears, Building Inspection Director

SUBJECT: Violation of Zoning Ordinance at 199-207 Brighton Ave., corner of St. George Street

I am sending you herewith file papers on this property, which has been a source of trouble for over four years now. There is a different operator of the station than the one who was operating it when the trouble started and the appeal was filed. However, the owner of the property is the same, Commercial Properties, Inc. (Harry Shwartz).

New operator has been notified as to limits of operations under Zoning Ordinance as record shows. Last week I had another complaint from Walter Burns about it and as latest pictures show the Zoning Ordinance is being violated. There is reason to believe that cars are being sold here also.

I am turning the case over to you for whatever action you may deem appropriate.

*Albert J. Sears*  
Albert J. Sears

AJS:m

Enc.

March 27, 1964

Mr. Walter Burns  
257 Brighton Avenue  
Portland, Maine.

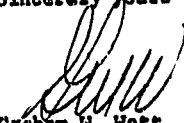
Dear Mr. Burns:

I regret that because City business took me to Augusta last Friday it was not possible for me to see you at that time.

I assume that you wish to talk with me further about the operation of the service station at 199-207 Brighton Avenue.

This matter has now been referred by the Building Inspection Director to the Legal Department to determine whether or not any violation exists. If a violation is found to exist, I can assure you that we will take appropriate action.

Sincerely yours



Graham W. Watt  
City Manager

gbw  
cc: Legal Department

April 3, 1964

Mr. Elmer P. Spofford  
207 Brighton Avenue  
Commercial Properties, Inc.  
10 Congress Square

Gentlemen:

Albert J. Sears, City Building Inspection Director, has turned over to us for our attention his file dealing with violations of the Zoning Ordinance occurring on the premises at 199-207 Brighton Avenue. As you are aware, it has been necessary at various times in the past for Mr. Sears or his office to ask you to bring the property into compliance with the Zoning Ordinance.

It now appears that the present operation is again in violation of the Zoning Ordinance because of the parking of motor vehicles on the unpaved area at the rear of the lot, and also motor vehicles are being offered for sale on the premises.

As you may know, under the Zoning Ordinance both the owner and occupant of property violating the Zoning Ordinance are guilty of misdemeanors and may be fined not more than \$50 for each day of violation. Unless the property is brought into compliance with the Zoning Ordinance immediately, it will be our duty to ask the court to issue a warrant against both owner and occupant. Also, if at any time in the future a violation should occur, it will be necessary for us to take the same action without further warning.

Yours very truly,

Robert W. Donovan  
Assistant Corporation Counsel

RWD/sp

cc: Albert J. Sears, Building Inspector ✓

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Albert J. Sears, Building Inspector  
**FROM:** Robert W. Donovan, Assistant Corporation Counsel  
**SUBJECT:** Cpl. 59/86 199-207 Brighton Avenue

**DATE:** April 3, 1964

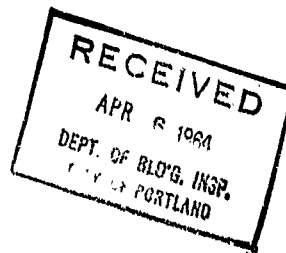
As the attached copy of our letter of today's date will show, we have threatened the owner and occupant of the above property with court action. My reaction to a reading of the file is that a prosecution based on the use of the rear portion of the lot would be unrewarding. However, if we have further difficulties and can bring in reasonable proof of used car sales, we might be successful in court action.

Your file is returned to you herewith.



Robert W. Donovan  
Assistant Corporation Counsel

RWD/sp  
Attachments



CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Robert W. Donovan, Asst. Corporation Counsel  
FROM: Albert J. Sears, Building Inspection Director

DATE: March 23, 1964

SUBJECT: Violation of Zoning Ordinance at 199-207 Brighton Ave., corner of St. George Street

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New operator has been notified as to limits of operations under Zoning Ordinance as record shows. Last week I had another complaint from Walter Burns about it and as latest pictures show the Zoning Ordinance is being violated. There is reason to believe that cars are being sold here also.

I am turning the case over to you for whatever action you may deem appropriate.

---

Albert J. Sears

AJS:m  
enc.



PETITION

TO THE BOARD OF APPEALS  
CITY OF PORTLAND, MAINE

We the undersigned, being either residents or property owners living in the vicinity of 199-207 Brighton Avenue, Portland, hereby object to the granting of an exception to the Zoning Ordinance as requested by Commercial Properties, Inc., being confident that the granting of such an exception would have an adverse effect on the value of our property, and that no undue hardship would result to Commercial Properties, Inc. upon the denial of its appeal.

NAME

STREET ADDRESS

Dr. Daniel I. Brownstone	260 Brighton Ave.
Mayme C. Brownstone	260 Brighton Ave.
Maurice J. Storch	280 Brighton Ave.
Mary J. Storch	280 Brighton Ave.
Joseph LaDonte	280 Brighton Ave.
Cecilia McQuade	191 Brighton Ave.
Marce B. Lee	221 Brighton Ave.
Cecil B. Lee	221 Brighton Ave.
Henry F. Lush	221 Brighton Ave.
Ed Buckley	227 Brighton Ave.
Louise A. Buckley	229 Brighton Ave.
Frederick A. March	229 Brighton Ave.
Marie J. Martin	245 " "
Walter Burns	245 " "
Gloria Burns	257 " "
Walter M. Lean	257 " "
Grace M. Lean	263 " "
John W. Wyman	263 " "
Franklin F. Strauss	192 Whitney Ave.
Margaret M. Strauss	189 Whitney Ave.
	189 Whitney Ave.

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Name

Street Address

Ray B. Hinds	230 Brighton Ave
Margaret J. Hinds	230 Brighton Ave
Robert J. Campbell	227 Brighton Ave
Virginia C. Wallace	228 Brighton Ave
Richard H. Wallace	228 Brighton Ave
Ethel G. Matthews	234 Brighton Ave.
Nazel A. Hall	232 Brighton Ave
Fred C. Gammon	232 Brighton Ave
Paul H. Gammon	292 Brighton Ave
David S. Carter	240 Brighton Ave
Joseph W. Carter	240 Brighton Ave
Genny B. Osterberg	240 Brighton Ave.
Lillian C. Osterberg	240 Brighton Ave

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NAME

STREET ADDRESS

<i>J. W. Christian</i>	<i>46 Saint George</i>
<i>Annice F. Christian</i>	<i>" " "</i>
<i>Victoria S. Carr</i>	<i>28 " George</i>
<i>B. C. Reed</i>	<i>20 " "</i>
<i>Lyle and Fred Freytag</i>	<i>59 St. George</i>
<i>Rebecca H. Prouty</i>	<i>140 St. George St.</i>

24 1/2 Dartmouth St.  
Portland, Maine  
April 7, 1960.

Franklin S. Hinckley  
Board of Appeals  
Portland, Maine

Dear Sir: Since we are out  
of the state and will not  
be able to attend the Board  
of Appeals meeting April 14th  
regarding change of zoning  
Ordinance, property 199-207  
Brighton Avenue, corner St. George  
Street, we wish to go against  
this appeal as it will de-  
value our property.

Furthermore any change  
in zoning will lead other

stations, of which there is  
one directly opposite my  
property to ask for a zoning  
change in the future.

Will you kindly take  
care of our appeal as we  
have lived there longer than  
any of these stations have  
been built.

Very tr. ly yours,  
Dora Wine  
Les Wine.

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

*Honolulu, Oahu*  
*Jan. 24-1960*

*I am very much against this  
appeal. Please consider this  
my vote against -  
Yours truly,*

January 18, 1960

TO WHOM IT MAY CONCERN:

*Annie J. Christin*  
*46 St. George St - Portland, Me.*

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, January 28, 1960, at 4:00 p.m. to hear the appeal of Commercial Properties, Inc. requesting an exception to the Zoning Ordinance to permit use of the newly filled-in area about thirty feet deep extending across the rear of the lot at 199-207 Brighton Avenue, Corner of St. George Street for parking of customer's cars and display for sale of used motor vehicles.

This permit is presently not issuable for the following reasons:

(1) The service station use now existing on the lot is non-conforming under the Zoning Ordinance in the B-1 Business Zone where the property is located, having been authorized by the Board of Appeals about twenty years ago, and an extension of a non-conforming use to other parts of the premises where such use has not been authorized is forbidden by Section 17-C of the Ordinance.

(2) The sale of automobiles is a use excluded by Section 8-A-8 of the Ordinance from those allowable in the B-1 Business Zone where the property is located.

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

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

BOARD OF APPEALS  
Franklin G. Hinckley  
Chairman

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

February 19, 1960

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, March 3, 1960, at 4:00 p.m. to hear the appeal of Commercial Properties, Inc. requesting an exception to the Zoning Ordinance to permit use of the newly filled-in area about thirty feet deep extending across the rear of the lot at 199-207 Brighton Avenue, corner of St. George Street, for parking of customer's cars and display for sale of used motor vehicles.

This permit is presently not issuable for the following reasons:

(1) The service station use now existing on the lot is non-conforming under the Zoning Ordinance in the B-1 Business Zone where the property is located, having been authorized by the Board of Appeals about twenty years ago, and an extension of a non-conforming use to other parts of the premises where such use has not been authorized is forbidden by Section 17-C of the Ordinance.

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

*Board of Appeals City of Portland*

*I am definitely opposed to any modification of existing zoning.*

*My husband, Geo W. Christian is*

*representing me - Anne J. Christian 3/3/60*

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

February 24, 1900

Board of Appeals  
City Hall Building  
Portland, Maine  
Attention: Franklin G. Hinckley, Esq., Chairman

Dear Mr. Hinckley:

With reference to the appeal of Commercial Properties, Inc., on which public hearing is to be held March 3rd in connection with use of a strip of land thirty feet wide running along the rear of the Texaco Station at the corner of Brighton Avenue and St. George Street, I am the owner of the abutting land.

This is to advise you that I have no objection to the proposed use of the strip of land in question for parking of customers' cars and sale of automobiles. However, I would ask that you require the strip to be covered with a macadam hard top, so as to keep the lot clean, and also provide that this strip shall not be used for deposit of rubbish, debris, barrels and old automobile parts.

With many thanks for your kind cooperation, I am

Very truly yours,

*Edward D. Noyes*

Edward D. Noyes



FOREST CITY, INC.  
VICTORY VILLAGE, INC.

4 FOREST PARK  
PORTLAND, MAINE

Daniel Singer, Mgr.  
TEL. SPruce 3-4739

March 23, 1960

Mr. Franklin G. Hinckley, Chairman  
Board of Zoning Appeals  
City Building  
Portland, Maine

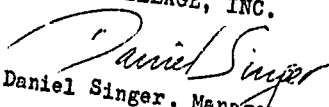
Dear Mr. Hinckley:

I understand that Commercial Properties, Inc. has petitioned that a thirty foot strip of land in the rear of the Texaco station at Brighton Avenue and St. George Street be used as a parking lot.

As Manager of Victory Village, with buildings across the street on Brighton Avenue at 214 and 216, I approve the projected use for parking. There is a parking shortage in the area, and no other reasonable prospect for additional space. In view of the city's strict enforcement against overnight parking on the streets, I feel there is a moral obligation to encourage parking in suitable nearby areas such as this.

Yours sincerely,

VICTORY VILLAGE, INC.

  
Daniel Singer, Manager

DS/M

CITY OF PORTLAND, MAINE

Department of Building Inspection

APCO-199-207 Brighton Ave., corner of St. George Street

January 14, 1960

Mr. Orris E. Seavoy  
205 Brighton Avenue  
Commercial Properties, Inc.  
10 Congress Square

cc to: Corporation Counsel

Gentlemen:

A certificate of occupancy for use of a newly filled-in area about thirty feet deep extending across the rear of the lot at the above named location for parking of customer's cars and display for sale of used motor vehicles is not issuable for the following reasons:

1. The service station use now existing on the lot is non-conforming under the Zoning Ordinance in the B-1 Business Zone where the property is located, having been authorized by the Board of Appeals about twenty years ago, and an extension of a non-conforming use to other parts of the premises where such use has not been authorized is forbidden by Section 17-C of the Ordinance.
2. The sale of automobiles is a use excluded by Section 8-A-8 of the Ordinance from those allowable in the B-1 Business Zone where the property is located.

We understand that you would like to exercise your appeal rights concerning these discrepancies. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, you should go to file the appeal. In order for the case to be considered at the next available meeting of the Appeal Board, it is necessary that the appeal be filed not later than Friday, January 15, 1960.

Very truly yours,

Albert J. Sears  
Inspector of Buildings

AJS/jg

The Board of Appeals has considered the application for a variance from the zoning ordinance which provides that no building shall be erected on any lot in the residential zone which shall be less than 100 feet in width. The Board of Appeals has granted the variance on the condition that the applicant shall pay the cost of the survey and the cost of the improvement to be made on the lot.

This variance is granted on the condition that the applicant shall:

(1) The service station be not situated on any lot in the residential zone which shall be less than 100 feet in width. The Board of Appeals has granted the variance on the condition that the applicant shall pay the cost of the survey and the cost of the improvement to be made on the lot.

(2) The sale of automobiles be not conducted on any lot in the residential zone which shall be less than 100 feet in width. The Board of Appeals has granted the variance on the condition that the applicant shall pay the cost of the survey and the cost of the improvement to be made on the lot.

This appeal is taken under section 10 of the zoning ordinance which provides that such variance may be granted only if the Board of Appeals finds that the strict application of the ordinance would result in undue hardship to the applicant and which is inconsistent with the intent and purpose of the ordinance and that there are exceptional or unusual circumstances existing on the property that do not generally apply to other properties in the same or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of the ordinance and that in relation to the provisions of the ordinance it will not adversely affect the health, safety or convenience of the neighborhood and that the granting of the variance will be to the interest and purpose of the ordinance.

11. Board of Appeals has considered this appeal and has granted the variance on the condition that the applicant shall pay the cost of the survey and the cost of the improvement to be made on the lot.

BOARD OF APPEALS  
CITY OF CHICAGO  
CHICAGO, ILL.

*Granted Conditionally*  
*4/14/60*

DATE: April 14, 1960 *60/29*

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF COMMERCIAL PROPERTIES, INC.  
AT 199-207 Brighton Avenue, corner of St. George St.

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

BOARD OF APPEALS

Franklin G. Hinckley  
Ralph L. Young  
Frederick Nelson

VOTE

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Record of Hearing:**

In Favor: Letters in file  
Everett A. Bean, 20 and 16 Beacon Street

**Opposed:**

Petitions and letters in file  
Walter Burns, 257 Brighton Avenue  
J. Walter McLean, 203 Brighton Avenue  
Ernest D. Buckley, 229 Brighton Avenue  
Carl B. Hinds, 230 Brighton Avenue  
Dr. David I. Brownstone, 260 Brighton Avenue  
Forest L. Barter, 270 Brighton Avenue  
G. W. Christian, 46 St. George Street  
Robert Campbell, 227 Brighton Avenue  
Daniel J. Bannigan, 11 Beacon Street



LOCATION 199-207 Brighton Ave

DATE 4/18/63

PERMIT \_\_\_\_\_

INQUIRY \_\_\_\_\_

COMPLAINT

1- Permission to sell  
used cars denied  
4/14/60 and use of  
30 foot strip of lawn  
extending across rear  
of lot for parking  
permitted only if it  
is black topped.

N.F.C.:

Please see what  
is going on out here  
and if conditions of  
appeal are being  
violated. I think  
this is a new operator.  
Please get his name  
so that we can notify  
him of violation or  
restrictions on use of  
property - AJS

Elmer Spofford.

Memorandum from Department of Building Inspection, Portland, Maine

November 5, 1938

Location: 205 Brighton Ave.

Before tank and piping is covered from view, installer is required to notify Building Inspection Dept. of readiness for inspection and to refrain from covering up until approved by Building Inspection Dept.

This tank of 1-500 gallon capacity is required to be of steel or wrought iron no less in thickness than #12 gauge; and before installation is required to be protected against corrosion, even though galvanized, by two coats of tar, asphaltum or other suitable rust-resisting paint, and special protection wherein corrosive soil such as cinders or the like.

Pipe lines connected to underground tanks, other than tubing and except fill lines and test wells, must be provided with double swing joints arranged to permit the tank to settle without impairing the efficiency of the pipe connections.

Owner and installer will have to bear the responsibility for the structural capacity of the tank to support loads from above such as heavy motor trucks.

If tank will be so located as to be subjected to the action of tide water or "ground" water, adequate anchorage or weighting must be provided to prevent "floating" when tank is empty or nearly so.



# APPLICATION FOR PERMIT

21707

PERMIT ISSUED

01593

NOV 5 1958

CITY OF PORTLAND

Class of Building or Type of Structure

Installation

Portland, Maine

Nov. 4, 1958

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 205 Brighton Ave. Within Fire Limits? no Dist. No. \_\_\_\_\_

Owner's name and address Commercial Properties Inc. 602 Congress St. Telephone \_\_\_\_\_

Lessee's name and address Seavy's Texaco Station, 205 Brighton Ave. Telephone \_\_\_\_\_

Contractor's name and address Simonds Construction Co. 482 Congress St. Telephone 3-5123

Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 1

Proposed use of building Service Station No. families \_\_\_\_\_

Last use \_\_\_\_\_ " " No. families \_\_\_\_\_

Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_

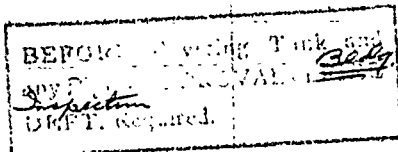
Other buildings on same lot \_\_\_\_\_

Estimated cost \$ \_\_\_\_\_ Fee \$ 1.00

### General Description of New Work

To install 1-500 gallon fuel oil storage tank (underground) storage for private use.

Tank will be buried 3' underground and painted with asphaltum-tank bears Underwriters label.  
Size of piping from tank to pump 2" copper tubing.  
Size of vent pipe 2"



Sent to Fire Dept. 11/4/58  
Rec'd from Fire Dept. 11/5/58

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO contractor

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_

Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewage? \_\_\_\_\_

Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? \_\_\_\_\_

Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_

Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_

Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_

Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_

Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_

No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_

Framing Lumber—Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Corner posts \_\_\_\_\_ Sills \_\_\_\_\_

Size Girder \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_

Kind and thickness of outside sheathing of exterior walls? \_\_\_\_\_

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

### If a Garage

No. cars now accommodated on same lot \_\_\_\_\_, to be accommodated \_\_\_\_\_ number commercial cars to be accommodated \_\_\_\_\_

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? \_\_\_\_\_

### Miscellaneous

Will work require disturbing of any tree on a public street? no

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

Simonds Construction Co.

APPROVED:

Carl P. Johnson  
CHIEF OF FIRE DEPT.



Carl P. Johnson  
CHIEF OF FIRE DEPT.



Permit No. 58/1573

Location Govt. Building

Owner George W. ...

Date of permit 11/5/58

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

Staking Out Notice

Form Check Notice

NOTES

11-26-58 Vent pipe  
to be moved 2 ft  
away from window

12-8-58 Not done

12-18-58 Completed

205 Brighton Avenue

March 19, 1959

The Texas Company  
102 Mechanic Street  
So. Portland, Maine

cc to: Simonds Construction Co.  
482½ Congress Street

Gentlemen:

This is to notify you the details in our letter of February 27th have been corrected by sub-contractor Wakefield and alterations to the Texas Company station at 205 Brighton Avenue are completed to Building Code requirements.

Very truly yours,

777 C

Nelson F. Cartwright  
Field Inspector

NFC/JE

205 Brighton Avenue

February 27, 1959

R. C. Wakefield  
497 Elm Street  
Biddeford, Maine

cc to: The Texas Company  
102 Mechanic Street  
So. Portland, Maine

Dear Mr. Wakefield:

Regarding the installation of an oil-fired suspended warm air furnace at the above filling station location, we note the following deficiencies:

1. The required automatic cut-off fire valve has not been provided, where suction oil line enters the building from outside oil storage tank. *OK*
2. No "Emergency Switch" label has been provided on the electrical cut-off switch box located in lubrication room near front door. *OK*  
*me*

We expect the above matters to be taken care of at once, since you were informed of the above deficiencies about a month ago.

Very truly yours,

NFC/js

Nelson F. Cartwright  
Field Inspector



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, December 8, 1958

PERMIT ISSUED

DEC 8 1958

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location 205 Brighton Ave. Use of Building Service Station No. Stories 1 New Building Existing "
Name and address of owner of appliance The Texas Company, 102 Mechanic St., So. Portland
Installer's name and address R.C. Wakefield, 497 Elm St. Biddeford Me. Telephone 4-5461

General Description of Work

To install Oil-fired suspended warm air furnace, in place of warm air unit.

IF HEATER, OR POWER BOILER

Location of appliance First Floor Any burnable material in floor surface or beneath? none
If so, how protected? Boiler room, suspended from ceiling Kind of fuel? oil
Minimum distance to burnable material, from top of appliance or casing top of furnace 30"
From top of smoke pipe 40" From front of appliance over 4' From sides or back of appliance over 3'
Size of chimney flue 8x12 Other connections to same flue none
If gas fired, how vented? Rated maximum demand per hour
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner Shaf-Connaire, guntype Labeled by underwriters' laboratories? yes
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? bottom
Type of floor beneath burner concrete Size of vent pipe 1 1/2"
Location of oil storage outside underground Number and capacity of tanks 1-500 existing
Low water shut off Make No.
Will all tanks be more than five feet from any flame? yes How many tanks enclosed? none
Total capacity of any existing storage tanks for furnace burners none

IF COOKING APPLIANCE

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

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Suspended at least 8' from floor.

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

APPROVED:

G.K. 12-8-58 H.F.C.

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

R. C. Wakefield

MAINE PRINTING CO.

INSPECTION COPY

Signature of Installer

by: R.C. Wakefield F.M.

NOTES

12-18-58 Needs fire alarm where  
 section line enters bldg. (1)  
 at sign of remote control emer. switch  
 located on main switch board in corner  
 of hub. room by big overhead door (1)  
 2-27-59 better (1)  
 3-12-59 Not done (1)

Approved

Date of permit

12/8

1/8

Owner

The Leggett Company

Location

245 Irving Ave

Permit No.

58/1730

1-19

3-11

*Granted 10/31*

*58/124*

DATE: Oct. 31, 1958

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF COMMERCIAL PROPERTIES CORP.

AT 199-207 Brighton Avenue

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

BOARD OF APPEALS

VOTE

	Yes	No
Franklin G. Hinckley	<input checked="" type="checkbox"/>	( )
Joseph T. Gaugh	<input checked="" type="checkbox"/>	( )
<del>HARRY XXXXXXXXXXXXX</del>	<input checked="" type="checkbox"/>	( )
Ralph L. Young	<input type="checkbox"/>	( )

Record of Hearing:

No opposition.

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

CONDITIONAL USE APPEAL

October 13, 1958

Commercial Properties Corp., owner of property at 199-207 Brighton Avenue,  
under the provisions of Section 23 of the Zoning Ordinance of the City of Portland, hereby  
respectfully petitions the Board of Appeals to: Permit replacing a 1000 gallon underground  
gasoline storage tank with one having a capacity of 5000 gallons. This permit is not issuable  
because the service station use with which the tank is connected is non-conforming in the B-1  
Business Zone in which the property is located, having been authorized by appeals granted in  
1938 and 1946, and such an extension of a non-conforming use is forbidden by Section 16 of  
the Zoning Ordinance.

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

Commercial Properties Corp.  
By: Charles A. Johnson, Agent  
APPELLANT

DECISION

After public hearing held October 31, 1958, the Board of Appeals finds that such use of  
the premises will not adversely affect property in the same zone or neighborhood and will not  
be contrary to the intent and purpose of the Zoning Ordinance.

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

Franklin G. Hillier  
Joseph J. Gray  
John L. Jones  
BOARD OF APPEALS

WALTER W. SMITH, PRESIDENT  
EDWARD E. BOULOS  
EDWARD C. JORDAN  
WARREN D. EDDY  
PAUL B. McLELLAN

**Portland Water District**  
16 Casco Street  
Portland, Maine

HERMAN BURGI, JR.  
TREAS. & GEN. MGR.  
—  
Telephone Spruce 2-6557

October 22, 1958

Board of Appeals  
City of Portland  
Portland, Maine

Attention: Franklin G. Hinckley, Chairman

Dear Mr. Hinckley:

Reference is made to an appeal for an exception to the Zoning Ordinance for the installation of a gasoline storage tank, requested by Commercial Properties Corporation.

This letter is written to advise you that as the owner of property within 500 feet of subject premises, the Portland Water District does not object to the granting of this appeal.

Yours very truly,

PORTLAND WATER DISTRICT  
*Herman Burgi, Jr.*  
Herman Burgi, Jr.  
Treasurer & General Manager

HB:1fb



**CITY OF PORTLAND, MAINE  
BOARD OF APPEALS**

**October 28, 1958**

**Simon's Construction Co.  
482½ Congress Street**

**Samuel Bernstein, Esq.  
97A Exchange Street**

**Takaco Company  
102 Mechanic Street  
So. Portland, Maine**

**Portland Pump Company  
321 Lincoln Street  
So. Portland, Maine**

**Gentlemen:**

The Board of Appeals will hold a public hearing on Friday, October 31, 1958, at 4:00 p.m. in the Council Chamber of the City Hall, Portland, Maine, to hear the appeal of Commercial Properties Corp. under the Zoning Ordinance.

Please be present or be represented at this hearing in support of this appeal.

**BOARD OF APPEALS**

**Franklin G. Hinckley**

**Chairman**

October 10, 1958

At 199-207 Brighton Ave., corner of  
St. George Street

Texaco Company  
102 Mechanic Street  
Portland, Maine  
Seavey's Texaco Station  
105 Brighton Avenue

cc to: Sumner Bernstein, Esq.  
97A Exchange Street  
cc to: Corporation Counsel  
cc to: Portland Pump Company  
321 Lincoln Street  
Portland, Maine

Gentlemen:

We are unable to issue a permit for replacing a 1000 gallon underground gasoline storage tank with one having a capacity of 3000 gallons at the above named location because the service station use with which the tank is connected is non-conforming in the R-1 Business Zone in which the property is located, having been authorized by appeals granted in 1938 and 1946, and such an extension of a non-conforming use is forbidden by Section 16 of the Zoning Ordinance.

We understand that the owner would like to exercise its appeal rights concerning this discrepancy. Accordingly we are certifying the case to the Corporation Counsel, at whose office in Room 208, City Hall, appeals are filed.

Very truly yours,

Albert J. Sears  
Deputy Inspector of Buildings

WJ:m

Memorandum from Department of Building Inspection, Portland, Maine

October 16, 1958

Location-205 Brighton Ave.,

Before tank and piping is covered from view, installer is required to notify Fire Dept. Headquarters of readiness for inspection and to refrain from covering up until approved by Fire Dept. Headquarters.

This tank of 1-5000 gallon capacity is required to be of steel or wrought iron no less in thickness than  $\frac{1}{2}$ " thick; and before installation is required to be protected against corrosion, even though galvanized, by two coats of tar, asphaltum, or other suitable rust-resisting paint, and special protection wherein corrosive soil such as cinders or the like.

Pipe lines connected to underground tanks, other than tubing and except fill lines and test wells, must be provided with double swing joints arranged to permit the tank to settle without impairing the efficiency of the pipe connections.

Owner and installer will have to bear the responsibility for the structural capacity of the tank to support loads from above such as heavy motor trucks.

If tank will be so located as to be subjected to the action of tide water or "ground" water, adequate anchorage or weighting must be provided to prevent "floating" when tank is empty or nearly so.



**BI BUSINESS ZONE**  
**APPLICATION FOR PERMIT**  
 October 10, 1958

**PERMIT ISSUED**  
 NOV 3 1958  
 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 specifications, if any, submitted herewith and the following specifications: in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and

Class of Building or Type of Structure Portland, Maine  
 Location 205 Brighton Avenue Within Fire Limits?  Dist. No. \_\_\_\_\_  
 Owner's name and address Texaco Company, 102 Mechanic St., So. Portland Telephone \_\_\_\_\_  
 Lessee's name and address Cevey's Texaco Station, 205 Brighton Ave. Telephone \_\_\_\_\_  
 Contractor's name and address Portland Pump Co., 321 Lincoln St., So. Portland Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Plans  No. of sheets 1  
 Proposed use of building \_\_\_\_\_ No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Material \_\_\_\_\_ No. stories \_\_\_\_\_ Fee \$ 1.00  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ \_\_\_\_\_

**General Description of New Work**

To remove existing 1-1000 gallon gas tank and install 1-5000 gallon gasoline tank for public use  
 Tank to be buried at least 3' below grade; coated with asphaltum; bears Jnd. Lab. piping from tank to pump 1 1/2"

**BEFORE COVERING TANK AND PIPING NOV 1958 FIRE DEPT. REQUIRED.**

Appeal sustained 10/31/58  
 Sent to Fire Dept. 10/10/58  
 Rec'd from Fire Dept. 10/16/58

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** Portland Pump Co.

**Details of New Work**

Is any plumbing involved in this work? \_\_\_\_\_  
 Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewer? \_\_\_\_\_  
 Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? \_\_\_\_\_  
 Height average grade to top of plate \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
 Material of underpinning \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Corner posts \_\_\_\_\_ Sills \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 Framing Lumber—Kind \_\_\_\_\_ Columns under girders \_\_\_\_\_  
 Size Girder \_\_\_\_\_ Kind and thickness of outside sheathing of exterior walls? \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, height? \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_

**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  
 \_\_\_\_\_ Portland Pump Co.

APPROVED: Carl P. Johnson

Signature of owner: Harry C. Johnson

Permit No. 58/1575

Location 2017 Brixton Ave

Owner J. Lee Company

Date of permit 11/3/88

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

Staking Out Notice

Form Check Notice

NOTES

10-20-58 Completed

X



# APPLICATION FOR PERMIT

BI BUSINESS TONE

Class of Building or Type of Structure

Portland, Maine, Oct. 10, 1958

PERMIT ISSUED

01436

OCT 10 1958

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 205 Brighton Ave. Within Fire Limits? no Dist. No. \_\_\_\_\_

Owner's name and address Commercial Properties Inc. 602 Congress St. Telephone \_\_\_\_\_

Lessee's name and address Seavey's Texaco Station, 205 Brighton Ave. Telephone \_\_\_\_\_

Contractor's name and address Simonds Construction Co. 482 1/2 Congress St. Telephone 3-5123

Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans no No. of sheets \_\_\_\_\_

Proposed use of building Service Station No. families \_\_\_\_\_

Last use \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ No. families \_\_\_\_\_

Material \_\_\_\_\_ Roofing \_\_\_\_\_

Other buildings on same lot \_\_\_\_\_

Estimated cost \$ 2100.00 Fee \$ 5.00

### General Description of New Work

To demolish canopy over existing front door 16' x 16'.

To provide porcelain enamel facing on existing masonry building, by the use of 1x3 wood strapping, attached with cut nails.

It is understood that his permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO contractor**

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_

Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewage? \_\_\_\_\_

Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? \_\_\_\_\_

Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_

Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_

Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_

Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_

Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_

No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Sills \_\_\_\_\_

Framing Lumber—Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_ Corner posts \_\_\_\_\_

Size Girder \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_

Kind and thickness of outside sheathing of exterior walls? \_\_\_\_\_ height? \_\_\_\_\_

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

Seavey's Texaco station  
Simonds Construction Co.

APPROVED:

O.N. - 10/10/58 - ajs

INSPECTION COPY

Signature of owner by: Charles A. Simonds

F. M.





# APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, Jan. 19, 1955

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect ~~and construct~~ the following building ~~structure~~ 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 205 Brighton Ave. Within Fire Limits? no Dist. No. \_\_\_\_\_  
 Owner's name and address Dow's Texaco Service Station, 205 Brighton Ave. Telephone \_\_\_\_\_  
 Lessee's name and address New England Tel. & Tel. Co., 45 Forest Ave. Telephone 4-9995  
 Contractor's name and address " " Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 1  
 Proposed use of building telephone booth No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ No. families \_\_\_\_\_  
 Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 315. Fee \$ 2.00

### General Description of New Work

To erect outside telephone booth.  
This booth to be constructed and foundations constructed as per American Dist. Tel. & Tel. Standards--Section C-44, 201 Issue 1-5-1, -42 Type KS - 14611

*Refused  
3/28/55*

PERMIT OCCUPANCY  
REQUIRED BY WAIVER

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** N. Eng. Tel. & Tel. Co.

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
 Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewage? \_\_\_\_\_  
 Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Framing lumber--Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_  
 Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ Girt or ledger board? \_\_\_\_\_ Size \_\_\_\_\_  
 Girders \_\_\_\_\_ Size \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

### If a Garage

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

APPROVED:


### 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  
 Dow's Texaco Station  
 New England Tel. & Tel. Co.

INSPECTION COPY

Signature of owner by: *Clifford A. Barber* Commercial Representative



March 1, 1955

AP 205 Brighton Ave., Corner of St. George St. - Proposed outdoor  
telephone booth and zoning appeal relating thereto

Mr. Clifford L. Barker  
Commercial Representative  
New England Tel. & Tel. Co.  
15 Forest Ave.  
Dow's Texaco Service Station  
205 Brighton Ave.  
John J. Davine Hairer  
85 Exchange St.

Copies to: Corporation Counsel  
Traffic Engineer

Gentlemen:-

Although an outdoor telephone booth is an allowed use in the Local Business Zone where this property is located, the permit for its erection is not issuable under the Zoning Ordinance because the booth would constitute an encroachment on the corner clearance triangle at the corner of Brighton Ave. and St. George St. contrary to Sect. 60 of the Ordinance applying to Local Business Zones but with reference for precise dimensions to Sect. 63. The corner clearance triangle is established by measuring 10 feet along each street line from their intersection and joining the two points thus located. The telephone booth is proposed six feet from the street line (inside edge of public sidewalk) of St. John St. and four inches from the street line of Brighton Ave.

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

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMC/D

Enclosure: Outline of appeal procedure

Sam: This copy is sent to you because of your interest in traffic safety which seems to be the main reason for the zoning requirements for corner clearances. This outdoor booth is like all the others, about 30 inches square and stands around nine feet from the ground. Perhaps you would like to express your opinions to the Zoning Board of Appeals.

Warren McDonald

January 20, 1955

AP 205 Brighton Ave., corner of St. George St.--Application for permit for  
outside telephone booth in non-conformity with Zoning Ordinance

Mr. Clifford L. Barker  
Commercial Representative  
New England Tel. & Tel. Co.  
45 Forest Ave.  
Dow's Texaco Service Station  
205 Brighton Ave.

Gentlemen:

Building permit intended to authorize erection of an outside telephone booth at the above location is not issuable under the Zoning Ordinance because the proposed location does not comply with the Ordinance as related to the Local Business Zone where the property is located, as follows:

The next adjoining lot along St. George St. is vacant and is in a Residence C Zone (the zone line dividing the Local Business Zone where the filling station is and the Residence C Zone along St. George St., being 100 feet from the street line of Brighton Ave. and running parallel to it). In such a case Section 16J of the Ordinance provides that no part of a proposed booth (it has to be counted as a building) may be located closer than 15 feet to the street line (inside edge of public sidewalk) of St. George St.

The location sketch is taken to mean that the entrance door to the booth would be from Brighton Ave., that the front of the booth would be four inches from the street line of Brighton Ave. and the side of the booth six feet from the street line of St. George St. This would place the building within the triangle at the street corner set up by Section 6C, applying to Local Business Zones, which triangle is determined by measuring ten feet from the corner along the street line of St. George St., another ten feet from the corner along the street line of Brighton Ave. and then joining these two points thus located. This triangle is to be kept unoccupied for view of traffic.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMCD/B

205 Brighton Ave.

November 21, 1950

Mr. David B. Millman,  
205 Brighton Avenue,  
Portland, Maine

Dear Mr. Millman:

We have received from the City Clerk's office an application for license to store 3500 gallons of gasoline at your service station, 205 Brighton Avenue, the application including the information that the license is to cover four pumps.

So that we may pass intelligently on the application from the standpoint of the Zoning Ordinance, will you be kind enough to advise promptly whether this particular application means an increased number of tanks or pumps or a relocation of other existing tanks or existing pumps.

As you are probably aware installation of new tanks or pumps or relocation of tanks or pumps require a permit from this department before the work is commenced. Such a permit is to be applied for by and is issuable only to the actual installer.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMcD/H



# APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class

PERMIT ISSUED  
APR 2 1946  
00591

To the INSPECTOR OF BUILDINGS, PORTLAND, ME. October 8, 1946

The undersigned hereby applies for a permit to ~~erect~~ new plans 3/28/47 alter ~~erect~~ new plans 3/28/47 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 207 Brighton Avenue

Owner's name and address \_\_\_\_\_ Within Fire Limits? no Dist. No. \_\_\_\_\_

Lessee's name and address Unity Co., 105 Preble St. Telephone \_\_\_\_\_

Contractor's name and address The Texas Co., Mechanic St., So. Portland Telephone \_\_\_\_\_

Architect Paul Hanna, 93 Franklin Street Telephone 3-5462

Proposed use of building \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 1

Last use \_\_\_\_\_ No. families \_\_\_\_\_

Material brick No. stories 1 Heat hot air Style of roof \_\_\_\_\_ No. families \_\_\_\_\_

Other buildings on same lot \_\_\_\_\_ Roofing \_\_\_\_\_

Estimated cost \$ 1000. Fee \$ 2.00

## General Description of New Work

To construct concrete block addition 9'8" x 7'6" -1story high. New addition to be used for boiler room.

Permit Issued with Letter

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.

CERTIFICATE OF OCCUPANCY  
REQUIREMENT IS WAIVED

## Details of New Work

Is any plumbing work involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_

Height average grade to top of plate 9'8" 1" Height average grade to highest point of roof \_\_\_\_\_

Size, front \_\_\_\_\_ depth at least 4' below grade \_\_\_\_\_ solid or filled land? solid earth or rock? earth

Material of foundation concrete No. stories 1 Thickness, top 8" bottom 10" cellar no earth \_\_\_\_\_

Material of underpinning \_\_\_\_\_ Kind of roof flat-shed Rise per foot 1" Height \_\_\_\_\_ Thickness \_\_\_\_\_

No. of chimneys existing Material of chimneys \_\_\_\_\_ Roof covering asphalt roofing Class C Ind. Lab.

Framing lumber—Kind hemlock \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_

Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ Dressed or full size? dressed \_\_\_\_\_ Size \_\_\_\_\_

Girders \_\_\_\_\_ Girt or ledger board? \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet. \_\_\_\_\_

Joists and rafters: \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_

On centers: \_\_\_\_\_ 1st floor concrete \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ roof 2x6-2x8

Maximum span: \_\_\_\_\_ 1st floor \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ roof 16"

If one-story building with masonry walls, thickness of walls? \_\_\_\_\_ 1st floor \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ roof 21' 9"

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? \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of owner By: Paul Hanna The Texas Co.

INSPECTION COPY

Permit No. 111/591

Location No. 2 Brighton Ave

Owner The Sears Co

Date of Permit Oct 1864/47

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Permit of Occupancy Issued

SECTION NOT COMPLETE

NOTES

11/15/48 Not started  
 11/16/48 Slab in, only  
 work done  
 11/17/48 Slab on this  
 permit done but  
 several questionable  
 matters fixed on stand  
 the set in metal frame  
 now wood covered. Nail  
 cause and is not  
 satisfactory  
 The existing bracket  
 now on it is unused  
 opening on service station  
 side of chimney has  
 metal plate, screw in  
 brick up. Heater

installation in wall  
 operate, hole cut through  
 wall to remove old  
 duct work. 11-18-47  
 11/18/48 Mr. Harwood  
 present from 11/27/48  
 but other matters not  
 yet corrected. 11/28/48  
 11/29/48 None of the work  
 in in inspection. 11/29/48  
 done. Talked with  
 Mr. Commissioner of  
 Health in office and he  
 will talk it up with  
 Mr. Harwood. 11/30/48  
 12/13/48 Time distant  
 permit finished.

Missouri Station

Fire Alarm Co.

Mr. Paul Harmon - installer

207 Esplanade Ave.  
Medanville St. So. Part.

93 Franklin St. 3-5462

①

Consists of block addition, permit 477571, completed structurally, but a few details are questionable.

- 1- Fastening of stainer to concrete shall that carries roof.
- 2- Fire door to be self-closing and set in metal frame
- 3- Metal ceiling and plastered ceiling called for on plan, set in slope. Metal lathe, ceiling plastered.
- 4- For new service opening service station side, plan in it, should be checked up.

MISC. - Forced warm air, oil burning unit installed without permit, opening also cut in wall between service station and heat room is 15" x 24" and 7'6" above garage floor.

Work about remote control switch.

Empty 275 gal outside above ground tank.

Following clearances around heater: 16 1/2" garage side, 13" front, 24" front, 23" front.

Duct cut one inch below roof, wood

smokepipe 4 inches below roof, wood

12/24/47 Mr. McCall called Mr. Harmon and did work until started person as possible, also Mr. Harmon apply for permit and cover oil burner information

— over —

2/10/36. The duct work has been started and well along,  
and the opening in the chimney on the stater side,  
bricked up.

- Because of the curved arrangement it is practically  
impossible to make a check of the burner.
- The ceiling in the water room has been metal lathed  
but not plastered.
- The wood down frame of the fire doors in this room has  
not been changed to metal.

AP 307 Brighton Avenue-I

October 1<sup>st</sup>, 1946

WATH  
KISS  
RMT  
PH  
AJS  
DJ  
HD  
BS

The Texas Company  
Moussanic Street  
So. Portland, Maine  
Mr. Paul Kahan  
24 Franklin Street  
Unity Company  
105 Preble Street

Subject: Application for building permit for non-  
construction of one-story addition to service  
station building at 307 Brighton Avenue

Gentlemen:

I am unable to issue the building permit for the above work because the property is in a Local Business Zone under the zoning ordinance, where the filling station building (called a Service Garage) is a non-conforming use, not being included in the list of allowed uses in such a zone, as set forth in Section 6. of the zoning Ordinance. This particular building was built after successful appeal to the Board of Appeals.

Section 13A of the ordinance provides that no non-conforming building shall be increased in volume. The proposed addition would of course constitute an increase in volume.

The revision of the zoning ordinance, effective last April, however, specifically sets up such a filling station building or service garage as a use which is permitted in a Local Business Zone if authorized by the Board of Appeals after the usual appeal procedure. Therefore the Board of Appeals would have the authority to allow this proposed addition, but only after the usual appeal procedure. With the thought that the owner or lessee of an appeal would have to be taken in the name of the owner has a desire to file such an appeal, there is enclosed to each of you an outline of the appeal procedure.

If you should resort to an appeal and should be successful, we shall need much more comprehensive plan of the addition showing in detail all the features controlled by the Building Code not only with regard to the building itself but with regard to the warm air heating system proposed. This information would have to be supplied by way of a plan made by someone who is familiar with the usual method of making plans and familiar with Building Code requirements so that he could find them out for himself before the plan is made. The plan would be filed with the application for the permit in shape of a blueprint with all of the information on it printed from the original. Owner could exercise appeal rights, however, without supplying this completed plan, but that plan would have to be filed before any building permit could be issued, the plan to show compliance with the Building Code, a fact of which we must be sure before any building permit can be issued.

In connection with the heating system the man who would make such a plan should refer to the provisions of Section 294b of the Building Code.

Very truly yours,

Inspector of Buildings

WKS/S  
CC: W. Mayo Payson, Corporation Counsel  
Encl: Outline of Appeal Procedure