

PLEASANT AVENUE PEAKS ISLAND  
87-B-1 (REAR)

RE: East Pleasant Ave., Peaks Island, Me.

April 24, 1978

Ernest F. Croy  
74 Summer Street  
Holliston, Mass. 01746

Once again the conflict arises over the legal use of a property once owned by you.

In going through our records, we have a letter from you to a party dated 9/30/68 (copy attached). At the bottom of the page there is a figure that is unclear to us as to its meaning. I have circled it. Would you be so kind as to confirm its meaning, also would you repeat the P. S. to clear its meaning, that this property has always had the use as heavy equipment storage and mechanical repairs, to the best of your knowledge for so many years, etc.?

I am trying to settle this complaint once and for all, that its use will or will not be allowable.

Has there ever been a period of one year that this property and building was not used by anyone for the above use?

Very truly yours,

Hubert G. Irving  
Building Inspector

ESI/r

Enclosure

RE: E. Pleasant Avenue - Rear - Peaks Island, Me.

Located R-3 Zone  
Assessors Map 87-B-1

May 17, 1978

Allan Daigle  
E Street  
Peaks Island, Maine 04106

Our research in this department indicates this property has always been in an R-3 Zone. The garage has had a Nonconforming Use that has in the past allowed the storage of two pieces of heavy equipment, Section 602.17.F.

All Nonconforming rights under the Zoning Ordinance have expired as stated in a letter written by Mr. Allen Soule, September 17, 1968, to the prior owner for the above use. Car repair garage use is a new use and is not allowable except for your own personal vehicles owned by you or immediate family members.

The present use is inconsistent with the R-3 Zone that this property is located in, and its present use is to cease immediately, not later than May 31, 1978, and all vehicles and parts must be removed. Failure to comply and maintain this property as so stated in this letter will result in this department taking legal action without any further notice to you that could result in a fine of \$100.00 to \$1,000.00 for each day of the violation.

This complaint has been brought to the attention of the Corporation Council for their interest in the event legal action becomes necessary.

Now that this has been brought to your attention, it is hoped we may have your complete co-operation in this matter, that further action by this department may not become necessary.

Should you have any questions, do not hesitate to call this office and ask for Mr. Brown, the Director, Mr. Smith, Mr. Ward or myself.

Very truly yours,

Hubert Irving  
Building Inspector

HI/r

cc: City Managers Office

Corporation Council



CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

COMPLAINT

Location

FILE COPY

COMPLAINT NO. 78/45

Date Received May 19, 1978

Location Rear Pleasant Ave. Peaks Island Use of Building \_\_\_\_\_

Owner's name and address Alfred & Phyllis Daigle D St. Pks Isl Telephone \_\_\_\_\_

Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Complainant's name and address Ansel B Sterling - Peaks Island Telephone \_\_\_\_\_

Description: Mrs. Lynn Mills A St. Peaks Island  
Mr. Sterling and Mrs. Mills alleged that Mr. Daigle is operating a  
business on this property for automotive repairs and/or servicing or storage  
in violation of the use restriction in the R-3 Zone in which stated property  
is located is located.

NOTES:  
Insp. Report - The garage and property was inspected today, several cars  
were parked by the garage, one was inside the building. The general  
appearance of the property was neat and orderly at this time.  
I located Mr. Alfred Daigle at his residence at D Street, I told him  
of the complaint and that I had inspected the property at Pleasant Avenue.  
I handed him a copy of the City Ordinance relating to junk cars and vehicle  
parts in the R-3 Zone that this property at Pleasant Avenue is located in.  
He was told that if he was repairing or storing any vehicles or junk there  
other than his own vehicles, that it was illegal and should be discontinued  
at once. I told him he would receive a letter from our department and would  
point out the violations and may bring about legal action.

He stated that he made a pointout of keeping the grass mowed and the  
lot neat because of certain people on the Island that held a prejudice for  
him and his family that constantly complained about everything; He stated  
that he sometimes would repair a friends car for a return favor or a trade  
for something that he needed.

I told him the property would be inspected from time to time in the  
future if complaints continued, that if he used the property for any kind  
of business whatsoever he would be in violation of the City Zoning Ordinance  
and it would start legal action without any further notice to him.

I was told by the police officer that sometimes Mr. Daigle had several  
friends stop at this property and they usually arrived in different cars  
and there might be as many as 8 to 10 cars parked along the street and some  
on the property.



CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION  
COMPLAINT

Location: Rear Pleasant Ave. - Peaks Island

FILE COPY

COMPLAINT NO. 78/45 Date Received May 19, 1978

Location Rear Pleasant Ave. - Peaks Isl. Use of Building \_\_\_\_\_

Owner's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Complainant's name and address Angie B. Sterling - Peaks Island Telephone \_\_\_\_\_

Description: \_\_\_\_\_

NOTES: I will suggest to the Building Inspector Dept. and the Corp Counsel that if legal action is taken that all complaining party's be subpoenaed to testify in behalf of the city to support their complaint.

I will contact the complaining party's to see if they will volunteer. This has been discussed with the Corp. Counsel and approved.

May 19, 1978 9.A.M. I called Mr. Sterling and got no answer. There is no listed phone number for Mrs. Mills.

9.30 AM = no answer

10:30 pm - May 19, 1978 Contact was made with Mrs. Mills & Mr. Sterling both agreed to be in court to testify (J.W.)

No. 152453

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO  
**Allan Daigle**  
STREET AND NO.  
**F. Pleasant Ave. - Rear - Peaks**  
P.O., STATE AND ZIP CODE  
**Island**

POSTMARK  
OR DATE

OPTIONAL SERVICES FOR ADDITIONAL FEES	
RETURN RECEIPT SERVICES	1. Shows to whom and date delivered ..... 15¢
	With delivery to addressee only ..... 65¢
	2. Shows to whom, date and where delivered .. 35¢
	With delivery to addressee only ..... 85¢
DELIVER TO ADDRESSEE ONLY	..... 30¢

PS Form 3030 Apr. 1971 NO INSURANCE COVERAGE PROVIDED (See other side) NOT FOR INTERNATIONAL MAIL GPO 1974 O - 551-454

RE: E. Pleasant Avenue - Rear - Peaks Island, Me.

Located R-3 Zone  
Assessors Map 87-B-1

May 16, 1978

Allan Daigle  
D Street  
Peaks Island, Me. 04106

Our research in this department indicates this property has always been in an R-3 Zone. The garage has had a nonconforming use that has in the past allowed the storage of two pieces of heavy equipment. Section 602.17.F.

All nonconforming rights under the Zoning Ordinance have expired as stated in a letter written by Mr. Allen Soule, September 17, 1968, to the prior owner for the above use. Car repair garage use is a new use and is not allowable except for your own personal vehicles owned by you or immediate family members.

The present use is inconsistent with the R-3 Zone that this property is located in and its present use is to cease not later than May 31, 1978, and all vehicles and parts must be removed. Failure to comply and maintain this property as so stated in this letter will result in this department taking legal action without any further notice to you that could result in a fine of \$100. to \$1,000. for each day of the violation.

This complaint has been brought to the attention of the Corporation Counsel for their interest, in the event legal action becomes necessary.

Now that this has been brought to your attention, it is hoped we may have your complete cooperation in this matter, that further action by this department may not become necessary.

Should you have any questions, do not hesitate to call this office and ask for me.

Very truly yours,

Robert Irving  
Building Inspector

c.c. City Manager's Office  
Corporation Counsel



# CITY OF PORTLAND

R. LOVELL BROWN

BUILDING AND INSPECTION DIRECTOR

RE: E. Pleasant Avenue - Rear - Peaks Island, Me.

Located R-3 Zone  
Assessors Map 87-B-1

May 18, 1978

Allan Daigle  
D Street  
Peaks Island, Me. 04106

Our research in this department indicates this property has always been in an R-3 Zone. The garage has had a nonconforming use that has in the past allowed the storage of two pieces of heavy equipment. Section 602.17.F.

All nonconforming rights under the Zoning Ordinance have expired as stated in a letter written by Mr. Allen Soule, September 17, 1968, to the prior owner for the above use. Car repair garage use is a new use and is not allowable except for your own personal vehicles owned by you or immediate family members.

The present use is inconsistent with the R-3 Zone that this property is located in and its present use is to cease not later than May 31, 1978, and all vehicles and parts must be removed. Failure to comply and maintain this property as so stated in this letter will result in this department taking legal action without any further notice to you that could result in a fine of \$100. to \$1,000. for each day of the violation.

This complaint has been brought to the attention of the Corporation Counsel for their interest, in the event legal action becomes necessary.

Now that this has been brought to your attention, it is hoped we may have your complete cooperation in this matter, that further action by this department may not become necessary.

Should you have any questions, do not hesitate to call this office and ask for me.

Very truly yours

*Hubert Irving*  
Hubert Irving  
Building Inspector

c.c. City Manager's Office  
Corporation Counsel





# CITY OF PORTLAND

4 1978 10000  
A 1978 100 100000 100000

RS: 5. Pleasant Avenue - Rear - Peaks Island, Me.

Located R-3 zone  
Assessor's Map 87-2-1

May 18, 1978

Allan Daigle  
D Street  
Peaks Island, Me. 04106

Our research in this department indicates this property has always been in an R-3 Zone. The garage has had a nonconforming use that has in the past allowed the storage of two pieces of heavy equipment. Section 602.17.F.

All nonconforming rights under the zoning ordinance have expired as stated in a letter written by Mr. Allen Soule, September 17, 1968, to the prior owner for the above use. Jar (garage) use is a new use and is not allowable except for your own personal vehicles owned by you or immediate family members.

The present use is inconsistent with the R-3 Zone that this property is located in and its present use is to cease not later than May 31, 1978, and all vehicles and parts must be removed. Failure to comply and maintain this property as so stated in this letter will result in this department taking legal action without any further notice to you that could result in a fine of \$100. to \$1,000. for each day of the violation.

This complaint has been brought to the attention of the Corporation Counsel for their interest, in the event legal action becomes necessary.

Now that this has been brought to your attention, it is hoped you may have your complete cooperation in this matter, that further action by this department may not become necessary.

Should you have any questions, do not hesitate to call this office and ask for me.

Very truly yours,  
*Robert Lyding*  
Robert Lyding  
Building Inspector

c.c. City Manager's Office  
Corporation Counsel

E. Pleasant Ave., Peaks Island (87-E-1)  
Cplt. 68/37

FU  
10-7-68

Sept. 17, 1968

Ernest & Patricia Croy  
52 Warren Road  
Ashland, Mass.

cc to: Fire Department

Dear Mr. & Mrs. Croy:

A check of your story building at the above named location reveals according to our records that this building has not been used as a garage for a number of years until recently when some work on some vehicles has been started here.

All non-conforming rights under the Zoning Ordinance, Section 602.17F have expired. See our letter to you of May 27, 1968 in which we questioned if this building was structurally sound.

Garage use is not allowable in the R-3 Residential Zone in which this building is located. It must cease at once and certainly before October 7, 1968. It is hoped that we may have your cooperation in this matter so that further action by this department may not become necessary.

Very truly yours,

A. Allan Scule  
Assistant Director of Building Inspection

AAS:m

File

East Pleasant Ave., Peaks Island  
8/8/1

Ernest & Patricia Groy  
52 Warren Road  
Ashland, Mass.

May 27, 1960

cc to: Fire Department

Dear Mr. & Mrs. Groy:

An inspection of the above mentioned property of which you are reported to be the owner by an inspector from this department reveals that the building at this location is in questionable condition. Parts of automobiles, engines, etc. are being stored or worked on at the second floor level. The second floor is not designed to support storage of this type or any amount, therefore, it will be necessary to limit all storage, cars and parts to the first or ground floor until such time that the second floor is strengthened.

Very truly yours,

A. Allan Soule  
Acting Deputy Director of  
Building & Inspection Services

AS:m

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Barney Sear, City Council

DATE: 4-20-62

FROM: A. Allan Soule, Assistant Director of Building Inspection Department

SUBJECT: Garage in dangerous condition at E. Pleasant Ave., Neck Island (21522)

We are sending you the record of a complaint at the above named location. We first looked at the building from a structural standpoint on May 27, 1961 which we found that the second floor was not safe to store or work on autos. We sent our first letter telling them that all non-conforming use rights had expired Sept. 17, 1962. As of this date car repairing is still being carried on. Junk cars, about 6 or 7 are still being parked on this lot.

Ansel B. Sterling who lives nearby has complained bitterly about this condition to us repeatedly. I feel that before long he will be coming to City Hall to make his complaint personally.

A. Allan Soule

ASB:m

attachment



**R3 RESIDENCE ZONE  
CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION  
COMPLAINT**

Location  
Pleasant Avenue, P. I.

INSPECTION COPY

COMPLAINT NO. 68/37

Date Received May 24, 1968

Assessor's 67/B/1 Use of Building Garage  
 Location R. Pleasant Avenue, Pecks Island Ashland, Massachusetts  
 Owner's name and address Ernest and Patricia Croy, 52 Warren Road, Telephone \_\_\_\_\_  
 Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Complainant's name and address Fire Department Telephone \_\_\_\_\_  
Also Ansel B. Sterling - Pleasant Ave. P.I.  
 Description: Garage in dangerous condition.

NOTES: 5/27/68

1 1/2 story building good construction. Do not intend to  
 tear down, install blocking floors against building  
 frame, possibly to one side.  
 All activity on the second floor should be stopped.  
 Some part of building should not support any  
 additional weight. Frame and all activity (be  
 limited to sleep, do the present.  
 Recommended: deterioration of the building may be  
 complete. Repair throughout.

5/27/68 - letter - Allan  
 8/29/68 - talked with Ansel B. Sterling about this  
 situation. It could be made, in a way, to be  
 a problem when the work is hit. - through.

Letter to owner 9-17-68 AAS FU-10-7-68  
 " 10-10-68 - AAS

12-19-68 wanted today by the men on duty at the  
 fire dept. that the full degree in the picture was  
 a main reason there and has been in front  
 of the building. A truck of car has been  
 stored there. There are 13 cars. There are  
 13 cars and 3 bulldozers in the area now. 3  
 cars in the garage. The balance are parked  
 around the outside being stored from there  
 to come by the way. Nothing doing here  
 recently. Letter 10/21/68 - AAS - over - through.

R. Pleasant Ave., Peaks Island (87/E/1)

Dec. 20, 1968

Ernest & Patricia Croy  
52 Warren Road  
Ashland, Mass. 01721

cc to: Fire Department  
cc to: Ansel B. Sterling, Pleasant Ave. P. Island

Dear Mr. & Mrs. Croy:

An inspector from this department reports that at the time of a recent inspection there were a number of abandoned and junk motor vehicles on the rear of the property at the above named location.

Such a use of premises is unlawful in the R-3 Residential Zone in which the property is located. It is therefore necessary that you proceed at once and certainly before January 24, 1969 to have these vehicles removed from the premises. Failure to do so will make it necessary for me to report the violation to the Corporation Counsel for action.

Very truly yours,

A. Allan Soule  
Assistant Director of Public Inspection

AAS:ra

R. Pleasant Ave., Peaks Island  
Assessor's 67/B/1

October 10, 1968

Pine Tree Legal Assistance, Inc.  
Att: Peter VanVoast  
Portland Area Office  
156 Danforth Street, 04101

cc to: Fire Department

Dear Mr. VanVoast:

In answer to your letter of October 7, 1968, I have checked with the Corporation Counsel on Mr. Groy's letter that he sent you. The Corporation Counsel's office feels that just Mr. Groy's statement that this property has been used for a garage for contracting equipment for the past 11 years would not be sufficient to prove that this property has non-conforming rights in the R-3 Residential Zone in which it is located due to the extensive check that this department has made with neighbors, etc.

A letterhead on Mr. Groy's letter states that he is a Counseling Psychologist in Holliston, Mass. This raises the question that if Mr. Groy does not earn his living by using this equipment, who does use it? If he rents this equipment out we will need proof from the person or persons who is doing the renting. If this equipment is used in any other way, then we would need proof from someone else.

Until it can be established that this property has non-conforming rights we will have to stand by our original statement that all non-conforming rights have expired.

Very truly yours,

A. Allan Soule  
Assistant Director of Building Inspection

AAS:m

ERNEST F. CROY  
COUNSELING PSYCHOLOGIST  
74 SUMMER STREET  
HOLLISTON, MASS. 01746  
TEL. 429 9630

9/30/68

Dear Mr. Winthrop,

I appreciated the opportunity to meet with you and the members of your group to talk about the needs of the teen agers on the Island. This is to confirm my approval and permission for these young people to use my property and buildings on E. Pleasant St. as an automobile hobby shop and for teen center as the needs of these young people require.

If there is any other way in which I can be of help, please let me know.

Sincerely,

Ernest F. Croy

P.S. As you know, this property has been used by me as a garage for my construction equipment for the past 14 years and was used by Semillon for the same purpose for years before that.

RECEIVED  
OCT - 8 1968  
DEPT. OF BLDG. INSP.  
CITY OF PORTLAND



PINE TREE LEGAL ASSISTANCE, INC.  
PORTLAND AREA OFFICE  
156 DANFORTH STREET  
PORTLAND, MAINE 04101

TELEPHONE 772-6232  
October 7, 1968

Mr. A. Allan Soule  
Deputy Director  
Department of Building Inspection  
City Hall  
Portland, Maine 04111

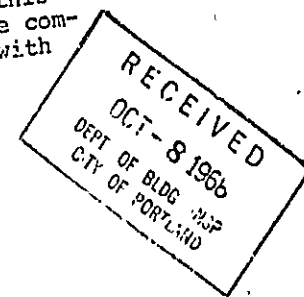
Re: Ernest & Patricia Croy Property  
East Pleasant Avenue, Peaks Island

Dear Mr. Soule:

Pursuant to our telephone conversation of October 7th I am enclosing a photostatic copy of a letter from the owner of the above-captioned property to Mr. Wirthington, who is the informal sponsor of the community action group on Peaks Island. The letter states that the property has been used as a garage for a number of years and, therefore, it is not in violation of §602.17F as you stated in your letter of September 17.

I would also like to make a plea in behalf of the boys on the Island. The youth of the community often are neglected and misunderstood by the adults of society. Here is a situation where people are taking an active interest in the boys. Certainly the purpose for which the property is to be used is one worthy of the highest commendation. The hours and rules of use of the group are something that the boys themselves would be most willing to discuss with the adult society, especially the people who have complained as to noise, etc.

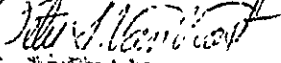
I, therefore, urge you to consideration of more than the strict letter of the law in this case and look to the overall benefit to the community in such a use. If you would check with



Mr. A. Allan Soule  
October 7, 1968  
Page 2

the police officers of the Island, you would find that they are all in favor of this project for the boys since in all probability if they did not have the use of this building, they would be looking for other forms of entertainment.

Very truly yours,



Peter S. Van Voast  
Staff Attorney

PVV/jg  
Enclosure

RECEIVED  
OCT - 9 1968  
DEPT. OF BLDG. INSP.  
CITY OF PORTLAND

E. Pleasant Apts., Peaks Island (87-B-1)  
Opit. 68/37

Sept. 17, 1968

Ernest & Patricia Gray  
52 Warren Road  
Ashland, Mass. 01921

cc to: Fire Department  
cc to: Ansel B. Sterling, Pleasant Ave. P.I.  
(does not appear on orig. letter)

Dear Mr. & Mrs. Gray:

A check of your 2-story building at the above named location reveals according to our records that this building has not been used as a garage for a number of years until recently when some work on cars/vehicles has been started there.

All non-conforming rights under the Zoning Ordinance, Section 602.177 have expired. See our letter to you of May 27, 1968 in which we questioned if this building was structurally sound.

Garage use is not allowable in the R-3 Residential Zone in which this building is located. It must cease at once and certainly before October 7, 1968. It is hoped that we may have your cooperation in this matter so that further action by this department may not become necessary.

Very truly yours,

A. Allen Soule  
Assistant Director of Building Inspection

AAS:m



113

Daigle Case:

11/18  
P. J. Daigle

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
- Molten gummed ends and attach to front of article.
- If space permits. Otherwise affix to back of article.
- Enclose article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



**RETURN  
TO** 

Mr. Alfred Daigle

(Name of Sender)

D Street

(Street or P.O. Box)

Peaks Island, Me. 04106

(City, State, and ZIP Code)

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

- The following service is requested (check one):
- Show to whom and date delivered..... 15¢
  - Show to whom, date, & address of delivery..... 35¢
  - RESTRICTED DELIVERY  
Show to whom and date delivered..... 65¢
  - RESTRICTED DELIVERY  
Show to whom, date, and address of delivery..... 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	771678	

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE  Addressee  Authorized agent

*[Signature]*  
DATE OF DELIVERY

6-9-78

5. ADDRESS (Complete only if requested)

POSTMARK  
JUN 8 1978

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

GPO: 1976-O-303-254

Enriquez De la Torre

No. 771678

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED--  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO		
STREET AND NO		
P.O. STATE AND ZIP CODE		
POSTAGE		
	\$	
CONSULT POSTMASTER FOR FEES OPTIONAL SERVICES RETURN RECEIPT SERVICE	CERTIFIED FEE	¢
	SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	¢
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$
POSTMARK OR DATE		

U.S. Form 3800, Apr. 1970



RE: E. Pleasant Ave. - Rezr - Peaks Island, Me.  
Located R-3 Zone  
Assessor's Map 87-E-1.

June 7, 1978

Mr. Alfred Daigle  
D Street  
Peaks Island, Me. 04106

Dear Mr. Daigle:

I have been directed by the City Manager to notify you that the present use of this property is inconsistent with the R-3 Zone in which this property is located, and in violation of City Ordinance, Chapter 317 - Accumulation of junk cars, and parts, and to issue an order for compliance with Chapter 317.

You are ordered to remove all junk vehicles and parts accumulated at this property not later than June 16, 1978.

Failure to comply with this order as stated in this letter will result in legal action being taken without further notice to you that could result in a fine of \$100 to \$100 for each day's violation.

Your cooperation will obviate the need to enforce compliance.

Very truly yours,

Hubert G. Irving  
Building Inspector

HGI:k

2-

2:30

3:15 right back

4:30 backat  
←

PERSONAL

FILE



## CITY OF PORTLAND

R LOVELL BROWN  
BUILDING AND INSPECTION DIRECTOR

RE: E. Pleasant Avenue - Rear - Peaks Island, Me.

Located R-3 Zone  
Assessors Map 87-B-1

May 18, 1978

Allan Daigle  
D Street  
Peaks Island, Me. 04105

Our research in this department indicates this property has always been in an R-3 Zone. The garage has had a nonconforming use that has in the past allowed the storage of two pieces of heavy equipment. Section 602.17.F.

All nonconforming rights under the Zoning Ordinance have expired as stated in a letter written by Mr. Allen Soule, September 17, 1968, to the prior owner for the above use. Car repair garage use is a new use and is not allowable except for your own personal vehicles owned by you or immediate family members.

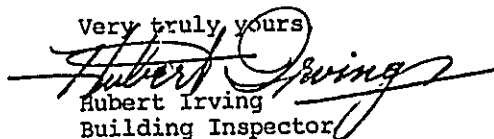
The present use is inconsistent with the R-3 Zone that this property is located in and its present use is to cease not later than May 31, 1978, and all vehicles and parts must be removed. Failure to comply and maintain this property as so stated in this letter will result in this department taking legal action without any further notice to you that could result in a fine of \$100. to \$1,000. for each day of the violation.

This complaint has been brought to the attention of the Corporation Counsel for their interest, in the event legal action becomes necessary.

Now that this has been brought to your attention, it is hoped we may have your complete cooperation in this matter, that further action by this department may not become necessary.

Should you have any questions, do not hesitate to call this office and ask for me.

Very truly yours

  
Hubert Irving  
Building Inspector

c.c. City Manager's Office  
Corporation Counsel

EXAMPLE

STATE OF MAINE  
CUMBERLAND, ss.

DISTRICT COURT  
DISTRICT Nine  
DIVISION of Southern  
Cumberland  
Civil Violation

CITY OF PORTLAND,  
Plaintiff  
v.  
*Allan Daigle*  
Defendant

CITATION AND COMPLAINT FOR VIOLATION OF  
CITY OF PORTLAND MUNICIPAL ORDINANCE

To the Defendant *Allan Daigle* :

This citation and complaint constitutes a commencement of a lawsuit by the Plaintiff against you for the collection of a fine of not less than \$50.00 and not more than \$1,000.00 for each day's alleged violation, pursuant to Portland Municipal Code Section ~~602.26~~ <sup>602.26</sup> The alleged violation occurred on the 24 day of April, 1978, and consisted of your use of property located R13 at East Pleasant Ave (REAR), for automotive repairs and for servicing or storage in violation of the use restriction in the zone in which said property is located.

You are directed to appear in the said District Court at 142 Federal Street, Portland, Maine on the 2 day of JUNE, 1978, at 900 o'clock in the A.M. to answer the above allegations orally.

**IMPORTANT WARNING:** FAILURE TO APPEAR AS DIRECTED HEREIN, CONSTITUTES A CLASS E CRIME AND MAY RESULT IN THE ISSUANCE OF A WARRANT OF ARREST. IN ADDITION, IF YOU FAIL TO ANSWER AT THE TIME STATED ABOVE, OR IF YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A DEFAULT MAY BE ENTERED BY THE CLERK AND JUDGMENT ENTERED THEREON. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF, OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. DO NOT FAIL TO ANSWER AT THE SPECIFIED TIME.

If you believe that you have not committed the civil violation alleged herein, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of District Court at the Cumberland County Courthouse or any other County Courthouse for information as to places where you may seek legal assistance.

Dated at Portland this 18th day of MAY, 1978.

*F. R. Dring*

STATE OF MAINE  
CUMBERLAND, ss.

DISTRICT COURT  
DISTRICT Nine  
DIVISION of Southern  
Cumberland  
Civil Violation

CITY OF PORTLAND,  
Plaintiff  
V.  
*Allan Daigle*  
Defendant

CITATION AND COMPLAINT FOR VIOLATION OF  
CITY OF PORTLAND MUNICIPAL ORDINANCE

To the Defendant *Allan Daigle*:

This citation and complaint constitutes a commencement of a lawsuit by the Plaintiff against you for the collection of a fine of not less than \$50.00 and not more than \$1,000.00 for each day's alleged violation, pursuant to Portland Municipal Code Section ~~602.24~~. The alleged violation occurred on the ~~21~~ day of ~~April~~ <sup>21</sup> ~~1978~~, and consisted of ~~Accumulation of vehicles~~ <sup>parts & servicing & repairing cars</sup> at East Pleasant Ave. (Rear) ~~located in an R-3 zone;~~ <sup>for automotive repairs</sup> and/or servicing or storage in violation of the use restrictions in the ~~zone~~ <sup>zone</sup> in which said property is located.

You are directed to appear in the said District Court at 142 Federal Street, Portland, Maine on the 2 day of JUNE, 1978, at 9:00 o'clock in the A.M. to answer the above allegations orally.

**IMPORTANT WARNING:** FAILURE TO APPEAR AS DIRECTED HEREIN, CONSTITUTES A CLASS E CRIME AND MAY RESULT IN THE ISSUANCE OF A WARRANT OF ARREST. IN ADDITION, IF YOU FAIL TO ANSWER AT THE TIME STATED ABOVE, OR IF YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A DEFAULT MAY BE ENTERED BY THE CLERK AND JUDGMENT ENTERED THEREON. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF, OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. DO NOT FAIL TO ANSWER AT THE SPECIFIED TIME.

If you believe that you have not committed the civil violation alleged herein, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of District Court at the Cumberland County Courthouse or any other County Courthouse for information as to places where you may seek legal assistance.

Dated at Portland this 18 day of May, 1978.

*[Signature]*

STATE OF MAINE  
CUMBERLAND, ss.

DISTRICT COURT  
DISTRICT of Maine  
DIVISION of Southern  
Cumberland  
Civil Violation

CITY OF PORTLAND, )  
Plaintiff )  
v. )  
Alfred Daigle )  
Defendant )

CITATION AND COMPLAINT FOR VIOLATION OF  
CITY OF PORTLAND MUNICIPAL ORDINANCE

To the Defendant Alfred Daigle :

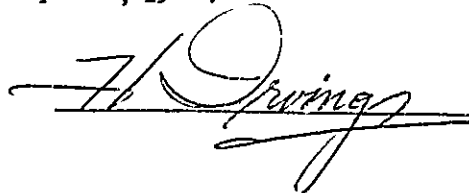
This citation and complaint constitutes a commencement of a lawsuit by the Plaintiff against you for the collection of a fine of not less than \$50.00 and not more than \$1,000.00 for each day's alleged violation, pursuant to Portland Municipal Code Section 602.26. The alleged violation occurred on the 24th day of April, 1978, and consisted of your use of property located at East Pleasant Avenue (Rear) for automotive repairs and/or servicing or storage in violation of the use restriction in the R-3 Zone in which said property is located.

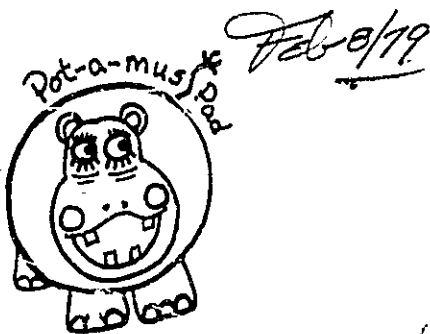
You are directed to appear in the said District Court at 142 Federal Street, Portland, Maine on the 2nd day of June, 1978, at 9:00 o'clock in the A.M. to answer the above allegations orally.

IMPORTANT WARNING: FAILURE TO APPEAR AS DIRECTED HEREIN, CONSTITUTES A CLASS E CRIME AND MAY RESULT IN THE ISSUANCE OF A WARRANT OF ARREST. IN ADDITION, IF YOU FAIL TO ANSWER AT THE TIME STATED ABOVE, OR IF YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A DEFAULT MAY BE ENTERED BY THE CLERK AND JUDGMENT ENTERED THEREON. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF, OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. DO NOT FAIL TO ANSWER AT THE SPECIFIED TIME.

If you believe that you have not committed the civil violation alleged herein, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the office of the Clerk of District Court at the Cumberland County Courthouse or any other County Courthouse for information as to places where you may seek legal assistance.

Dated at Portland this 22nd day of May, 1978.





The last word  
on this was by  
the corp Council  
I sit on it until  
we heard from  
them:

He



SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)  
(Additional charges required for these services)

Show to whom, date and address where delivered  Deliver ONLY to address on back

RECEIPT

Received the numbered article described below

REGISTERED NO.

CERTIFIED NO.

152453

INSURED NO.

DATE DELIVERED

3-19-78

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

*Al Mail*

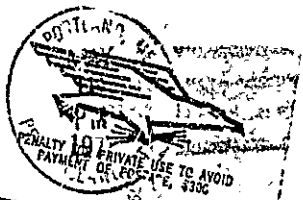
SIGNATURE OF ADDRESSEE

AMOUNT, IF ANY

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

E. Pleasant Ave. - Rear - Peaks Isle

U.S. POSTAL SERVICE  
OFFICIAL BUSINESS



Postmark of Delivering Office

PS Form 3811 Nov. 1970

**SENDER INSTRUCTIONS**  
Print in the space below your name, address, including ZIP Code.  
• If special services are desired, check block(s) on other side.  
• Moltex gummed ends and attach to back of article.

RETURN TO

City of Portland, Maine  
389 Congress Street  
Portland, Maine 04101



CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION  
COMPLAINT

Location

INSPECTION COPY

COMPLAINT NO. 78/45

Date Received May 19, 1978

Location Rear Pleasant Ave. Peaks Island Use of Building \_\_\_\_\_

Owner's name and address Alfred & Phyllis Daigle D St. Pks Isl Telephone \_\_\_\_\_

Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Complainant's name and address Ansul B Sterling - Peaks Island Telephone \_\_\_\_\_

Description: Mrs. Lynn Mills A St. Peaks Island  
Mr. Sterling and Mrs. Mills alleged that Mr. Daigle is operating a business on this property for automotive repairs and/or servicing or storage in violation of the use restriction in the R-3 Zone in which stated property is located.

Inspection Report: The garage and property was inspected today, several cars were parked by the garage, one was inside the building. The general appearance of the property was neat and orderly, at this time.

I located Mr. Alfred Daigle at his residence at D Street, I told him of the complaint and that I had inspected the property at Pleasant Avenue. I handed him a copy of the City Ordinance relating to junk cars and vehicle parts in the R-3 Zone that this property at Pleasant Avenue is located in. He was told that if he was repairing or storing any vehicles or junk there other than his own vehicles, that it was illegal and should be discontinued at once. I told him he would receive a letter from our department that would point out the violations and may bring about legal action.

He stated that he made a point out of keeping the grass mowed and the lot neat because of certain people on the Island that held a prejudice for him and his family that constantly complained about everything. He stated that he sometimes would repair a friends car for a return favor or a trade for something that he needed.

I told him the property would be inspected from time to time in the future if complaints continued, that if he used the property for any kind of business whatsoever he would be in violation of the City Zoning Ordinance and it would start legal action without any further notice to him.

I was told by the police officer that sometimes Mr. Daigle had several friends stop at this property and they usually arrived in different cars and there might be as many as 8 to 10 cars parked along the street and some on the property.



CITY OF PORTLAND, MAINE  
 DEPARTMENT OF BUILDING INSPECTION  
**COMPLAINT**

Location: Rear Pleasant Ave., Peaks Island

INSPECTION COPY

COMPLAINT NO. 78/45

Date Received May 19, 1978

Location Rear Pleasant Ave. - Peaks Isl. Use of Building \_\_\_\_\_  
 Owner's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Complainant's name and address Ansle B. Sterling - Peaks Island Telephone \_\_\_\_\_

Description:

NOTES: I will suggest to the Building Inspector Dept. and the Corp Counsel that if legal action is taken that all complaining party's be subpoenaed to testify in behalf of the city to support their complaint.  
I will contact the complaining party's to see if they will volunteer. This has been discussed with the Corp. Counsel and approved.  
May 19, 1978 9.A.M. I called Mr. Sterling and got no answer. There is no listed phone number for Mrs. Mills.

9:30 AM = no answer

May 19/78 10:30 AM Contact was made with Mrs. Mills of Mr. Sterling. Both agreed to be in court to testify.

2nd June

R3 Zone

Name on front:

Set up a table for Court  
with Mrs Mills & Mr Seating  
Irrainment

28th Street - John M. Milton:  
Ch Corp Counsel -

---

268 270 - Stevens Ave:  
Anthony SEYUNIAN -  
Ch. Corp ~~Counsel~~ Counsel for  
Dana -

---

Ch Corp Counsel Re.  
Peaks Island GARAGE -  
Pleasant Ave: T T -

---

To Be Done May 5/78

~~Do the 10 - Builders to call Pet on all~~  
11/45

~~619 Allen St~~ :

~~1335-1369 Wash Ave:~~

~~158 Clinton~~

17 Feather Rd Complaint Spelling Error  
Home (Residence)

FD of CK 214-216 Dartmouth St -  
2 to 4 fam w/o a change of uses.  
W Hay, appealed to a change in Z of  
was turned down - New owner has  
gone on with the use of 4 fam,  
subject to fines! \$100.00

CK 58 Smith St May 20th/78

33 Skylark Rd zoning violation  
letter to Mr Shannon to stop  
not allowable:

48 JOHANSEN St - Letter to remove  
junk, v-wagon bus?

44" @ Wondsworth  
letter to contractor!

JUNE 6, 1957--

Be 4 - NO factual  
meaning



Research into - a war use -  
was never a use -  
inconsistent to the zone

Records indicate storage  
use only

Should have done or allowed  
~~any other use at any time in error:~~  
Counsel said the debt was model  
back in 68 to have allowed model  
sites to repair cars & do bodywork  
(Storage yes (only vehicles))

RE: LE PLEASANT AVE, REAR

Assessors Map 07-B-1

R3 ZONE

To: Allan Daigle

Our research in this dept indicates this property was never used ~~as a garage~~ for engine repair & auto body work.

Our records ~~also~~ indicate the garage was used for heavy equipment storage <sup>short</sup> for a period of time.

~~The repair of engines & auto body work~~

The repair of vehicles, either engine or body work have no nonconforming rights under the zoning ordinance. (See 602.17F)

The present use <sup>is in the R3</sup> zone where this property is located is not allowable! Its use must be discontinued ~~or~~ immediately not later than

June 15/1978; all ~~other~~ vehicles & parts must be removed, with the exception of your own personal vehicles ~~that may be~~ being garaged

at this ~~place~~ location.

Re: E. Pleasant Ave, Rear  
Assessors Map 87-B-1.

R. 3 Zone

To Allan Daigle;

Our research in this dept indicates this property has always been in an R. 3 Zone. The garage has had a zone conforming use: ~~of~~ that has <sup>in the past</sup> allowed the storage of two pieces of heavy equipment: Section 602.17F; all non-conforming rights under the zoning Ordinance have expired as stated in a letter written by Mr. Allen Soule Sept 17/68 to the prior owner for the above use: <sup>and use of</sup> Car Repair garage use is ~~not~~ allowable except for your own personal ~~use~~ ~~vehicles~~ <sup>vehicles</sup> owned by you or <sup>immediate</sup> family <sup>immediate</sup> members. ~~The present~~ The present use is inconsistent with the R. 3 zone that this property is located in and its present use is to cease immediately not later than June 15/78; ~~and~~ all vehicles & parts of must be removed.

Failure to comply & maintain  
this property as so stated in this  
letter will result in this dept  
taking legal action without any  
further notice to you, that could  
result in a fine of 100.00 to 2000.00  
for each day of the violation.

This complaint has been  
brought to the attention of the  
corporation counsel for their  
interest ~~that~~ ~~right~~ in ~~the~~ ~~the~~  
event ~~of~~ ~~any~~ future legal action. <sup>becomes necessary.</sup>

Now that this has been brought  
to your attention it is hoped we  
may have your complete co-operation  
in this matter, that further action  
by this dept may not become  
necessary.

I should you have any questions,  
do not hesitate to call this office,  
ask for ~~myself~~ Mr Brown the  
Director, or Mr Smith, Mr Ward, or  
myself;  
c c to city managers office;

Vent system Vent Connector,

7073

Subpoena

Mrs Lynn Mills. A. St Peaks Island.

Mr Sterling  
Mr Anset B Sterling

PEASANT AVE  
PEAKS ISLAND - 966-2062

(<sup>AM</sup> 4:15 - called Dave Corp Counsel)

Subpoena  
Do I deliver <sup>11</sup> use at the same time <sup>6</sup>

4th Floor  
58 Chair

Pl

May 8/78

Me San Bank ~~Half completed~~  
Schemes - CV5 - OK -

CV5 -  
Fed St - about half done -

IRU - ST - ~~work being done~~ -

~~Both Certificates~~

Mer 3 - Demo's -

Mr Day 774-7655

Handship ~~of~~ ~~the~~ ~~is~~ -



This is a copy of the Original

ERNEST F. CROY  
COUNSELING PSYCHOLOGIST  
74 SUMMER STREET  
HOLLISTON, MASS. 01746  
TEL. 429-6630

Dear Mr. Worthington,

9/30/64

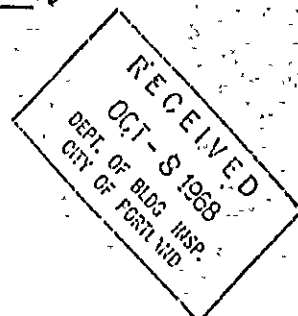
I appreciated the opportunity to meet with you and the members of your group to talk about the need of the teen aged and the I should think is to confirm my approval and permission for these young people to use my property and buildings on E. Phoenix Ave. as an <sup>automotive</sup> ~~hobby~~ ~~shop~~ and/or teen center as the need of these young people require.

If there is any other way in which I may be of help, please let me know.

Sincerely,

Ernest F. Croy

As you know, this property has been used by me as a garage for my construction equipment for the past 11 years and was used by Sam Howard for the same purpose for years before that.



This Is The  
Complaint Re: East Pleasant  
Ave: Peaks Island;

Assessor's Map 87-B-1

OWNER  
DEFENDENT ALLAN DAIGLE  
D Street  
Peaks Island  
Me: 04106

R, B ZONE

Tax Assessor's TRAVE -  
Alfred & Phyllis Daigle  
D - Street  
Peaks Island - 04106;

Before June 6/57 the zoning Ordinance  
had no factual meaning! No penalties, no  
control;

It was rewritten & becomes official  
June 6/1957: Accepting any of  
all things existing; The grand father clause is to  
Apply to such cases proven to exist before  
or accepted at that time;

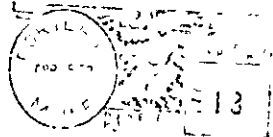
**CITY OF PORTLAND, MAINE**

BUILDING & INSPECTION SERVICES  
ROOM 113 CITY HALL  
PORTLAND, MAINE 04111

NOT RECOVERABLE  
IF A DRESSED  
UNABLE TO FORWARD

*too old*

Ernest F. Croy  
74 Summer Street  
Holliston, Mass. 01746





## CITY OF PORTLAND

R LOVELL BROWN  
BUILDING AND INSPECTION DIRECTOR

RE: East Pleasant Ave., Peaks Island, Me.

April 24, 1978

Ernest F. Croy  
74 Summer Street  
Holliston, Mass. 01746

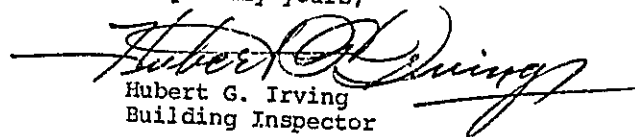
Once again the conflict arises over the legal use of a property once owned by you.

In going through our records, we have a letter from you to a party dated 9/30/68 (copy attached). At the bottom of the page there is a figure that is unclear to us as to its meaning. I have circled it. Would you be so kind as to confirm its meaning, also would you repeat the P. S. to clear its meaning, that this property has always had the use as heavy equipment storage and mechanical repairs, to the best of your knowledge for so many years, etc.?

I am trying to settle this complaint once and for all, that its use will or will not be allowable.

Has there ever been a period of one year that this property and building was not used by anyone for the above use?

Very truly yours,

  
Hubert G. Irving  
Building Inspector

HGI/r

Enclosure

STATE OF MAINE  
CUMBERLAND, ss.

DISTRICT COURT  
DISTRICT Nine  
DIVISION of Southern  
Cumberland  
Civil Violation

CITY OF PORTLAND,  
Plaintiff  
v.  
Alfred Daigle  
Defendant

CITATION AND COMPLAINT FOR VIOLATION OF  
CITY OF PORTLAND MUNICIPAL ORDINANCE

To the Defendant Alfred Daigle

This citation and complaint constitutes a commencement of a lawsuit by the Plaintiff against you for the collection of a fine of not less than \$50.00 and not more than \$1,000.00 for each day's alleged violation, pursuant to Portland Municipal Code Section 602.26. The alleged violation occurred on the 24<sup>th</sup> day of April, 1978; and consisted of your use of property located at East Pleasant Avenue (Rear) for automotive repairs and/or servicing or storage in violation of the use restriction in the zone in which said property is located.

You are directed to appear in the said District Court at 142 Federal Street, Portland, Maine on the 27<sup>th</sup> day of June, 1978, at 9:00 o'clock in the A.M. to answer the above allegations orally.

**IMPORTANT WARNING:** FAILURE TO APPEAR AS DIRECTED HEREIN, CONSTITUTES A CLASS E CRIME AND MAY RESULT IN THE ISSUANCE OF A WARRANT OF ARREST. IN ADDITION, IF YOU FAIL TO ANSWER AT THE TIME STATED ABOVE, OR IF YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A DEFAULT MAY BE ENTERED BY THE CLERK AND JUDGMENT ENTERED THEREON. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF, OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. DO NOT FAIL TO ANSWER AT THE SPECIFIED TIME.

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Dated at Portland this 18<sup>th</sup> day of May, 1978.

*[Handwritten Signature]*