

PLEASANT AVE., PEAKS ISLAND

90-S-1



CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Julian R. Orr, City Manager

DATE May 5, 1959

FROM: Albert J. Sears, Inspector of Buildings

SUBJECT: Dilapidated and dangerous condition of building on Pleasant Avenue,  
Peaks Island, (Assessors' Lot No. 90-S-1)

I have had a complaint from Fred Stephenson, a contractor on the Island, about the hazardous structural condition of this building, to say nothing of its condition from a fire hazard standpoint. He reports that many of the foundation posts on which it formerly was supported are gone so that its collapse might occur at any time. I have not seen it myself, but I think his judgement in such matters is pretty good. Pictures which we have that were taken at the time of a survey of dangerous buildings on the Island about two years ago tend to confirm this condition. One front corner of the building is very close to the line of Pleasant Avenue so that it is in a location easy for access by children passing to and fro from the school, a short distance away.

I find that according to Assessors' records the City has had a tax deed to the property since 1947. While I fully realize the problems involved with the dilapidated buildings on the Island, in view of the fact that we have had a formal complaint in regard to this building and because of its close proximity to one of the main streets on the Island and its evidently extremely dangerous structural condition, I feel that steps should be taken at once to have it demolished.

Very truly yours,

AJS/jg

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Inspector of Buildings

P.S. Attached herewith are pictures of the building taken in 1957, which we would like to have returned to put in our files.

cc to: Fire Chief



# APPLICATION FOR PERMIT

R3 RESIDENCE ZONING

PERMIT ISSUED

Class of Building or Type of Structure Third Class

Portland, Maine, October 13, 1959

01510  
OCT 20 1959

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 Pleasant Ave. (Assess. Lot 90-S-1) Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_

Owner's name and address City of Portland, 389 Congress St. Telephone \_\_\_\_\_

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

Contractor's name and address Jack Fuller, Pleasant Ave. Peaks Island Me. Telephone \_\_\_\_\_

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

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

Last use \_\_\_\_\_ Dwelling \_\_\_\_\_ No. families 1

Material frame No. stories 1 Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_

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

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

### General Description of New Work

To demolish existing 1-story wood frame cottage.

Do you agree to tightly and permanently close up all sewers or drains connection with public or private sewers from this building or structure to be demolished under the supervision and to the approval of the Department of Public Works of the City of Portland? Yes \_\_\_\_\_

*Mr. Christensen of Health Dept. says rat eradication not necessary. J.V.*

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**

### Details of New Work

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

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

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

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

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

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

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

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

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

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

Studs (outside walls and carryin. 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 • 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:  
011-10/20/59-agg

### 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

City of Portland

INSPECTION COPY \_\_\_\_\_ Signature of owner [Signature]

F.M.

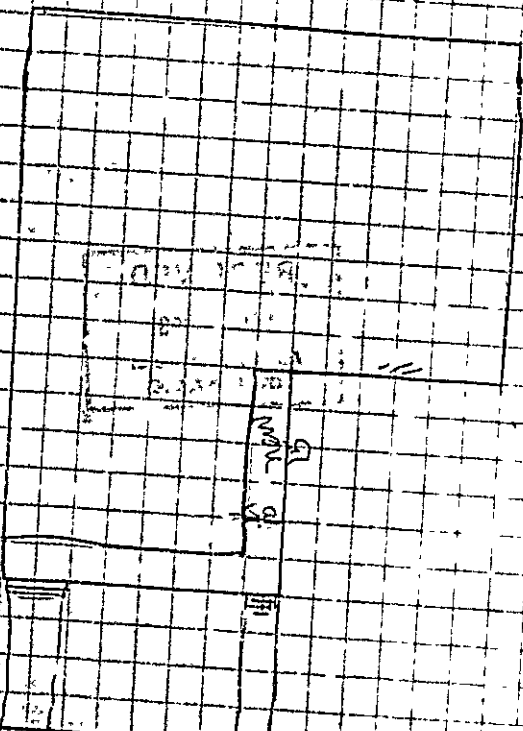
Permit No. 59/1510  
 Location Pleasant Hill, Park Island  
 Owner City of Portland  
 Date of permit 07 20 19  
 Notif. closing-in \_\_\_\_\_  
 Inspn. closing-in \_\_\_\_\_  
 Final Notif. \_\_\_\_\_  
 Final Inspn. \_\_\_\_\_  
 Cert. of Occupancy issued \_\_\_\_\_  
 Staking Out Notice \_\_\_\_\_  
 Form Check Notice \_\_\_\_\_

NOTES  
 10/22/59 - MM [unclear] [unclear]  
SP

1. [unclear]  
 2. [unclear]  
 3. [unclear]  
 4. [unclear]  
 5. [unclear]  
 6. [unclear]  
 7. [unclear]  
 8. [unclear]  
 9. [unclear]  
 10. [unclear]

11. [unclear]  
 12. [unclear]  
 13. [unclear]  
 14. [unclear]  
 15. [unclear]  
 16. [unclear]  
 17. [unclear]  
 18. [unclear]  
 19. [unclear]  
 20. [unclear]

91-5-1



P. Pleasant - Co.





(A) APARTMENT HOUSE ZONE

PERMIT ISSUED

APPLICATION FOR PERMIT

Permit No. 1168

JUL 2 1951

Class of Building or Type of Structure Third Class

Portland, Maine, July 1, 1951

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Pleasant Avenue, Peaks Island Ward Within Fire Limits? DG Dist. No.

Owner's or Lessee's name and address Mrs. Nellie Ogilvie, Pleasant Ave. Telephone 307

Contractor's name and address Omar Telephone

Architect's name and address

Proposed use of building dwelling house No. families 1

Other buildings on same lot none

Plans filed as part of this application? YES No. of sheets 1

Estimated cost \$ 25 Fee \$ 25

Description of Present Building to be Altered

Material wood No. stories 1 1/2 Heat Style of roof Roofing

Last use dwelling house No. families 1

General Description of New Work

To build platform 5' x 15' in front of building

NOTIFICATION BEFORE LATHING OR CLOSING-IN IS WAIVED CERTIFICATE OF OCCUPANCY REQUIREMENT IS WAIVED

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

Details of New Work

Size, front depth No. stories Height average grade to top of plate

To be erected on solid or filled land? solid earth or rock? earth

Material of foundation cedar posts Thickness, top bottom

Material of underpinning Height Thickness

Kind of Roof no Rise per foot Roof covering

No. of chimneys Material of chimneys of lining

Kind of heat Type of fuel Is gas fitting involved?

Corner posts Sills 2x4 on either edge and one in center Girt or ledger board Size

Material column under girders Size Max. on centers

Studs (outside walls and carrying partitions) 2x4-11" O.C. Girders 6x8 or larger Bridging in every floor and flat roof span over 8 feet Sills and corner posts all one piece in cross section

Joi. and rafters 1st floor 2x6 2nd 3rd roof

On centers 1st floor 16 2nd 3rd roof

Maximum span 1st floor 10 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

Total number commercial cars to be accommodated

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

Miscellaneous

Will above require removal or dist. of any shade 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

INSPECTION COPY

Signature of owner

Florence M. Richards

Permit No. 31/1168

Loc Pleasant Co. Perke

C. M. Nellie Ogilvie

Date of permit 7/2/31

Notif. closing-in

Inspn. closing-in

Final Notif.

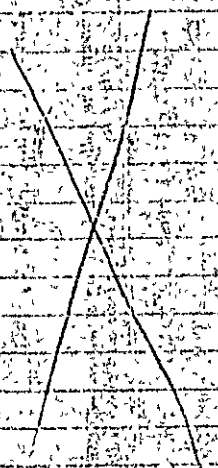
Final Inspn. 10/13/31

Cert. of Occupancy issued None

NOTES:

90  
S

10/13/31 - Work done





PERMIT # 002441

TOWN OF Portland BUILDING PERMIT APPLICATION

MAP # \_\_\_\_\_ LOT# \_\_\_\_\_

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: John McBean (Darren Brown - 766-2169) CALL

Address: Lots 12 and 17, Marina Court, Peaks Island

LOCATION OF CONSTRUCTION: Lot 12 and 17, Marina Court, Peaks Island

CONTRACTOR: owner - 90-S-2 SUBCONTRACTORS: MARRINER

ADDRESS: \_\_\_\_\_

Est. Construction Cost: \$2,000 Type of Use: single family

Past Use: \_\_\_\_\_

Building Dimensions: L \_\_\_\_\_ W \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ # Stories \_\_\_\_\_ Lot Size: \_\_\_\_\_

Is Proposed Use: \_\_\_\_\_ Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Apartment \_\_\_\_\_

Conversion - Explain: to construct new deck and to enclose existing porch

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE each - 1 plan submitted.

Residential Buildings Only: \_\_\_\_\_ (plot and construction info)

# Of Dwelling Units: \_\_\_\_\_ # Of New Dwelling Units: \_\_\_\_\_

Foundation:

- 1. Type of Soil: \_\_\_\_\_
- 2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_
- 3. Footings Size: \_\_\_\_\_
- 4. Foundation Size: \_\_\_\_\_
- 5. Other: \_\_\_\_\_

Floors:

- 1. Sills Size: \_\_\_\_\_ Sills must be anchored.
- 2. Girder Size: \_\_\_\_\_
- 3. Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_
- 4. Joists Size: \_\_\_\_\_ Spacing: 16" O.C.
- 5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 7. Other Material: \_\_\_\_\_

Exterior Walls:

- 1. Studding Size: \_\_\_\_\_ Spacing: \_\_\_\_\_
- 2. No. windows: \_\_\_\_\_
- 3. No. Doors: \_\_\_\_\_
- 4. Header Size: \_\_\_\_\_ Span(s): \_\_\_\_\_
- 5. Bracing: Yes No \_\_\_\_\_
- 6. Corner Posts Size: \_\_\_\_\_ No \_\_\_\_\_
- 7. Insulation Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 8. Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 9. Siding Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 10. Masonry Materials: \_\_\_\_\_ Weather Exposure \_\_\_\_\_
- 11. Metal Materials: \_\_\_\_\_

Interior Walls:

- 1. Studding Size: \_\_\_\_\_ Spacing: \_\_\_\_\_
- 2. Header Size: \_\_\_\_\_ Span(s): \_\_\_\_\_
- 3. Wall Covering Type: \_\_\_\_\_
- 4. Fire Wall if required: \_\_\_\_\_
- 5. Other Materials: \_\_\_\_\_

PERMIT ISSUED  
W. J. LITTLE

For Official Use Only

Date: Aug 8, 1989 Subdivision: Yes / No

Inside Fire Limits: \_\_\_\_\_ Name: \_\_\_\_\_

Bldg Code: \_\_\_\_\_ Lot: \_\_\_\_\_

Time Limit: \_\_\_\_\_ Block: \_\_\_\_\_

Estimated Cost: \$2,000 Permit Expiration: \_\_\_\_\_

Value/Structure: \_\_\_\_\_ Ownership: \_\_\_\_\_ Public: \_\_\_\_\_ Private: \_\_\_\_\_

Fee: \$30

Ceiling:

- 1. Ceiling Joists Size: \_\_\_\_\_
- 2. Ceiling Swapping Size: \_\_\_\_\_
- 3. Type Ceilings: \_\_\_\_\_
- 4. Insulation Type: \_\_\_\_\_ Size: \_\_\_\_\_
- 5. Ceiling Height: \_\_\_\_\_

Roof:

- 1. Truss or Rafter Size: \_\_\_\_\_
- 2. Sheathing Type: \_\_\_\_\_
- 3. Roof Covering Type: \_\_\_\_\_
- 4. Other: \_\_\_\_\_

Chimneys:

Type: \_\_\_\_\_ Number of Fire Places: 1

Heating:

Type of Heat: \_\_\_\_\_

Electrical:

Service Entrance Size: \_\_\_\_\_ Smoke Detector Required: Yes / No

Plumbing:

- 1. Approval of soil test if required: 90.25 / 100.25 / No
- 2. No. of Tubs or Showers: \_\_\_\_\_
- 3. No. of Flushes: \_\_\_\_\_
- 4. No. of Lavatories: \_\_\_\_\_
- 5. No. of Other Fixtures: 90.7

Swimming Pools:

- 1. Type: \_\_\_\_\_
- 2. Pool Size: \_\_\_\_\_ Square Footage \_\_\_\_\_
- 3. Must conform to National Electrical Code and State Law.

Zoning:

District: IR-1 Street Frontage Req. \_\_\_\_\_ Provided \_\_\_\_\_

Review Required:

Zoning Board Approval: Yes / No Date: \_\_\_\_\_

Planning Board Approval: Yes / No Date: \_\_\_\_\_

Conditional Use: \_\_\_\_\_ Variance: \_\_\_\_\_ Site Plan: \_\_\_\_\_

Shore and Floodplain Mgmt: \_\_\_\_\_ Special Exception: \_\_\_\_\_

Other: (Explain) \_\_\_\_\_

Date Approved: 8-8-89

Permit Received By: Nancy Grossman

Signature of Applicant: Darren Brown Date: 8-8-89

Signature of CEO: AS Agent for owner Date: \_\_\_\_\_

Inspection Dates: \_\_\_\_\_

White-Tax Assessor Yellow-GPCOG

White-Tag-CEO

Copyright GPCOG 1987

PLOT PLAN

N



FEES (Breakdown From Front)

Base Fee \$ 5.00

Subdivision Fee \$ \_\_\_\_\_

Site Plan Review Fee \$ \_\_\_\_\_

Other Fees \$ 5.00

(Explain) \_\_\_\_\_

Late Fee \$ \_\_\_\_\_

Type	Inspection Record	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

COMMENTS 12-11-89 - Dispute over corner on right of way. Action pending results of survey. PL 8-30-90 O. Currier, M.D. advised that the disk is on right way. Other involved. All 3-26-91 - All work complete - OK. It appears other issues may arise which may be a civil matter. Please to file. JBL

Date 8-7-89

Signature of Applicant Rainer Currier  
 AS. Agent for owner

BUILDING PERMIT REPORT

ADDRESS: LOTS 2 & 17 Marina Court P.T. DATE: 9/Aug/89

REASON FOR PERMIT: To Construct new deck and to enclose existing porch.

BUILDING OWNER: John McLean

CONTRACTOR: AW 120

PERMIT APPLICANT: \_\_\_\_\_

APPROVED: X1 X9 DEMENT

CONDITION OF APPROVAL OR DENIAL:

- \*1.) Before concrete for foundation is placed, approvals from ~~Permit Works~~ and Inspection Services must be obtained.
- 2.) Precaution must be taken to protect concrete from freezing.
- 3.) All vertical openings shall be enclosed with construction having a fire rating of at least one(1) hour, including fire doors with self-closers.
- 4.) Each apartment shall have access to two(2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
- 5.) The boiler shall be protected by enclosing with one(1) hour fire rated construction including fire doors and ceiling, or by placing over the boiler, two(2) residential sprinkler heads supplied from the domestic water.
- 6.) Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than 44 inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms must have minimum net clear openings of 5.7 square feet (0.53m<sup>2</sup>). The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm).
- 7.) In addition to any automatic fire alarm system required by Sections 1018.3.5, a minimum of one single station smoke detector shall be installed in each guest room, suite of sleeping area in buildings of Use Groups R-1 and I-1 and in dwelling units in the immediate vicinity of the bedrooms in buildings of Use Group R-2 or R-3. When actuated, the detector shall provide an alarm suitable to warn the occupants within the individual unit (see Section 1717.3.1).

In buildings of Use Groups R-1 and R-2 which have basements, an additional smoke detector shall be installed in the basement. In buildings of Use Group R-3, smoke detectors shall be required on every story of the dwelling unit, including basements.

In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided the lower level is less than one full story below the upper level. If there is an intervening door between the adjacent levels, a smoke detector shall be installed on both levels.

All detectors shall be installed in an approved location. Where more than one detector is required to be installed within an individual dwelling unit, the detectors shall be wired in such a manner that the actuation of one alarm will actuate all the alarms in the individual unit.

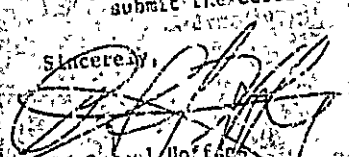
8.) Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than 1-hour fire-resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of 1/2-inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than 4 inches (102 mm) above the garage floor. The door opening protective shall be 1 3/4-inch solid core wood doors or approved equivalent.

\* 9.) A guardrail system located near the open side of deck or elevated walking surfaces shall be constructed. Guards in buildings of Use Group R-3 shall be not less than 36 inches in height. Open guards shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 6 inches cannot pass through any opening.

10.) Section 25-135 of the Municipal Code for the City of Portland states: "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year."

11.) The builder of a facility, which Section 4594-C of the Maine State Human Rights Act, Title 5, S.A. refers, shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

Sincerely,

  
P. Samuel Hoffer  
Chief of Inspection Services

11/16/88

Lots #2 & 17

MARINA COURT, P.O.

FRONT YARD

HOUSE

7' 8'

old  
Dirt

All Tubes To be  
4' Deep and  
8" inside  
Diameter 8' of  
Each other

4x6 S. Post Post  
4x6 Corral Beams 8' O.C.  
2x4 S.L. Rafters 16" O.C.  
3x6 Decking

1x2 galk To Fasten To Building

30' →  
rear

20' side

RECEIVED

AUG 0 8 1989

DEPT. OF BUILDING INSPECTIONS  
CITY OF PORTLAND

1.05



# APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1  
Portland, Maine, 9/11/90

PERMIT ISSUED  
SEP 11 1990  
City Of Portland

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for an amendment to Permit No. 89/2441 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location Lots #2, #17 - Marina Court; Peaks Isl Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
Owner's name and address John B. McClain; Marina Ct. Peaks Isl Telephone \_\_\_\_\_  
Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Contractor's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Architect \_\_\_\_\_ Plans filed \_\_\_\_\_ No of sheets \_\_\_\_\_  
Proposed use of building 1-family dwlg No. families \_\_\_\_\_  
Last use \_\_\_\_\_ No. families \_\_\_\_\_  
Increased cost of work \$5,000. Additional fee 45.00

### Description of Proposed Work

Increased cost of work

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_  
Framing lumber -- Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_  
Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ rt 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.  
Joints and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

Approved \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Approved \_\_\_\_\_

Inspector of Buildings

INSPECTION COPY - WHITE  
APPLICANT'S COPY - YELLOW

FILE COPY - PINK  
ASSESSOR'S COPY - GOLDEN

Mr. Addato



HARRISON L. RICHARDSON  
WILLIAM B. TROUBH  
ROBERT L. HALAND, JR.  
EDWIN A. HEISLER  
ROBERT E. NOONAN  
JOHN S. WHITMAN  
ROBERT J. PIAMPANO  
RICHARD J. KELLY  
WENDELL G. LARZE  
FRELZICK J. BADGER, JR.\*  
KEVIN M. JILLIS  
MICHAEL P. ROYD  
THOMAS E. GETCHELL  
JOHN W. CHAPMAN  
EVE H. CONNETT  
WILLIAM S. WILSON, JR.  
MICHAEL RICHARDS  
WILLIAM E. MCINLEY  
ELIZABETH G. STODDER  
BARRI L. BLOOM  
GARY D. VOICE  
JAMES A. MCCORMACK  
DANIEL P. GILGIAN  
PAUL E. BULLIER  
DANIEL B. WYMAN  
ALLAN M. MURR  
AMN M. MURRAY\*  
CHRISTOPHER H. ROBEY  
FREDERICK F. COSTLOW\*  
JOANNE F. DUGAN  
\*RESIDENT IN THE BANGOR OFFICE

**RICHARDSON & TROUBH**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
465 CONGRESS STREET  
P.O. BOX 9732  
PORTLAND, MAINE 04104-5032  
TELEPHONE (207) 774-5821  
TELECOPIER (207) 781-2056

**BANGOR OFFICE**  
82 COLUMBIA STREET  
PO BOX 2428  
BANGOR, MAINE 04401  
TELEPHONE (207) 945-5900  
TELECOPIER (207) 945-0758

IN REPLY REFER TO:

58951.2830

September 19, 1990

Arthur Addatto, Building Inspector  
City of Portland  
389 Congress Street  
Portland, Maine 04101

RE: John McClain - 90-S-1,2 - 88-I-17,18

Dear Mr. Addatto:

As I mentioned to you on the telephone, this office represents John McClain, owner of certain lots located on or near Pleasant Avenue on Peaks Island, Maine, and which have become subject to a dispute raised by T. Covington Johnson concerning the status of a 25 foot wide unnamed road or right-of-way adjacent to lots 90-S-1 and 2.

Our research in the Cumberland County Registry of Deeds leads us to the conclusion that both the public and private rights, if any, in this right-of-way, have terminated by operation of law. We will be pursuing this matter with Mr. Johnson and his counsel and will seek a Court Order, if necessary, to establish the absence of these public and private rights in the so-called paper street. Under Maine Law, once the rights in and to the paper street have been terminated, the ownership of the underlying land in the paper street passes to the abutting owners to the center line of the street.

Mr. McClain owns property on both sides of this paper street adjacent to lots 90-S-1 and 90-S-2. Accordingly, we believe that Mr. McClain owns the entire paper street adjacent to these lots by virtue of his ownership of the property on both sides of the paper street.

90-S-2  
Peaks Isl  
- Mariner Ct

Page 2

We will keep you informed of any developments concerning this matter.

Very truly yours,



GARY D. VOGEL

GDV/rpm  
cc: John McClain  
GDV:X091905.RM

RECEIVED

SEP 20 1990

DEPT. OF BUILDING INSPECTIONS  
CITY OF PORTLAND

SCARBOROUGH LAW OFFICES

Plaza East Professional Offices  
Suite Five - P.O. Box 179  
Scarborough, Maine 04074

Martin Schindler

August 22, 1990

(207) 883 8479

Arthur Addado  
Office of Code Enforcement  
City of Portland  
City Hall  
389 Congress Street  
Portland, Maine 04101

RE: Obstruction of Trefethen Road, Peaks Island.

Dear Mr. Addado,


I have been retained by T. Covington Johnson with regard to problems he has encountered growing out of the obstruction of the so-called Trefethen Road on Peaks Island. Mr. Johnson informs me that you have some awareness of the situation, but in brief, a neighbor of Mr. Johnson's, John McClain, who owns two lots, one on Trefethen Road and one opposite that lot, bordered by both Trefethen Road and Mariner Court has erected a deck attached to his dwelling place on the Mariner Court parcel. The deck extends into the Trefethen Road by approximately 17 feet, leaving a narrow 8 feet between the end of the newly erected deck and an ancient oak tree. Mr. Johnson owns approximately 19 acres of land, bordered by the Trefethen Road and is in the process of beginning development on the said land. It is my understanding, based on conversations with Mr. Johnson, that after it was brought to the city's attention that Mr. McClain's deck intruded upon the Trefethen Road, a stop work order was issued by your office. This notwithstanding, apparently Mr. McClain has continued to complete the deck and it is now in place. On July 27, 1990, Mr. McClain was served with a copy of a Notice regarding the obstruction of the Right of Way and a copy of same was recorded in the Cumberland County Registry of Deeds. I am enclosing for your information a copy of the Notice and the Return of Service with regard to the matter.

I am writing you in the hopes that your intervention may resolve this issue. I have also contacted Mr. McClain by letter in the hope that either the deck will be removed or that he will grant to Mr. Johnson an appropriate Right of Way on the opposite side of the ancient oak, thereby avoiding its removal.

Please review this matter and contact me at the above address and phone.

With best regards, I am,

Sincerely yours,

  
Martin Schindler, Esq.

Enclosures  
cc/file  
cc/T. Covington Johnson  
MS/sas

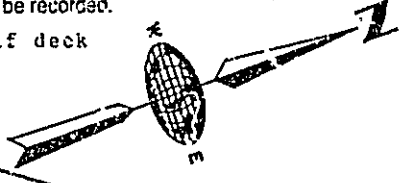
DEPT. OF BUILDING INSPECTIONS  
CITY OF PORTLAND

RECEIVED  
AUG 24 1990



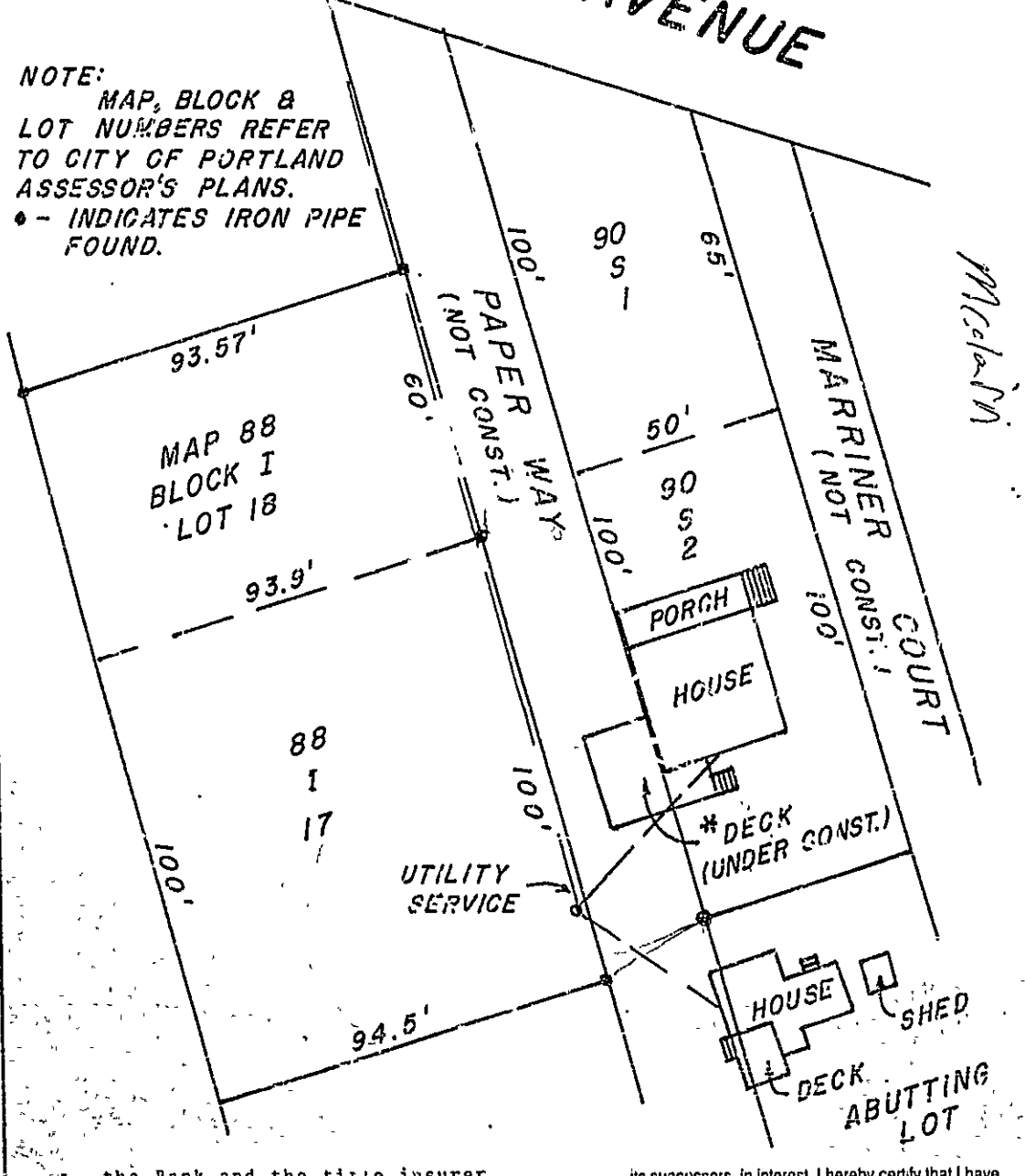
NOTE: This is a tape survey and not an instrument survey, therefore this plot plan is for mortgage purposes only. Parcel shown below does not fall in the Federal Flood Hazard Area and conformed to the local zoning regulations at the time of construction. Fence lines not determined by this survey. Plan not to be recorded.

\* NOTE: Code Enforcement Officer to determine if deck conforms to zoning.



# PLEASANT AVENUE

NOTE:  
 MAP, BLOCK &  
 LOT NUMBERS REFER  
 TO CITY OF PORTLAND  
 ASSESSOR'S PLANS.  
 \* - INDICATES IRON PIPE  
 FOUND.

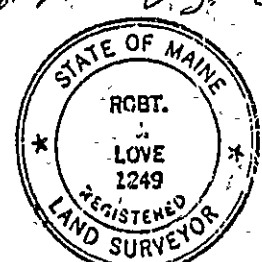


I, the Bank and the title insurer, its successors in interest, I hereby certify that I have examined the premises, and all easements, encroachments and buildings are located on the ground as shown and the premises shown hereon are the same as designated in the \_\_\_\_\_ the \_\_\_\_\_ land \_\_\_\_\_ County Registry of Deeds.

**MORTGAGE SURVEY PLAN**  
 CLIENT: **JOHN B. MC CLAIN**  
**PEAKS ISLAND, MAINE**

SCALE: 1" = 30'      5/14/90

*[Handwritten Signature]*



ATLAS SURVEY ISLAND AVENUE  
 REGISTERED LAND SURVEYORS PEAKS ISLAND, ME. 04108

File No. 90-1749

HARRISON L. RICHARDSON  
 WILLIAM B. TROUBH  
 ROBERT L. HAZARD JR.  
 EDWIN A. HEIBLER  
 ROBERT E. NORMAN  
 JOHN T. WINTKIN  
 ROBERT J. PLAMPA AND  
 PIERRE J. KELLY  
 WENDELL G. LANGE  
 FREDERICK J. BADGER, JR.\*  
 KEVIN M. GILLIS  
 MICHAEL P. BROWN  
 THOMAS E. GETCHELL  
 JOHN W. CHAPMAN  
 EYE M. CIMMET  
 WILLIAM B. WILSON, JR.  
 MICHAEL RICHARDS  
 WILLIAM R. MCKINLEY  
 ELIZABETH G. STODOLSKY  
 BARRI L. GLOCH  
 WILLIAM W. MCCANDLESS, JR.  
 GARY D. VOGEL  
 KEVIN M. MOORAN  
 JAMES A. MCCOISH K  
 DANIEL F. GILLIGAN  
 PAUL B. RUSLER  
 DANIEL B. WYMAN  
 ALLAN W. HUIR  
 ANN M. MURRAY  
 CHRISTOPHER H. RONEY  
 ANNE H. CREESEY  
 FREDERICK F. COETLOW  
 JOANNE P. DUGAN

\*RESIDENT IN THE BANGOR OFFICE

**RICHARDSON & TROUBH**  
 A PROFESSIONAL CORPORATION  
 ATTORNEYS AT LAW  
 465 CONGRESS STREET  
 PO BOX 9732  
 PORTLAND, MAINE 04104-5032  
 TELEPHONE (207) 774-5821  
 TELECOPIER (207) 761-2056

**BANGOR OFFICE**  
 82 COLUMBIA STREET  
 BANGOR, MAINE 04401  
 TELEPHONE (207) 945-5900  
 TELECOPIER (207) 945 0758

IN REPLY REFER TO  
 09968.0116

August 14, 1989

**RECEIVED**

DEC 0 7 1989

DEPT OF ...  
 CITY OF ...

Mr. Darren L. Brown  
 P.O. Box 94  
 Peaks Island, Maine 04108

RE: Property Owned By John McClain

Dear Darren:

We have researched the right-of-way which runs between John McClain's property to Pleasant Avenue to determine the nature of the right-of-way and whether or not Mr. McClain can build over this right-of-way.

Our first task was to determine whether this was a private right-of-way or whether this right-of-way was a paper street. We have come to the conclusion that the right-of-way is most likely a paper street because in the earliest deeds creating this right-of-way the property is referenced as having been created for the purpose of a public road. The right-of-way was later shown on a survey of land for the John W. Trefethen heirs dated May, 1913, by E. C. Jordan & Company, Civil Engineers, recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 91. That recording is important because our statutes concerning paper streets require that the proposed street be laid out on a Subdivision Plan recorded in the Registry of Deeds. We believe that this Plan recorded in Plan Book 12, Page 91 meets this requirement. It is important that the right-of-way be considered a paper street in order for Mr. McClain to have sufficient interest in this real estate to build upon it. The reason for this is that Mr. McClain was deeded property on either side of this paper street but was not deeded the street itself. If this was merely a private right-of-way, the ownership of the land itself would remain in the original Grantors, their heirs, successors or assigns. Title to the underlying land of the paper street, once the street becomes vacated or abandoned, passes to the abutting owners to the center line of the paper street.

The next inquiry is to determine whether or not the paper street has been vacated or abandoned so that Mr. McClain will in

**COPY**

fact own the land in the paper street free and clear of an interest which would prevent Mr. McClain from building within the paper street.

A new set of Maine Laws adopted in 1987 will cause this paper street to become vacated by 1997 in the event that the road is not used or constructed as a road prior to that date. In order to obtain a vacation of the street prior to that date, it will probably be necessary to follow the statutory methods required for vacation of a paper street as set forth in the Maine Statutes. Those statutes require that notice be given to all lot owners who purchased lots with reference to a recorded Plan upon which the street is shown. Notice must also be given to their mortgagees. A hearing is then held before the City Council at which time damages, if any, to be paid to the lot owners are determined. The applicant must pay the damages. Generally, the City Council finds that there are no damages because there is no reasonable expectation on the part of the lot owners at that time that the developer would have built the street.

Our statutes which were adopted in 1987 also create a statutory presumption that the developer did not reserve any rights in the street when he created the subdivision. The statutes do provide, however, a two year period for a developer, or his successors in interest (who in this case would presumably include both Mr. McClain and Mr. Johnson), to preserve and reserve a claim in the road by filing a specified notice in the Registry of Deeds prior to September 29, 1989. For this reason, I would not recommend that any legal action be taken on Mr. McClain's part until after this date has passed so that Mr. Johnson will not be able to preserve his rights merely by recording a notice in the Registry of Deeds.

It may be appropriate to try to apply for a Building Permit to determine whether or not the City will allow a permit to be granted. In the event that a permit is granted, Mr. Johnson would have a thirty day period to appeal issuance of the Building Permit. Mr. McClain must understand that if the City issues a Building Permit, there exists some risk that he could be compelled by Mr. Johnson to remove any structures. If the City is unwilling to issue a Building Permit, I would recommend waiting until after September 29, 1989, before taking any formal action to try and clear-up the interest in the proposed public street.

Unfortunately, there is no clear answer as to how to proceed or how to very simply extinguish all of the interests that may



Page 3

exist in this paper street. Please feel free to give me a call or  
have Mr. McClain give me a call if you have any questions.

Very truly yours,

GARY D. VOGEL

GDV/rpm  
GDV:X081401.RM



# APPLICATION FOR AMENDMENT TO PERMIT

PERMIT ISSUED

SEP 11 1990

City Of Portland

Amendment No. 1

Portland, Maine, 9/11/90

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 992441 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location LOTS 2, 17 - Marina Court, Block 12 Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_

Owner's name and address John D. McFlain, Marina Ct, Block 12 Telephone \_\_\_\_\_

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

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

Architect \_\_\_\_\_ Plans filed \_\_\_\_\_ No. of sheets \_\_\_\_\_

Proposed use of building 1-family dwig No. families \_\_\_\_\_

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

Increased cost of work \$5,000. Additional fee: 42.00

## Description of Proposed Work

Increased cost of work

## Details of New Work

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

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

Slope, 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 chimney \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_

Framing lumber - Kind \_\_\_\_\_ Dress, 1 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

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

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

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

Approved: \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Approved: \_\_\_\_\_ Inspector of Buildings

INSPECTION COPY - WHITE

FILE COPY - PINK

APPLICANT'S COPY - YELLOW

ASSESSOR'S COPY - GOLDEN

*Emma Addato*