

44-54 DARTMOUTH STREET

SHAW-WALKER

Full cut # 920R - Half cut # 920R - Third cut # 920R - Full cut # 920R

INQUIRY BLANK

ZONE "G"

FIRE DIST. \_\_\_\_\_

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Verbal  
By Telephone

DATE 1/29/47

LOCATION 44-54 Pleasantmouth OWNER ?

MADE BY M. Francis Jensen TEL. 3-1131

ADDRESS 1465 Congress Street

PRESENT USE OF BUILDING \_\_\_\_\_

CLASS OF CONSTRUCTION \_\_\_\_\_ NO. OF STORIES \_\_\_\_\_

REMARKS: \_\_\_\_\_

INQUIRY: 1- Would a garage for the sale and repair of large truck body be permissible at this location?

ANSWER: 1- The garage use is permissible in the General Business Zone where property is located, subject of course to the provisions of the zoning Ordinance. as regards to features objectionable & detrimental to the neighborhood by the reason of the emission of fumes, noise, etc.

OF REPLY 1/29/47 REPLY BY A. J. Skow

Inquiry

July 31, 1946

Mr. Benjamin B. Sanderson  
95 Exchange Street  
Portland 2, Maine

Subject: Reply to your letter of July 15 relating  
to the use of a certain strip of land at the rear  
of Forest Realty Corporation property having frontage  
on Forest Avenue and running southerly from Dartmouth  
Street.

Dear Mr. Sanderson:

Subject to the provisions of the Building Code as to strength and safety, it is my belief that a building permit, when applied for with full information to show compliance with the Building Code, may be issued to cover construction of a one-story building about 20' wide and 60' long to be used for an ordinary business use which would not prove injurious, noxious or offensive to the neighborhood, provided no part of the proposed building were located more than 250' from the easterly street line of Forest Avenue and provided that the building were so located in its relation to Dartmouth Street that the use of it would not encroach on the adjacent apartment house zone in such a way as to be detrimental. The latter provision appears to be taken care of because the building would be located on the Dartmouth Street frontage and access to the building would be from Dartmouth Street.

Your inquiry as to the rights of the balance of the 20' strip extending about 550' southerly from Dartmouth Street and having its westerly side 250' from the easterly street line of Forest Avenue is more difficult and perhaps could be best answered by the Corporation Counsel. While we in this office try to give out a great deal of information as to the application of the Zoning Ordinance and Building Code to more or less indefinite proposals, we can hardly give any hard and fast answer until a definite application for a building permit has been filed with full information.

Should such applications for permits be filed for the use of the balance of this 20' strip, however, it is my belief that it could make considerable difference whether the 20' strip were to be used in connection with the Forest Realty Corporation land between it and Forest Avenue and have direct access from Forest Avenue or whether such buildings and the land outside of it on the 20' strip would have to rely upon the private right-of-way lying on the easterly side of the 20' strip.

The westerly 10' of width of this right-of-way (the right-of-way being 20' wide) lies within the area that has a right to the regulations of the General Business Zone along Forest Avenue though the 10' strip, itself, is actually located in an Apartment House Zone. It is my belief that the real intent of Section 14B of the Zoning Ordinance is that application of the regulations of a General Business Zone to the 20' strip ought to rely upon the frontage of the Realty Corporation property on Forest Avenue rather than upon the frontage of this very long 20' strip on Dartmouth Street. As I remember our telephone conversation, however, the Corporation has some plans of developing this 20' strip separately from the several leasehold lots along Forest Avenue. If that were the case, the tenants of the 20' strip would have to rely upon the private right-of-way for access to their property.

While under the strict terms of the Zoning Ordinance, this office might be compelled to issue a building permit for buildings along the 20' strip of uses which were non-conforming in the Apartment House Zone to the east of it, it is my belief that an important question would arise as to the right under the Zoning Ordinance to approach buildings of non-conforming use in the Apartment House Zone along the 20' right-of-way.

Very truly yours,

CC: Corporation Counsel

Inspector of Buildings

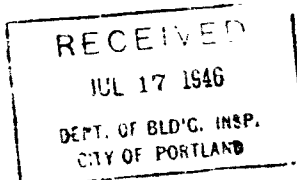
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BENJAMIN B SANDERSON  
LEGAL COUNSEL

95 EXCHANGE STREET  
PORTLAND MAINE

June  
Agent  
1946

Mr. Warren McDonald  
Building Inspector  
City Hall  
Portland, Maine



Dear Mr. McDonald:-

Forest Realty Corporation is the owner of a tract of land located on the easterly side of Forest Avenue extending from Dartmouth Street South along Forest Avenue approximately 550 feet and having a depth of 300 feet.

This land to a depth of 250 feet East from Forest Avenue is in the General Business Zone. A strip of this land 30 feet wide extending from Dartmouth Street along the entire easterly boundary of this land is now used as a private right-of-way for the benefit of Forest City, Inc. which owns the so-called Boulevard Development (Forest Park) and the tenants of Forest Realty Corporation. This leaves a strip of land 20 feet wide extending from Dartmouth Street Southerly along the entire length of Forest Realty Corporation land and the said private right-of-way which is not specifically included in the Business Zone. I am inclosing a sketch of the land of Forest Realty Corporation showing the location of the 20-foot strip of land referred to.

Forest Realty Corporation desires to lease for business purposes a lot of land at the corner of Dartmouth Street and the said private right-of-way having a frontage on Dartmouth Street of 25 to 30 feet and running back Southerly along said right-of-way 20 feet. The lot proposed to be leased is also indicated on the sketch. 20 feet of this lot frontage would, therefore, be outside of the expressly defined Business Zone.

Forest Realty Corporation is the owner of land adjoining on the West the lot proposed to be leased for business purposes and the said adjoining land has more than 20-foot frontage on Dartmouth Street in the Business Zone.

Section 15 B of the Zoning Ordinance of the City of Portland relating to Boundary of Zones provides as follows:-

"Where a zone boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion, provided the lot has at least twenty feet of frontage on a street in the less restricted zone."

Mr. Warren McDonald  
Page Two.

July 15, 1946

It is our understanding that under this section 16 E the 20-foot strip of land proposed to be leased would be considered to be in the Business Zone.

We would like to know if that understanding is correct and also whether the entire 20-foot strip of land adjoining the Business Zone 250 feet Easterly from Forest Avenue and extending the full width of Forest Realty Corporation property can all be properly considered in the Business Zone under Section 16 E of the Zoning Ordinance.

It is now proposed that a so-called quonset hut twenty feet wide and sixty feet long be erected upon the lot in question and that the lot of 25 or 30 feet wide and 30 feet long be leased to a concern which would use the premises for a laundrette such as is now operating on a Congress Street location where people bring in their laundry and pay for the use of the laundry machines. It is thought that this type of business would be of service to the immediate vicinity of the location. The entrance to this quonset hut would be from Portsmouth Street. In later years, when it seems more practical for building, the quonset hut might be removed and a different type of building substituted.

Would you please advise if this project, subject to building requirements, will meet with approval under the Zoning Ordinance and whether the strip of land in question can be considered in its entirety as part of the Business Zone.

Very truly yours,

Inc.

FOREST REALTY CORPORATION

BBS:f

By Roy H. Anderson  
President.

INQUIRY BLANK

ZONE \_\_\_\_\_

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

FIRE DIST. \_\_\_\_\_

Verbal  
By Telephone

Date July 20, 1946

LOCATION 40-44 Dartmouth Street OWNER \_\_\_\_\_

MADE BY Forest Realty Corporation by Benjamin B. Sanborn TEL. \_\_\_\_\_

ADDRESS \_\_\_\_\_

PRESENT USE OF BUILDING \_\_\_\_\_

CLASS OF CONSTRUCTION \_\_\_\_\_ NO. OF STORIES \_\_\_\_\_

REMARKS: Reference: Mr. Henderson's letter of July 15, 1946

INQUIRY: (1) Can a permit issued for a building one-story high, 20 feet wide and 60 feet long (probably a basement building) on a lot of land 25 or 30 feet wide and 60 feet long to be set out and leased to a concern to conduct a retail self-service laundry, no part of the building or of the lot to be set out to be more than 260 feet from the easterly street line of Forest Avenue and the building to front on and have access from Dartmouth Street?

(2) Can the balance of a 20-foot wide strip (the above mentioned lot would form a part of it on the Dartmouth Street end) owned by Forest Realty and running parallel to Forest Avenue extending approximately 550 feet south from Dartmouth Street and the westerly edge of the 20-foot strip being 250 feet from the street line of Forest Avenue--be considered as being in the General Business Zone extending along Forest Avenue and 250 feet deep therefrom?

ANSWER: See letter of July 2

DATE OF REPLY July 20, 1946 REPLY BY J. McD

