

43-59 BEDFORD STREET

AP-43-51 Ediford Street

June 20, 1969

Mr. Philip Genmer, Vice Pres.
Forest City Motor Company
John Donnelly & Sons
146 Ocean Avenue, S., Portland

Gentlemen:

The appeal under the Zoning Ordinance involving the erection of signs on the above premises has been sustained on the condition that no flashing or intermittent lighting shall be used in any of these signs. Since only a preliminary application covering erection of all of these signs, on which the appeal could be based, has been filed, it is necessary before further action can be taken by this department that regular applications for erection of the signs involved be filed and that the permit fees therefor be paid. The small detached signs indicated as "B" and the large detached sign in front of the fence and indicated as "A" may be covered in one permit, but a separate permit is required for the projecting sign indicated as "A". With each of these applications will need to be filed structural plans and foundation details of the signs involved. In relation to the projecting sign, information as to the height above and projection over the public sidewalk will also be needed.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS:W

AP-43-41 Bedford Street

May 25, 1960

cc to: Corporation Counsel
cc to: John Donnelly & Sons
146 Ocean Avenue
South Portland, Maine
cc to: Edward D. Hoyes
165 Congress Street

Mr. Philip Gexner, Vice Pres.
Forest City Motor Company
87 Winslow Street

Dear Mr. Gexner:

Permits for the creation of the following detached signs at the above named location--8 pole signs 3 feet by 3 feet with a total area of 72 square feet, one pole sign 8 feet by 12 feet projecting over the public sidewalk of Bedford Street having an area of 96 square feet, and a sign 5 feet high by 50 feet long, consisting of two discs 5 feet in diameter and a center section 5 feet high by 40 feet long of individual letters, having a total area of 239 square feet--are not issuable under the Zoning Ordinance for the following reasons:

1. The total area of the new signs of about 408 square feet plus the area of existing detached signs now located on the premises and that of signs painted on the walls of small office building will amount to about 550 square feet, contrary to the limitation of 300 square feet set by Section 16-A-5 of the Ordinance applying to the B-2 Business Zone in which the property is located.

2. Lighting of the projecting sign is to include a flashing arrow, contrary to Section 16-A-5 which forbids flashing or intermittent signs.

I understand you would like to exercise your appeal rights concerning these discrepancies. Accordingly I am certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, you should go to file the appeal. Since you are lessee, rather than owner, of the premises involved, it is likely that the appeal will need to be filed in the name of and signed by the owner of the property.

Very truly yours,

AJS/3E

Albert J. Sears
Inspector of Buildings

FOREST CITY MOTOR COMPANY

"Where You Always Get Good Service"



TELEPHONE 2-2887
83 WINSLOW ST.
PORTLAND 3, MAINE

April 15, 1960

Mr. Albert J. Sears
Inspector of Buildings
Department of Building Inspection
City of Portland, Maine

Dear Mr. Sears:

Thank you for your letter of April 12th.

I am writing this letter while on my back in the hospital, and it may not be as concise as you require. However, I will answer your three questions in order:

1. The sign painted on the rear wall of the existing office building on the premises does not have to remain if it would interfere with the installation of the proposed new flashing sign. In short, we would paint this out if designated by the Zoning Board.

2. The answer to No. 1 pertains to No. 2, as these small disc signs can be removed or relocated at the suggestion of the Zoning Board.

3. Here I thought my conversations with Mr. Kilbride and Mr. Derrah, and also my infrequent conversations with you, were clear on all sides. As you will notice in the middle of the proposed fence, there is an area higher than on either side. This area would contain such advertising as "Forest City Motor Co. - OK Used Cars - OK Used Trucks." Then with the OK Used Car Seal being located as shown on either side of this middle block area. We would restrict the amount of lettering on that middle area to the approximately 300 square feet that we are allowed, as per our conversation. As another alternative, we could set out the other OK signs in front of the fence so as to classify that as a detached sign.

If the above answers to your three questions are not clear, or do not suffice, please get in touch with me at your convenience.

Sincerely yours,

Philip Gemmer
Philip Gemmer
Vice President

PG/mvo
cc: John Donnelly & Sons

RECEIVED

APR 18 1960

DEPT. OF BLDG. Insp.
CITY OF PORTLAND

"Building good will for a Quarter Century"

AP 43-51 Bedford St.

April 25, 1960

Mr. Philip Gemmer, Vice Pres.
Forest City Motor Company
83 Winslow Street

cc to: John Donnelly & Sons
146 Ocean Street
South Portland

Dear Mr. Gemmer:

In regard to permit application for erection of signs on the property at the above named location and your letter of April 15th concerning certain details of the installation, the painting of the sign on a section of the fence presents problems under the Building Code. The painting of a sign on the fence makes it necessary to classify that portion of the fence involved as a sign and to apply Building Code regulations for signs to it.

This being the case, the construction proposed does not comply with requirement of Section 211-c-3 of the Code that detached signs shall have maximum length of contiguous advertising spaces of 50 feet and shall be not less than two feet apart. It also conflicts with the requirement of Section 211-c-4.3 that facing of a sign may not be of combustible material if it exceeds 100 square feet in area. These requirements of the Building Code are not appealable so that, even if you were successful in having a zoning appeal sustained for what you desire to do, a building permit could not be issued unless construction were to meet Building Code requirements.

Under these circumstances a certification letter on which a zoning appeal may be based cannot accurately be written until the conflict with Building Code regulations has been resolved. Since the total area of all signs allowable on the premises under the Zoning Ordinance is limited to 300 square feet, it is clear that this requirement of the Ordinance will be one of those involved in a zoning appeal. Therefore full information as to details of all of the signs proposed is needed as well as indication that compliance with Building Code requirements is to be provided.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS:ra

AP-43-51 Bedford Street

April 12, 1960

Forest City Motor Co.
83 Winslow Street

cc to: John Donnelly & Sons
146 Ocean Street
South Portland, Maine

Gentlemen:

Examination of plans furnished with preliminary permit application filed as basis for zoning appeal in connection with several detached signs to be erected on the premises at the above named location raises a number of questions about which more information is needed before a certification letter can be written. These are as follows:

1. Is the sign painted on the rear wall of the existing office building on the premises to remain?
2. Are the small disc signs now located on the fence to remain in place?
3. Is there any intention of using the fence to be constructed at the rear of the lot as a sign aside from the areas to be occupied by the disc signs shown on the plan? If advertising of any nature is to be painted on the fence, it must be classed as a sign and meet all Zoning Ordinance and Building Code requirements relating to signs.

All of this information is needed in order that application of the Zoning Ordinance to the situation can be determined and decision made as to those requirements of the Ordinance which need to be appealed. If a sign or signs are to be painted on the fence, the extent of their area will need to be furnished in order that it may be included in the total area of signs to be located on the premises.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/jg



APPLICATION FOR PERMIT

B2 BUSINESS ZONING

Class of Building or Type of Structure

Portland, Maine, April 7, 1950

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 43-51 Bedford St. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Edward D. Noyes Jr., 165 Congress St. Telephone _____
 Lessee's name and address Forest City Motor Co., 83 Winslow St. Telephone 2-2887
 Contractor's name and address John Donnelly Sons, 146 Ocean St., So. Portland Telephone 2-0050
 Architect _____ Specifications _____ Plans yes No. of sheets 2
 Proposed use of building _____ No. families _____
 Last use _____ No. families _____
 Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ _____

General Description of New Work

To erect several detached signs on property as per plans filed herewith. Signs "B" and "F".

This application is preliminary to get settled the question of zoning appeal. In event the appeal is sustained the applicant will furnish complete information.

Appeal Sustained conditionally 6/16/60

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

Details of New Work

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

If a Garage

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

APPROVED:

Miscellaneous

Will work require disturbing of any trees 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

John Donnelly Sons

INSPECTION COPY Signature of owner _____ by: James J. Du

AP- 43-51 Bedford Street

Dec. 16, 1960

Mr. Philip Gemmer, Vice President
Forest City Motor Company
John Donnelly & Sons
146 Ocean Avenue, S. Portland

Gentlemen:

Your attention is called to the fact that under Sec. 25-1 of the Zoning Ordinance the rights granted by the Board of Appeals on June 16, 1960 involving erection of detached signs on the premises at the above named location have expired because the work covered by the appeal has not been started within six months of the date on which the appeal was sustained. If you contemplate going ahead with the work in the future, it will be necessary to again secure approval from the Board of Appeals before permits authorizing erection of the signs can be issued.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS:m

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

June 6, 1960

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, June 16, 1960, at 4:00 p.m. to hear the appeal of Edward D. Noyes requesting an exception to the Zoning Ordinance to permit erection of the following detached signs on the property at 43-61 Bedford Street: 8 pole signs 3 feet by 3 feet with a total area of 72 square feet, one pole sign 8 feet by 12 feet projecting over the public sidewalk of Bedford Street having an area of 96 square feet, and a sign 5 feet high by 50 feet long, consisting of two discs 5 feet in diameter and a center section 5 feet high by 40 feet long of individual letters, having a total area of 239 square feet.

These permits are presently not issuable for the following reasons:

1. The total area of the new signs of about 408 square feet plus the area of existing detached signs now located on the premises and that of signs painted on the walls of small office building will amount to about 550 square feet, contrary to the limitation of 300 square feet set by Section 16-A-5 of the Ordinance applying to the B-2 Business Zone in which the property is located.
2. Lighting of the projecting sign is to include a flashing arrow, contrary to Section 16-A-5 which forbids flashing or intermittent signs.

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

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

June 6, 1960

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These permits are presently not issuable for the following reasons:

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2. Lighting of the projecting sign is to include a flashing arrow, contrary to Section 16-A-5 which forbids flashing or intermittent signs.

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

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

*Granted
Conditionally 6/16/60*

DATE: June 16, 1960 *60/65*

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF EDWARD D. NOYES

AT 43-61 BEDFORD STREET

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

BOARD OF APPEALS

VOTE

~~XXXXXXXXXXXXXXXXXXXX~~ Frederick B. Nelson
Harry M. Schwartz
Ralph L. Young

Yes	No
<i>SS</i>	()
<i>SS</i>	()
<i>SS</i>	()

Record of Hearing:

Opposed: Mrs. Ina E. Sampson - 88 Winslow Street
Mrs. Marie C. Thomsen - 13 Grand Street
Mrs. Charlotte Ek - 25 Grand Street

Granted Conditionally.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

VARIANCE APPEAL

May 31, 1960

Edward D. Hoyes

owner of property at 43-61 Bedford Street
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit: Erection of the following detached signs at this location: 8 pole signs 3 feet by 3 feet with a total area of 72 square feet, one pole sign 8 feet by 12 feet projecting over the public sidewalk of Bedford Street having an area of 96 square feet, and a sign 5 feet high by 50 feet long, consisting of two discs 5 feet in diameter and a center section 5 feet high by 40 feet long of individual letters, having a total area of 239 square feet. These permits are presently not issuable for the following reasons: 1. The total area of the new signs of about 408 square feet plus the area of existing detached signs now located on the premises and that of signs painted on the walls of small office building will amount to about 550 square feet, contrary to the limitation of 300 square feet set by Sec. 16-A-5 of the Ordinance applying to the B-2 Business Zone in which the property is located. 2. Lighting of the projecting sign is to include a flashing arrow, contrary to Sec. 16-A-5 which forbids flashing or intermittent signs.

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

Edward D. Hoyes
APPELLANT

DECISION

After public hearing held June 16, 1960, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case, provided that there can be no flashing or intermittent signs on these premises.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case, as provided above.

Adolph H. Long
Raymond H. Brown
Richard W. Nelson
BOARD OF APPEALS

CITY OF PORTLAND, MAINE
Department of Building Inspection

ALBERT J. SEARS
Inspector of Buildings

AP-43-61 Bedford Street

May 26, 1960

Mr. Philip Gemmer, Vice Pres.
Forest City Motor Company
83 Winalow Street

cc to: Corporation Counsel
John Donnelly & Sons
146 Ocean Avenue
South Portland, Maine
cc to: Edward D. Noyes
465 Congress Street

Dear Mr. Gemmer:

Permits for the erection of the following detached signs at the above named location--8 pole signs 3 feet by 3 feet with a total area of 72 square feet, one pole sign 8 feet by 12 feet projecting over the public sidewalk on Bedford Street having an area of 96 square feet, and a sign 5 feet high by 50 feet long, consisting of two discs 5 feet diameter and a center section 5 feet high by 40 feet long of individual lights having a total area of 239 square feet, are not issuable under the Zoning Ordinance for the following reasons:

1. The total area of the new signs of about 408 square feet plus the area of existing detached signs now located on the premises and that of signs painted on the walls of small office building will amount to about 550 square feet, contrary to the limitation of 300 square feet set by Section 16-A-5 of the Ordinance applying to the B-2 Business Zone in which the property is located.
2. Lighting of the projecting sign is to include a flashing arrow, contrary to Section 16-A-5 which forbids flashing or intermittent signs.

I understand you would like to exercise your appeal rights concerning these discrepancies. Accordingly I am certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, you should go to file the appeal. Since you are lessee, rather than owner, of the premises involved, it is likely that the appeal will need to be filed in the name of and signed by the owner of the property.

Very truly yours,

Albert J. Sears
Inspector of Buildings

ajs/js

COPY

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

June 6, 1960

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, June 16, 1960, at 4:00 p.m. to hear the appeal of Edward D. Noyes requesting an exception to the Zoning Ordinance to permit erection of the following detached signs on the property at 43-61 Bedford Street: 8 pole signs 3 feet by 3 feet with a total area of 72 square feet, one pole sign 8 feet by 12 feet projecting over the public sidewalk of Bedford Street having an area of 96 square feet, and a sign 5 feet high by 50 feet long, consisting of two discs 5 feet in diameter and a center section 5 feet high by 40 feet long of individual letters, having a total area of 239 square feet.

These permits are presently not issuable for the following reasons:

1. The total area of the new signs of about 408 square feet plus the area of existing detached signs now located on the premises and that of signs painted on the walls of small office building will amount to about 550 square feet, contrary to the limitation of 300 square feet set by Section 16-A-5 of the Ordinance applying to the B-2 Business Zone in which the property is located.
2. Lighting of the projecting sign is to include a flashing arrow, contrary to Section 16-A-5 which forbids flashing or intermittent signs.

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

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

City of Portland, Maine
Municipal Officers
BUILDING CODE

June 15, 19 69

To the Municipal Officers:

Your appellant, Jefferson Hodges
property at 899 Riverside Street

, who is the owner of
, respectfully petitions the Municipal Officers
of the City of Portland to permit an exception to the provisions of the Building Code relating to this prop-
erty, as provided by Section 115, Paragraph A of said Building Code.

Building permit for changing use of two family dwelling at the above-named
location to an in-residence school for not more than eight mentally disturbed
children is not issuable because the one-hour fire-resistive enclosure of the
cellar stairway is not to be provided as specified by Section 207-f-1 of the
Building Code applying to houses for the accommodation of more than five
children.

The facts and conditions which make this exception legally permissible are as follows: An exception
may be granted if the Municipal Officers find that enforcement of the Building
Code would involve practical difficulty and desirable relief may be granted
without substantially departing from the intent and purpose of the Code.

Jefferson Hodges

By: Appellant

day of

, 19

After public hearing held on the
the Municipal Officers find that an exception is

It is, therefore, determined that exception to the Building Code may
in this specific case.

be permitted

MUNICIPAL OFFICERS

FOREST CITY MOTOR COMPANY

"Where You Always Get Good Service"

TELEPHONE 2-2887
83 WINSLOW ST.
PORTLAND 3, MAINE



March 24, 1958
Our 36th Year

Mr. Warren McDonald
Inspector of Buildings
City of Portland
Portland, Maine

Dear Mr. McDonald:

We desire a certificate of occupancy under the Zoning Ordinance for an increased area adjacent to our now existing Used Car and Truck Lot. We are now leasing this area from Mr. Edward D. Noyes, 465 Congress Street.

The frontage area, that is, parallel to Bedford Street, would be approximately 135 feet going in a westerly direction; the rear boundary would be extending our already existing line approximately 57 feet in a westerly direction; the outside boundary would be northerly in the amount of approximately 250 feet, parallel to the now existing line of trees on the property now owned by University of Maine, Portland Extension, and formerly owned by Mr. Edward D. Noyes.

Our intentions for this increased area are to use it for approximately one-third storage of new cars and trucks, one-third increased area for employee parking and one-third increased selling area for used cars and trucks, all to be in conjunction with the now existing adjacent lot.

It is proposed that one new entrance and exit would be made available on the Bedford Street boundary, as per enclosed site plan. The existing boundary fence would be torn down so that the two lots would become one. The whole area would be completely fenced in, with gates at the entrances and exits, would be well lighted, and the ground excavated, graded and hard-topped.

It is our understanding that parking, storage and selling of used cars and trucks, is not allowable under the existing Ordinance in this Limited Business Zone. Therefore, we would like to seek a variance from the Zoning Board of Appeals in connection with the above.

We shall appreciate any cooperation you may give us on this matter of expanding our already overcrowded selling area.

Sincerely yours,

Philip Gemmer
Philip Gemmer
Vice President

Encl. - 1

"Building good will for a Quarter Century"

Copy: Mr. Edward D. Noyes

*APCO 43-6 Bedford
appeal sustained
see letter 6/6/58*

*Rec'd at 3/26/58
HWS*

FOREST CITY MOTOR COMPANY



"Where You Always Get Good Service"

TELEPHONE 2-2897
83 WINSLOW ST.
PORTLAND 3, MAINE

June 10, 1958
Our 36th Year

Mr. Warren McDonald
Inspector of Buildings
Dept. of Building Inspection
City Hall
Portland, Maine

Dear Mr. McDonald:

In reference to your letter of June 6th, we are now advised that if improvements are not started within six months of May 16th, the rights of the owner under the appeal will become void.

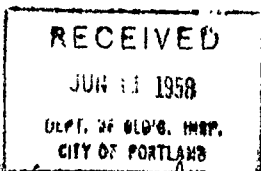
At the present time, we do not plan to complete all phases, or even 50% of the work, for at least a year from now. If we completed any small part of this project, such as grading, would this be sufficient to uphold the appeal?

Thank you again for your very fine service.

Sincerely yours,

Philip Gemmer
Philip Gemmer

PG/mvo



Mr. Gemmer phoned today and said they may not get this lot ready for cont. within one year of date of granting appeal. If so, they would appeal again, if necessary.

"Building good will for a Quarter Century"

*Wm D
6/17/58*

AFCO 43-61 Bedford Street
Proposed extension of used car and truck lot.

June 6, 1952

Forest City Motor Company
83 Winslow Street
Att. Mr. Philip Gammor, Vice President

cc to: Mr. Edward D. Noyes
465 Congress St., Rm. 404

Gentlemen:

The Zoning Board of Appeals has notified us that Mr. Noyes' appeal, has been granted.

You are now at liberty to proceed with the work of grading, paving, fencing etc., without further ado. When the improvements have all been made in accordance with your plan, please notify this office of readiness for final inspection, whereupon, if all is found in order, the certificate of occupancy required by the Zoning Ordinance will be issued, without which it is not lawful to use the increased area for the purpose intended.

While it may not be of interest to you, it is well to bear in mind that should the improvement not be started within six months of May 16th (the date on which the appeal was sustained) the rights of the owner under the appeal would become void.

Your attention is again drawn to the provisions of the Zoning Ordinance under which the area of signs, both on the existing sales and parking lot and on the proposed extension, is limited.

Your application of March 24th for the certificate of occupancy for use of the extended area does not include anything by way of any buildings or other structures. If such are contemplated, please make them a subject of application for building permits thereon.

Warren McLeod
Inspector of Buildings

WME/JS

April 2, 1958

AP-CO- 43-61 Bedford Street (2-26 Heywood Street-)
Proposed extension of lot now used at 43-61 Bedford Street for parking and
sales of motor cars and classified parking of commercial vehicles so that
the lot would have frontage at 43-61 Bedford Street and zoning appeal re-
lating thereto

Mr. Edward D. Noyes
465 Congress Street
Mr. Philip Gomer, Vice President
Forest City Motor Company
83 Winslow Street

cc to: Corporation Counsel

Gentlemen:

Certificate of occupancy intended to authorize use of the enlarged lot at
43-61 Bedford Street, also having frontage at 2-26 Heywood Street (comprising
Assessors Lot Nos. 114A - H5, H6, H7, H8, H9, H10, H11, H12, H13, H14 and also a
triangular shaped piece of land being a part of a formerly platted street now va-
cated by action of the Municipal Officers), for parking, storage and sale of motor
vehicles because:

-a considerable number of commercial vehicles would be stored, parked or
displayed there contrary to Sec. 9A of the ordinance which limits the number
of commercial vehicles to be parked or stored there to a maximum of three,
and

-no provision is planned for one or more catch basins and connections to
the public sewer to care for storm-water runoff of the lot, as required
by Sec. 1403 of the ordinance.

You have indicated your desire to seek a variance from the Zoning Board of
Appeals as to those features contrary to the Ordinance. Such an appeal should be
filed at the office of Corporation Counsel where a copy of this letter will be
found. If you desire consideration by the Board at the earliest possible date, the
appeal should be filed no later than noon of Friday, April 4th.

It is noted that you have erected signs from time to time on the existing parking
lot. Since your plan makes no mention of signs, it seems in order to tell you that
the Zoning Ordinance undertakes to regulate and control all outdoor advertising signs
whether building permits are required for the erection of the signs, or not. It should
be borne in mind that outdoor signs of certain kinds do not require building permits
for their erection--consequently there is no opportunity on the part of this department
to check as to whether or not the signs comply with the Zoning Ordinance. If you have
outdoor advertising signs in mind in connection with this proposal to use the land, it
would be well to come to a conclusion and to show them on your plan, even to the extent,
if your plans do not coincide with the Zoning Ordinance, to have an opportunity for
recourse to the Board of Appeals in that connection if you see fit.

my impression that the present parking lot is flood-lighted; and you no doubt intend to flood-light the entire area. In fact your letter of application indicates that the entire area will be well lighted. It will be of interest to you to know that the Zoning Ordinance in Sec. 1404 provides that artificial lighting of parking lots shall be shaded or screened so that no light source shall be visible from outside the lot and its access drives.

Should your appeal be successful, you will be notified, and you will then be at liberty to proceed with the improvement of the lot for the proposed purpose conditionally or otherwise as directed by the Board of Appeals. Issuance of the certificate of occupancy, however, will not be in order until the improvements have all been made and a final inspection by this department shows the requirements of the ordinance and of the Board of Appeals to have been complied with. Until the certificate is actually issued, it is unlawful to occupy the extended area for parking.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD:M

Mrs. Meally:

It seems to me that this variance is possible under Sec. 23-Variance Appeals in view of the fact that the Enabling Act has not deleted the words "to avoid confiscation". Perhaps you can find some other basis for this appeal, but I have not been able to.

WMcD

Granted 5/16/58
58/46

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 22, 1958

VARIANCE APPEAL

Edward D. Noyes, owner of property at 43-61 Bedford Street (2-26 Heywood St.) under the provisions of Section 23 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit: Use of the enlarged lot at 43-61 Bedford Street, also having frontage at 2-26 Heywood Street (comprising Assessors Lot Nos. 114A - H5, H6, H7, H8, H9, H10, H11, H12, H13, H14 and also a triangular shaped piece of land being a part of a formerly platted street now vacated by action of the Municipal Officers), for parking, storage and sale of motor vehicles. This permit is presently not issuable because a considerable number of commercial vehicles would be stored, parked or displayed there contrary to Section 9A of the Ordinance applying to the B-2 Business Zone which limits the number of commercial vehicles to be parked or stored there to a maximum of three, and no provision is planned for one or more catch basins and connections to the public sewer to care for storm-water runoff of the lot, as required by Section 14c3 of the Ordinance.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in practical difficulties or unnecessary hardship in the development of the property which are inconsistent with the intent and purpose of the Ordinance; that the granting of the variance is necessary in order to avoid confiscation and permit reasonable use of property; that there are exceptional or unique circumstances relating to the property that do not apply generally to other property in the same zone or neighborhood, which have not arisen as a result of action of the appellant subsequent to the adoption of the Ordinance; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

Edward D. Noyes
APPELLANT

DECISION

After public hearing held May 16, 1958, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case.

[Signature]
[Signature]
[Signature]
BOARD OF APPEALS

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 13, 1958

Mr. Edward L. Noyes
465 Congress Street
Portland, Maine

Dear Mr. Noyes:

The Board of Appeals will hold a public hearing
on Friday, May 16, 1958, at 4:00 p.m. in the Council
Chamber of the City Hall, Portland, Maine, to hear
your appeal under the Zoning Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

cc: Mr. Philip Gemmer
Vice President
Forest City Motor Company
83 Winslow Street
Portland, Maine

WARREN McDONALD
INSPECTOR OF BUILDINGS

ALBERT J. SEARS
DEPUTY INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

April 2, 1958

AP-30- 43-61 Bedford Street (2-26 Heywood Street-)
Proposed extension of lot now used at 43-51 Bedford Street for parking and
sales of motor cars and classified parking of commercial vehicles so that
the lot would have frontage at 43-61 Bedford Street and zoning appeal re-
lating thereto

Mr. Edward D. Noyes
465 Congress Street
Mr. Philip Gemmer, Vice President
Forest City Motor Company
83 Winslow Street

cc to: Corporation Counsel

Gentlemen:

Certificate of occupancy intended to authorize use of the enlarged lot at
43-61 Bedford Street, also having frontage at 2-26 Heywood Street (comprising
Assessors Lot Nos. 111A - H5, H6, H7, H8, H9, H10, H11, H12, H13, H14 and also a
triangular shaped plot of land being a part of a formerly platted street now va-
cated by action of the Municipal Officers), for parking, storage and sale of motor
vehicles, because:

-a considerable number of commercial vehicles would be stored, parked or
displayed there contrary to Sec. 9A of the ordinance which limits the number
of commercial vehicles to be parked or stored there to a maximum of three,
and

-no provision is planned for one or more catch basins and connections to
the public sewer to care for storm-water runoff of the lot, as required
by Sec. 14c3 of the ordinance.

You have indicated your desire to seek a variance from the Zoning Board of
Appeals as to these features contrary to the Ordinance. Such an appeal should be
filed at the office of Corporation Counsel where a copy of this letter will be
found. If you desire consideration by the Board at the earliest possible date, the
appeal should be filed no later than noon of Friday, April 4th.

It is noted that you have erected signs from time to time on the existing parking
lot. Since your plan makes no mention of signs, it seems in order to tell you that
the Zoning Ordinance undertakes to regulate and control all outdoor advertising signs
whether building permits are required for the erection of the signs, or not. It should
be borne in mind that outdoor signs of certain kind do not require building permits
for their erection—consequently there is no opportunity on the part of this department
to check as to whether or not the signs comply with the Zoning Ordinance. If you have
outdoor advertising signs in mind in connection with this proposal to use the land, it
would be well to come to a conclusion and to show them on your plan, even to the extent
if your plans do not coincide with the Zoning Ordinance, to have an opportunity for
recourse to the Board of Appeals in that connection if you see fit.

Mr. Edward G. Moyas & Mr. Philip Gernert

(2)

It is my impression that the present parking lot is flood-lighted; and you no doubt intend to flood-light the entire area. In fact your letter of application indicates that the entire area will be well lighted. It will be of interest to you to know that the Zoning Ordinance in Sec. 1404 provides that artificial lighting of parking lots shall be shaded or screened so that no light source shall be visible from outside the lot and its access drives.

Should your appeal be successful, you will be notified, and you will then be at liberty to proceed with the improvement of the lot for the proposed purpose conditionally or otherwise as directed by the Board of Appeals. Issuance of the certificate of occupancy, however, will not be in order until the improvements have all been made and a final inspection by this department shows the requirements of the ordinance and of the Board of Appeals to have been complied with. Until the certificate is actually issued, it is unlawful to occupy the extended area for parking.

Very truly yours,

Warren McDonald
Inspector of Buildings

Mrs. Keally: It seems to me that this variance is possible under Sec. 23- Variance Appeals in view of the fact that the Enabling Act has now deleted the words "avoid confiscation". Perhaps you can find some other basis for this appeal, but I have not been able to.

WMCD

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 6, 1958

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, May 16, 1958, at 4:00 p.m. to hear the appeal of Edward B. Noyes requesting an exception to the Zoning Ordinance to permit use of the enlarged lot at 43-61 Bedford Street, also having a frontage at 2-26 Heywood Street (comprising Assessor's Lot Nos. 114A - H5, H6, H7, H8, H9, H10, H11, H12, H13, H14, and also a triangular shaped piece of land being a part of a formerly platted street now vacated by action of the Municipal Officers), for parking, storage and sale of motor vehicles.

This permit is presently not issuable because a considerable number of commercial vehicles would be stored, parked or displayed there contrary to Section 9A of the Ordinance applying to the B-2 Business Zone which limits the number of commercial vehicles to be parked or stored there to a maximum of three, and no provision is planned for one or more catch basins and connections to the public sewer to care for storm-water runoff of the lot, as required by Section 14c3 of the Ordinance.

This appeal is taken under Section 23 of the Zoning Ordinance which provides that the Board of Appeals by unanimous vote may grant such a variance if it finds that the strict application of the provisions of the Ordinance would result in practical difficulties or unnecessary hardship in the development of property which are inconsistent with the intent and purpose of the Ordinance; that the granting of the variance is necessary in order to avoid confiscation and permit reasonable use of property; that there are exceptional or unique circumstances relating to the property that do not apply generally to other property in the same zone or neighborhood, which have not arisen as a result of action of the appellant subsequent to the adoption of the Ordinance; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

City of Portland, Maine
Board of Appeals
—ZONING—

*Sustained
9/2/55*

August 17, 1955, 19

55/67

To the Board of Appeals:

Your appellant, Edward D. Noyes
property at 43-51 Bedford Street
of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this
property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

who is the owner

respectfully petitions the Board of Appeals

Certificate of occupancy is not issuable under the Zoning Ordinance to authorize the
use of an area of land at 43-51 Bedford Street, having a frontage along Bedford St.
of about 118 feet and a depth at right angles to Bedford St. of about 290 feet, for
temporary parking of commercial automobiles of customers of Forest City Motor Company
(awaiting repairs or servicing or waiting to be taken away after repairs or
servicing) because the property is located in a Limited Business Zone, where, according
to Section 5A of the Ordinance applying to such zones, parking or storage of more
than one commercial vehicle is not allowable except as authorized by the Board of
Appeals after the usual appeal procedure.

The facts and conditions which make this exception legally permissible are as follows:

An exception is necessary in this case to grant reasonable use of property and can
be granted without substantially departing from the intent and purpose of the Zoning
Ordinance.

Edward D. Noyes
Appellant

After public hearing held on the second day of September, 1955,
the Board of Appeals finds that an exception is necessary in this case to grant reasonable use
of property and can be granted without substantially departing from the intent and
purpose of the Zoning Ordinance.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted
in this specific case.

Edward J. Colby
Ray B. Wilson
John W. Lake
Harry J. Corrao
William H. O'Brien
BOARD OF APPEALS

RECORDED

DATE: September 2, 1955

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Edward D. Noyes
AT 43-51 Bedford Street

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

Board of Appeals

VOTE

Municipal Officers

	Yes	No
Edward T. Colley	(X)	()
Ben B. Wilson	(X)	()
John W. Lake	(X)	()
William H. O'Brien	(X)	()
Harry K. Torrey	(X)	()

Record of Hearing:

Interested in appeal, but not opposed:

Mrs. Bessie Mack, 21 Surrenden Street
Mrs. J. Draxy Barnes, 11 Surrenden Street
Mrs. Ira E. Sampson, 83 Winslow Street
Sidney L. Zimmelman, 70 Morning Street

*File with appeal
When rec'd Bedford
43-57 Bedford
WMS 8/1/55*

FOREST CITY MOTOR COMPANY

"Where You Always Get Good Service"



TELEPHONE 2-2887
83 WINSLOW ST.
PORTLAND 3, MAINE

August 8, 1955

Mr. Warren McDonald
Inspector of Buildings
City of Portland
Portland, Maine

Dear Mr. McDonald:

We desire a certificate of occupancy under the Zoning Ordinance for an area at the rear (about 195' from Bedford Street), about 118' wide parallel with Bedford Street and about 95' deep measured at right angles to Bedford Street for parking non-commercial motor vehicles owned by our employees. We do not have sufficient room in our building for employees cars and the City Police Department drastically requested that our employees refrain from parking their cars on streets surrounding our building, which makes it necessary for us to find new parking places for their cars.

Also the above described property to include temporary parking or storage of both commercial and non-commercial automobiles which have been serviced or repaired or are about to be serviced or repaired in our garage across Bedford Street; also on the area having the frontage of 118' on Bedford Street and a depth of 195'. Please know that this parking of customer's automobiles, both commercial and non-commercial, is a temporary situation only, as these vehicles are either awaiting repair or are repaired and waiting for the customer to call for same. Definitely it is not to be used for any permanent storage feature.

We understand that the parking or storage of commercial vehicles, other than those displayed for sale, is not allowable under the Zoning Ordinance in the Limited Business Zone where the property is located. Consequently, we would like to seek a variance from the Zoning Board of Appeals in connection with the parking and temporary storage of commercial vehicles as described above.

We shall deeply appreciate your consideration in this matter in order to assist us in the crowded condition in our establishment.

Truly yours,

S. E. Gemmer
S. E. Gemmer
President and Manager

SEG/mvo

RECEIVED

AUG 9 1955

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

"Building good will for a Quarter Century"

August 15, 1955

43-51 Bedford St.—Proposed zoning appeal relating to parking of motor vehicles

Copy to Mr. Edward D. Noyes with appeal procedure
465 Congress St.
Corporation Counsel

Forest City Motor Company
Att: Mr. Gemmer or Mr. Derrah
83 Winslow St.

Gentlemen:

Referring to Mr. Gemmer's letter of August 8, certificate of occupancy is not issuable under the Zoning Ordinance to authorize the use of an area of land at 43-51 Bedford St., having a frontage along Bedford St. of about 118 feet and a depth at right angles to Bedford St. of about 290 feet, for temporary parking of commercial automobiles of customers of Forest City Motor Company (awaiting repairs or servicing or waiting to be taken away after repairs or servicing) because the property is located in a Limited Business Zone, where, according to Section 5A of the Ordinance applying to such zones, parking or storage of more than one commercial vehicle is not allowable except as authorized by the Board of Appeals after the usual appeal procedure.

Mr. Gemmer has indicated your desire to seek authorization from the Board of Appeals; so, there is enclosed an outline of the appeal procedure. Inquiry at the Legal Department discloses that the appeal should be filed in the name of and signed by the owner of the property, and, if you desire consideration of the appeal at the earliest possible date, the appeal should be filed at the office of the Corporation Counsel before the close of business on Thursday, August 18.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/B

Enc: Copy of appeal procedure

P. S. You may have noted that in the above appeal clause, all mention of passenger or non-commercial motor vehicles has been omitted. This is because the parking of such vehicles is allowable in that zone

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

August 23, 1955

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, September 2, 1955, at 10:30 a. m. to hear the appeal of Edward D. Noyes requesting an exception to the Zoning Ordinance to authorize the use of an area of land at 43-51 Bedford Street, having a frontage along Bedford Street of about 118 feet and a depth at right angles to Bedford Street of about 290 feet, for temporary parking of commercial automobiles of customers of Forest City Motor Company (awaiting repairs or servicing or waiting to be taken away after repairs or servicing).

This permit is presently not issuable under the Zoning Ordinance because the property is located in a Limited Business Zone, where, according to Section 5A of the Ordinance applying to such zones, parking or storage of more than one commercial vehicle is not allowable except as authorized by the Board of Appeals after the usual appeal procedure.

This appeal is taken under Section 18E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases where necessary to grant reasonable use of property and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive, or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

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

BOARD OF APPEALS

Edward T. Colley

Chairman

K



APPLICATION FOR PERMIT

Class of Building or Type of Structure
Portland, Maine, July 28, 1955

PERMIT ISSUED
01265
AUG 4 1955
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 45 Bedford Within Fire Limits? no Dist. No.

Owner's name and address Deering Estate, 465 Commercial St. Telephone

Lessee's name and address Forest City Motor, 63 Commercial St. Telephone

Contractor's name and address Telephone

Architect Specifications Plans yes No. of sheets 2

Proposed use of building used car office No. families

Last use No. families

Material No. stories Heat Style of roof Roofing

Other building on same lot none Fee \$ 5.00

Estimated cost \$ 3,000

General Description of New Work

To construct 1-story frame office building 13' x 20'.

Permit issued with Letters

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

Details of New Work

Is any plumbing involved in this work? no Is any electrical work involved in this work? yes

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

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

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

Material of foundation Thickness, top bottom cellar

Material of underpinning Height Thickness

Kind of roof Rise per foot Roof covering

No. of chimneys Material of chimneys of lining Kind of heat electric fuel unit in wall

Framing lumber—Kind hemlock Dressed or full size? dressed

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 3 feet.

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

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

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

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

If a Garage

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

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

Miscellaneous

APPROVED:

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

*9 do
43-11 10-12-55*

FOREST CITY MOTOR COMPANY



"Where You Always Get Good Service"

TELEPHONE 2-2887
83 WINSLOW ST.
PORTLAND 3, MAINE

August 5, 1955

Mr. Warren McDonald
Inspector of Buildings
City of Portland
Portland, Maine

RECEIVED
AUG 4 1955
DEPT. OF BLD'G. INSP.
CITY OF PORTLAND

Dear Mr. McDonald:

We request your earnest consideration with regards to a permit enabling us to sell used cars and trucks on our fenced-in lot on Bedford Street, which we are leasing from property owned by Edward D. Noyes, measurements of which are 194½ feet deep by 118 feet wide.

Your cooperation will be appreciated inasmuch as this will add a great deal of flexibility to our otherwise crowded conditions in the sale of used merchandise.

Truly yours,

S. E. Gemmer
S. E. Gemmer
Pres. and Manager

Copy: Edward D. Noyes
465 Congress Street.

"Building good will for a Quarter Century"

AP - 43-51 Bedford Street, corner of Heywood St.
August 4, 1955

^D
Contractor - Forest City Motor
83 Winslow St.

^C
Owner - Luering Estate
465 Congress St.

Permit for construction of a one story wood frame building 13 feet by 20 feet for use as a used car office at the above location is issued herewith based on plans filed with application for permit, but subject to the following conditions:-

- the building is to be so located that the edge of the overhang of eaves will be no less than three feet from the lot line.
- it should be noted that as indicated on plan, studs in walls are to be 2x4 spaced 16 inches on centers with horizontal blocks cut in between studs to receive nailing of vertical sheathing to be applied to both inside and outside of walls.
- notice for inspection is to be given this department before covering is applied to inside of walls and to ceiling.

Very truly yours,

Warren McDonald
Inspector of Buildings

AJS/g

August 4, 1955
43-51 Bedford St.—Application of Zoning Ordinance
Forest City Motor Co.
83 Winslow St.

Mr. Edward D. Noyes
465 Congress St.

Gentlemen:

As we are now issuing a building permit to Forest City Motor Co., for the construction of a small used car sales office on the land which the Company leases from Mr. Noyes, and because there are some unusual aspects of the application of the Zoning Ordinance in the Limited Business Zone where the property is located, it seems best to write to you in an effort to explain the situation and also as a matter of record in this department.

It appears that Forest City Motor has leased a considerable area of land from Mr. Noyes for quite a number of years which they have fenced, and have used as a general parking lot in connection with their garage across Bedford St. We are told that the Motor Company proposes now to use the part of this area toward Bedford St., perhaps to a depth of about two-thirds of the fenced-in area, for a used car and truck sales lot, and that is where the new office is to be built. The balance of the fenced-in area at the rear is to be used for storage of new cars for sale. Then it is understood that Forest City Motor has acquired the right to use an additional area for parking in connection with their business, this additional area being the same width as the original fenced-in lot and perhaps about 90 feet deep measured at right angles to Bedford St.

By rough measurements on the ground it appears that the rear line of the additional area (there is a section of wooden fence there) coincides approximately with a zone line 100 feet from the line of Hudson Street extended—this zone line separating the Limited Business Zone toward Bedford St. and an Apartment House Zone which extends to Talworth St. and beyond that street.

None of the business of the Forest City Motor Co. is allowed in the Apartment House Zone, and some features of it are not allowed in the Limited Business Zone. One of the purposes of this letter is to explain the situation so that neither of you will inadvertently violate the Zoning Ordinance.

After consultation with our Corporation Counsel, the conclusion is reached that the area now to be used for the sale of used cars and trucks may be used for that purpose and may have standing on that area trucks or commercial vehicles as long as they are displayed and intended for sale, but no trucks or commercial vehicles that are not displayed and intended for sale. For instance, if the Motor Company should repair one or more trucks for private owners and find it convenient to park these trucks on this particular area, that would be contrary to the Zoning Ordinance in the Limited Business Zone where the property is located. (Reference Section 5A4 of the Ordinance)

In the next adjacent area which we understand is to be used for storage of new cars and perhaps new trucks, that use is allowable for strictly passenger automobiles whether the cars are intended for sale or not; but is only allowable for trucks or other commercial vehicles if it can be said that they are displayed for sale and intended for sale from that area. If trucks are to be stored there merely to park them in connection with the display and sale of similar trucks at the convenient place of business, it is my belief that such use is not allowable.

August 6, 1935

Forest City Motor Co.,
Edward D. Noyes

As to the newly acquired area, the parking or storage of strictly passenger automobiles is allowable whether for sale or not, but the storage or parking of more than one truck or commercial automobile is not allowable. It should also be noted that since this newly acquired area is bounded by an Apartment House Zone, that entry to the area, to comply with the Zoning Ordinance, would have to be from Bedford St. or from that part of Heywood St., which lies in the Business Zone, since it is not allowable to have an access driveway for these parking purposes or business purposes through the Apartment House Zone.

Now, no doubt, this all seems very confused and complicated to you, but if the plans of the Motor Company are other than above, it is suggested that they be explained in detail so the application of the Zoning Ordinance with relation to them may be studied and a conclusion reached.

It will be natural for Forest City Motor Company to say in connection with illustration of use of the part of the lot having frontage on Bedford St., including parking of trucks there which they have repaired in their garage: "We have been doing that for years. Why does the question come up now?" It is quite likely that they have because when examining the property the other day, I counted about 20 trucks in this area, some of them bearing the name of various business concerns. The only reply I can make to that is, that, unless this particular area has been used in this way since 1928, that particular use has been in violation of the Zoning Ordinance, perhaps with no harm done.

The basis of all this is Section 5A4 of the Zoning Ordinance which reads (this is one of a list of allowed uses in a Limited Business Zone): "filling station, service or major garage, or parking or storage of motor vehicles, provided not more than one commercial motor vehicle is parked or stored except as authorized by the Board of Appeals;"

Our Corporation Counsel has ruled that new or used trucks displayed for sale and intended for sale on a given lot do not come under this prohibition. However, the repairing of motor vehicles is not allowed in a Limited Business Zone, consequently trucks parked or stored as incidental to the repair of them is not allowable. You will note that all of these disallowed uses are open to appeal to the Zoning Board of Appeals.

Very truly yours,

Warren McDonald
Inspector of Buildings

7286

STATEMENT ACCOMPANYING APPLICATION FOR BUILDING PERMIT

for used car office Date 7/28/55
at 15 Bedford St.

1. In whose name is the title of the property now recorded? Deering Estate
2. Are the boundaries of the property in the vicinity of the proposed work shown clearly on the ground, and how? fence
3. Is the outline of the proposed work now staked out upon the ground? yes
If not, will you notify the Inspection Office when the work is staked out and before any of the work is commenced? _____
4. What is to be maximum projection or overhang of eaves or drip? _____
5. Do you assume full responsibility for the correctness of the location plan or statement of location filed with this application, and does it show the complete outline of the proposed work on the ground, including bay windows, porches and other projections? yes
6. Do you assume full responsibility for the correctness of all statements in the application concerning the sizes, design and use of the proposed building? yes
7. Do you understand that in case changes are proposed in the location of the work or in any of the details specified in the application that a revised plan and application must be submitted to this office before the changes are made?
yes

George E. Durrah

CITY OF PORTLAND, MAINE
 Department of Building Inspection



Certificate of Occupancy

LOCATION about 1/3-51 Bedford

Issued to Edward D. Noyes, owner

Date of Issue Sept. 12, 1955

This is to certify that the building ^{and} premises, ~~occupied by~~, at the above location, built ~~in 1922~~ —changed as to use under Building Permit No. 55/1265, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire building and area having about 118' frontage on Bedford St. and a depth of about 195'

Limiting Conditions:

Appeal granted 9/2/55
 No commercial vehicles other than listed above to be parked or stored.

APPROVED OCCUPANCY

Display and sale of new or used cars and trucks at retail; parking passenger cars and temporary parking of commercial vehicles of customers only while awaiting repairs or servicing or removal by the owner after that work.

CC: Forest City Motor Co., lessee

This certificate supersedes certificate issued 8/5/55

Approved:

(Date)

Inspector

[Signature]
 Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

INQUIRY BLANK

New Order

ZONE B¹ + A
FIVE DIST. North

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Verbal
By Telephone

Date 3/15/48

LOCATION 43-59 Bedford St. OWNER _____

MADE BY H. N. Maxfield, Asst. to City Mgr. TEL. 2-8801

ADDRESS _____

PRESENT USE OF BUILDING _____

CLASS OF CONSTRUCTION _____

REMARKS: _____ NO. OF STORIES _____

INQUIRY: 1- Would the erection of a repair garage similar to the Forest City Motor Co., extending several hundred feet back from Bedford Street, be permissible at the above location?

ANSWER: 1- The first 100' in depth from Bedford Street is in a Limited Business zone where such a use is allowable only in case of authorization by the Board of Appeals. Beyond that is an Apartment House zone where even the Board of Appeals do not have a right to authorize such a use. Changing the zone to "B" and appealing to Board of Appeals might be one way to accomplish it.

DATE OF REPLY 3/15/48

REPLY BY Albert J. Sears

Or if zone were changed to General Business, the use would be allowable without appeal.

CITY OF PORTLAND, MAINE
PLANNING BOARD

John L. Barker, Chairman
Jack D. Humeniuk, Vice Chairman
Harry E. Cummings
Jean E. Gilpatrick
Nunzio A. DiMillo
Robert D. Lee
Barbara A. Vestal

August 15, 1984

Geoffrey Hole, Esquire
Bernstein, Shur, Sawyer, & Nelson
One Monument Square
Portland, Maine 04101

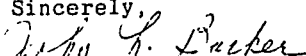
Dear Mr. Hole:

The Portland Planning Board voted unanimously (5-0) to approve the site plan for the University of Southern Maine's parking lots on Bedford and Falmouth Streets at the August 4, 1984 meeting. The conditions of approval are as follows:

1. A self-regulating, self-cleaning inlet control device, such as a "Hydro-Brake", be utilized for flow restriction;
2. The eight (8) Thornless Honeylocust depicted in the landscape design should be listed in the plant list. The trees need to be balled and burlaped and a minimum size of 2½" - 3" caliper; and
3. All disturbed areas are to be loamed and seeded

If you have any questions regarding the conditions of approval, please do not hesitate to contact the City's Planning Staff.

Sincerely,



John L. Barker, Chairman
Portland Planning Board

cc: Joseph E. Gray, Jr., Dir., Planning & Urban Development
Alexander Jaegerman, Chief Planner
Barbara Barhydt, Planner
Geo. Faherty, Dir., Parks & Public Works
Marc Guimont, City Engineer
William Boothby, Principal Engineer
Robert Roy, Planning Engineer
William Bray, Traffic Engineer
Jim O'Donnell, Community Development Admin.
Sam Hoffses, Chief of Inspection Services
Carmella Giuzio, Vegetation Management Coordinator

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
 Processing Form

August 17, 1984

University of Maine

Applicant: 50 Palmetto Street Date: August 17, 1984

Mailing Address: 50 Palmetto Street Address of Proposed Site: 53 Bedford St. & 50 Palmetto Street

Proposed Use of Site: parking lot for DeMarinoz Park Site Identifier(s) from Assessors Maps: 10-5

Acres of Site / Ground Floor Coverage: _____ Zoning of Proposed Site: _____

Site Location Review (DEP) Required: () Yes () No Proposed Number of Floors: _____

Board of Appeals Action Required: () Yes () No Total Floor Area: _____

Planning Board Action Required: () Yes () No

Other Comments: _____

Date Dept. Review Due: _____

PLANNING DEPARTMENT REVIEW

(Date Received)

- Major Development — Requires Planning Board Approval: Review Initiated
- Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN
APPROVED	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
APPROVED CONDITIONALLY							✓					
DISAPPROVED												

CONDITIONS SPECIFIED BELOW

REASONS SPECIFIED BELOW

REASONS: 1. A self-regulating self-cleaning inlet control device, such as a Hydro-Block, be utilized for flow restriction.

2. Four eight (8) Thornless Honeylocust depicted in the landscape design should be listed in the plant list. These trees need to be bared and banded and a minimum size of 2 1/2 - 3 inch caliper. The City Arborist is available to inspect plant material prior to planting.

3. All disturbed areas are to be limed and seeded.

(Attach Separate Sheet if Necessary)

Barbara Barhydt Aug. 17, 1984
 SIGNATURE OF REVIEWING STAFF/DATE

PLANNING DEPARTMENT COPY

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

388

University of Maine
 Applicant: 50 Falmouth Street Date: August 13, 1984
 Mailing Address: 53 _____ St. & 50 Falmouth Street Address of Proposed Site
 Proposed Use of Site: parking lot for passenger cars Site Identifier(s) from Assessors Maps: _____
 Acreage of Site: 1 Ground Floor Coverage: _____ Zoning of Proposed Site: R-6
 Site Location Review (DEP) Required: () Yes (x) No Proposed Number of Floors: _____
 Board of Appeals Action Required: () Yes (x) No Total Floor Area: _____
 Planning Board Action Required: (x) Yes () No
 Other Comments: _____
 Date Dept. Review Due: _____

PUBLIC WORKS DEPARTMENT REVIEW

(Date Received)

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER	
APPROVED	✓	✓	✓	✓	✓	NA	✓	✓	✓		✓	✓				CONDITIONS SPECIFIED BELOW
APPROVED CONDITIONALLY										✓			✓	✓		
DISAPPROVED																

REASONS: 1) Curbing and sidewalk to be built as per City Standards & Specifications
 2) flow restrictors in catch basins shall limit the flow to the Bedford St and Falmouth St sewers to 1.5 cfs. and 2.0 cfs respectively. This department recommends a self-regulating, self-cleaning inlet control device, such as a "Hydro-Brake," be utilized for flow restriction.
 (Attach Separate Sheet if Necessary)

RECEIVED

AUG 14 1984

PARKS/PUBLIC WORKS

Robert J. Roy Aug 14 1984
 SIGNATURE OF REVIEWING STAFF/DATE

PUBLIC WORKS DEPARTMENT COPY

CITY OF PORTLAND, MAINE

SITE PLAN REVIEW

Processing Form

588

University of Maine

August 13, 1984

Applicant 50 Salcouth Street

Date 53 Bedford St. & 50 Salcouth Street

Mailing Address Part of lot for ...

Address of Proposed Site

Proposed Use of Site

Site Identifier(s) from Assessors Maps

Acreage of Site / Ground Floor Coverage

Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes (X) No

Proposed Number of Floors

Board of Appeals Action Required: () Yes (X) No

Total Floor Area

Planning Board Action Required: () Yes () No

Other Comments:

(Date Dept. Review Due:)

FIRE DEPARTMENT REVIEW

(Date Received)

	ACCESS TO SITE	ACCESS TO STRUCTURES	SUFFICIENT VEHICLE TURNING ROOM	SAFETY HAZARDS	HYDRANTS	SIAMASE CONNECTIONS	SUFFICIENCY OF WATER SUPPLY	OTHER	
APPROVED	✓	✓	✓		✓		✓		CONDITIONS SPECIFIED BELOW REASONS SPECIFIED BELOW
APPROVED CONDITIONALLY									
DISAPPROVED									

REASON: _____

(Attach Separate Sheet, if Necessary)

James P. Collins
SIGNATURE OF REVIEWING STAFF/DATE

FIRE DEPARTMENT COPY

8-20-84

PERMIT ISSUED

MAY 20 1985

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES
CITY of PORTLAND

Portland, Maine Aug. 7, 1984

Location 53 Edgewood St. & 50 Falmouth St. Zone R-6

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for ~~passenger cars parking lot~~ Fitness, U OF M as set forth on the attached site plan (made by Office of Planning whose address is 107 Maine Ave, Bangor) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) University of Maine - 50 Falmouth St.

Lessee (name, address and phone number) n/a

Is proposed use to be accessory to a building or other use on this lot? yes
If so, what is use of building or other use University

If off-street parking is sought, what is proposed maximum number of vehicles to be parked--passenger cars? 245, commercial vehicles? 0

Have you secured on the site plan ^(approximate) the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)? yes
And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? yes

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? yes

Do you propose to remove or disturb any tree on a public street? no
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? no

Signature of Owner _____

By _____
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

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

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below--notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(Date) _____ Inspector of Buildings



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

May 20, 1985

University of Maine
50 Falmouth Street
Portland, Me 04103

RE: 53 Bedford St. & 50 Falmouth St. parking lot

Dear Sir:

Your permit to construct a parking lot at 50 Bedford Street and 50 Falmouth Street is issued under the following conditions:

1. The eight (8) Thornless Honeylocust depicted in the landscape design should be listed in the plant list. The trees need to be balled and burlaped and a minimum size of 2½ - 3 inch caliper. The City Arborist is available to inspect plant material prior to planting.
2. All disturbed areas are to be loamed and seeded.
3. Curbing and sidewalk to be built as per City standards and specification.
4. Flow restrictors in catch basins shall limit the flow to the Bedford Stand Falmouth Street sewers to 1.5 c.f.s. and 2.0 c.f.s. respectively. A self-regulating, self-cleaning inlet control device, such as "Hydro-Brake", be utilized for flow restriction.

Sincerely,

P. Samuel Hoffses
Chief of Inspection Services

W. J. Hoffses
Chief of Inspection Services
5/21/85
@



APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION _____ PORTLAND, MAINE, April 28, 1981

APR 29 1981

348

CITY OF PORTLAND

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 48 Bedford St. Fire District #1 #2

1. Owner's name and address Steego Parts Corp. Telephone

2. Lessee's name and address

3. Contractor's name and address A.L.P.O. Constr. 844 Stevens Ave. Telephone 797-3369

4. Architect

Proposed use of building auto parts store & warehouse No. of sheets

Last use

Material No. stories Heat Style of roof Roofing

Other buildings on same lot

Estimated contractual cost \$ 3000. Fee \$ 14.50

FIELD INSPECTOR—Mr. GENERAL DESCRIPTION

This application is for: @ 775-5451
 Dwelling Ext. 234 to open 6'x12' opening for stairs
 Garage from ground floor to basement as per plan

Masonry Bldg. Stamp of Special Conditions

Metal Bldg.

Alterations

Demolitions

Change of Use

Other

NOTE TO APPLICANT: Separate permits are required by the installer and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 2 3 4

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

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

On centers: 1st floor 2nd 3rd roof

Maximum span: 1st floor 2nd 3rd roof

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

IF A GARAGE

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

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

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street?

ZONING: APPROVED 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

BUILDING CODE: APPROVED

Fire Dept.: APPROVED

Health Dept.: APPROVED

Others:

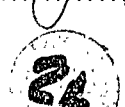
Signature of Applicant John Pochebit Phone # 797-3369

Type Name of above John Pochebit 1 2 3 4

FIELD INSPECTOR'S COPY

Other

and Address



NOTES
W/C/WO/F/INST

Permit No. 81/348

Location 48 Bedford St

Owner Stego-Heite

Date of permit 4-29-81

Approved

NEW YORK CITY DEPARTMENT OF PERMITS

APPROVED