

Inspection Services  
Samuel P. Hoffses  
Chief



CITY OF PORTLAND

Planning and Urban Development  
Joseph E. Gray Jr.  
Director

June 30, 1994

LOISEL DONNA E  
247 BRIGHTON AVE  
PORTLAND ME 04102

Re: 245 Brighton Ave  
CEL: 119- - E-C07-001-01  
DU: 6


Dear Ms. Loisel:

I am sending you this letter to request an inspection at the property which you own or manage at the above referenced address.

This is for the City of Portland's program to inspect all multi-family buildings in the City every three years.

Please contact me in this office at 874-8300 X9697 between 7:00-8:00 or 3:00-3:30PM to make arrangements to inspect the building.

Sincerely,

  
Arthur Rowe  
Code Enforcement Officer

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

OCTOBER 25, 1996

**CITY OF PORTLAND**

LOISEL DONNA E  
48 HIGHLAND ST  
PORTLAND ME 04103

Re: 245 BRIGHTON AVE  
CBL: 119- - E-007-001-01  
DU: 6

Dear Ms. Loisel:

You are hereby notified, as owner or agent, that an inspection was made of the above-referenced property. Violations of Article V of the Municipal Ordinance (Housing Code) were found as described in detail on the attached "Housing Inspections Report".

In accordance with the provisions of the above-mentioned Code, you are hereby ordered to correct those defects within sixty (60) days. If you are unable to make such repairs within the specified time, you may contact this office to arrange a satisfactory repair schedule. If we do not hear from you within ten (10) days from this date, we will assume the repairs to be in progress and, on reinspection within the time set forth above, will anticipate that the premises have been brought into compliance with the Housing Code Standards.

Please Note: You should consult this department to insure that any corrective action you should undertake complies with the building, plumbing, electrical, zoning and other Articles of the City Code.

Please contact this office if you have any questions regarding this order.

Your cooperation will aid this department in its goal to maintain decent, safe, and sanitary housing for all of Portland's residents.

Sincerely,

Merle Leary  
Code Enforcement Officer

Tammy Munson  
Code Enfc. Offr./ Field Supv.

## HOUSING INSPECTION REPORT

Location: 245 BRIGHTON AVE  
Housing Conditions Date: October 25, 1968  
Expiration Date: December 24, 1996

Items listed below are in violation of Article V of the Municipal Codes, "Housing Codes", and must be corrected before the expiration date:

1. INT - CELLAR - 108.50  
CHIMNEY FLUE HAS EXCESSIVE ACCUMULATION OF SOOT
2. INT - CELLAR - 108.40  
STAIRS ARE MISSING A RAILING
3. EXT - FIRE ESCAPE - LEFT - 116.20  
BALUSTERS ARE MISSING
4. INT - REAR STEPS - 108.40  
RAILING IS MISSING
5. INT - 1ST FL - APT #1 - 112.00  
BATHROOM LACKS VENTILATION
6. INT - 1ST FLR - REAR - BATHROOM 108.20  
CEILING HAS A LEAKING CONDITION
7. INT - 2ND FLR - REAR - BATHROOM 108.20  
CEILING IS MISSING TILES

931100

MAIL PERMIT TO M. W. SEWALL P.O. BOX 245 Bath, Me 04530

Permit # \_\_\_\_\_ City of Portland BUILDING PERMIT APPLICATION Fee \$58.60 Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_  
Please fill out any part which applies to job. Proper plans must accompany form.

Owner: M. W. Sewall Phone # 1-800-540-7994  
 Address: Brighton Ave. Quik Mart 245 Brighton Ave. 04102  
 LOCATION OF CONSTRUCTION same  
 Contractor: same Sub: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone # \_\_\_\_\_  
 Est. Construction Cost: \_\_\_\_\_ Proposed Use: retail bus.  
 Past Use: \_\_\_\_\_  
 # of Existing Res. Units \_\_\_\_\_ # of New Res. Units \_\_\_\_\_  
 Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_  
 # Stories: \_\_\_\_\_ # Bedrooms \_\_\_\_\_ Lot Size: \_\_\_\_\_  
 Is Proposed Use: Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Conversion \_\_\_\_\_  
 Explain Conversion \_\_\_\_\_

**For Official Use Only**

Date November 22, 1993 Subdivision: \_\_\_\_\_  
 Inside Fire Limits: \_\_\_\_\_  
 Rldg Code: \_\_\_\_\_  
 Time Limit: \_\_\_\_\_  
 Estimated Cost: \_\_\_\_\_

Ownership: \_\_\_\_\_ Public \_\_\_\_\_ Private \_\_\_\_\_  
 Lot NOV 24 1993  
 CITY OF PORTLAND

Zoning: Street Frontage Provided: \_\_\_\_\_  
 Provided Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_  
 Review Required:  
 Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
 Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
 Conditional Use: \_\_\_\_\_ Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Shoreland Zoning Yes \_\_\_\_\_ No \_\_\_\_\_ Floodplain Yes \_\_\_\_\_ No \_\_\_\_\_  
 Special Exception \_\_\_\_\_  
 Other WNA-11-23-93

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

**Floor:**  
 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 Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_  
 5. Arceing: Yes \_\_\_\_\_ No \_\_\_\_\_  
 6. Corner Posts Size \_\_\_\_\_  
 7. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_  
 8. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_  
 9. Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_  
 10. Masonry Materials \_\_\_\_\_  
 11. Metal Materials \_\_\_\_\_

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

**Ceiling:**  
 1. Ceiling Joists Size: \_\_\_\_\_  
 2. Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_  
 3. Type Ceilings: \_\_\_\_\_  
 4. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_  
 5. Ceiling Height: \_\_\_\_\_

**HISTORIC PRESERVATION**  
 NOT IN DISTRICT OR LANDMARK  
 Does not require review.  
 Requires Review.

**Roof:**  
 1. Truss or Rafter Size \_\_\_\_\_ Span Action: Approved  
 2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_  
 3. Roof Covering Type \_\_\_\_\_

**Chimneys:**  
 Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_  
 Date: 11/23/93  
 Signature: \_\_\_\_\_

**Heating:**  
 Type of Heat: \_\_\_\_\_

**Electrical:**  
 Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes \_\_\_\_\_ No \_\_\_\_\_

**Plumbing:**  
 1. Approval of soil test if required Yes \_\_\_\_\_ No \_\_\_\_\_  
 2. No. of Tubs or Showers \_\_\_\_\_  
 3. No. of Flushes \_\_\_\_\_  
 4. No. of Lavatories \_\_\_\_\_  
 5. No. of Other Fixtures \_\_\_\_\_

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

Permit Received By Latini

Signature of Applicant Marc Moschetto Date 11/22/93

Signature of CEO \_\_\_\_\_ Date \_\_\_\_\_

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

6 A. Rowe

White-Tax Assesor

Yellow-GPCOG

White Tag -CEO

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Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

OCTOBER 25, 1996

**CITY OF PORTLAND**

LOISEL DONNA E  
48 HIGHLAND ST  
PORTLAND ME 04103

Re: 245 BRIGHTON AVE  
CBL: 119- - E-007-001-01  
DU: 6

Dear Ms. Loisel:

You are hereby notified, as owner or agent, that an inspection was made of the above-referenced property. Violations of Article V of the Municipal Ordinance (Housing Code) were found as described in detail on the attached "Housing Inspections Report".

In accordance with the provisions of the above-mentioned Code, you are hereby ordered to correct those defects within sixty (60) days. If you are unable to make such repairs within the specified time, you may contact this office to arrange a satisfactory repair schedule. If we do not hear from you within ten (10) days from this date, we will assume the repairs to be in progress and, on reinspection within the time set forth above, will anticipate that the premises have been brought into compliance with the Housing Code Standards.

Please Note: You should consult this department to insure that any corrective action you should undertake complies with the building, plumbing, electrical, zoning and other Articles of the City Code.

Please contact this office if you have any questions regarding this order.

Your cooperation will aid this department in its goal to maintain decent, safe, and sanitary housing for all of Portland's residents.

Sincerely,

Merle Leary  
Code Enforcement Officer

Tammy Munson  
Code Enfc. Offr./ Field Supv.

## HOUSING INSPECTION REPORT

Location: 245 BRIGHTON AVE

Housing Conditions Date: October 25, 1966

Expiration Date: December 24, 1996

Items listed below are in violation of Article V of the Municipal Codes, "Housing Codes", and must be corrected before the expiration date:

- |   |        |
|---|--------|
| 1. INT - CELLAR -<br>CHIMNEY FLUE HAS EXCESSIVE ACCUMULATION OF SOOT  | 108.50 |
| 2. INT - CELLAR -<br>STAIRS ARE MISSING A RAILING                     | 108.40 |
| 3. EXT - FIRE ESCAPE - LEFT -<br>BALUSTERS ARE MISSING                | 116.20 |
| 4. INT - REAR STEPS -<br>RAILING IS MISSING                           | 108.40 |
| 5. INT - 1ST FL - APT #1 -<br>BATHROOM LACKS VENTILATION              | 112.00 |
| 6. INT - 1ST FLR - REAR - BATHROOM<br>CEILING HAS A LEAKING CONDITION | 108.20 |
| 7. INT - 2ND FLR - REAR - BATHROOM<br>CEILING IS MISSING TILES        | 108.20 |

Permit No. 471  
Location 245 Brighton ave.  
Owner Albert C. Ouellette  
Date of permit 8/ 147  
Notif. closing-in  
Inspn. closing-in  
Final Notif.  
Final Inspn.  
Cert. of Occupancy issued

NOTES

Referred  
10/21/47

AP 245 Brighton Avenue,  
Corner of Beacon Street-I

August 8, 1947

Albertino Quattro  
245 Brighton Avenue  
Portland, Maine

Subject: Application for building permit to cover alterations  
in the apartment house at 245 Brighton Avenue, corner of  
Beacon Street for the purpose of providing 6 apartments in-  
stead of 4 as at present.

Dear Madam:

Despite the elimination of the outside fire escape from your latest plan, the fire escape being one of the features of your recent zoning appeal which was unsuccessful, the permit is still not issuable under the Zoning Ordinance because you still propose structural alterations in this apartment house, which is a non-conforming use in the Residence C Zone where the property is located, contrary to Section 13A of the Ordinance relating to existing non-conforming uses, and because you are proposing 6 apartments on a lot containing slightly more than 8,000 square feet while Section 9A3 of the Ordinance, applying to exceptions by the Board of Appeals in the Residence C Zones, stipulates that to receive authorization by the Board of Appeals the lot should contain 2000 square feet for each apartment or dwelling unit, or a total of 12,000 square feet.

You have indicated that you desire to seek an exception from the Board of Appeal on the basis of this new proposal, and there is enclosed, therefore, an outline of the appeal procedure. In view of this discrepancy in lot area it is advisable that you talk the proposition over with the Corporation Counsel before proceeding with the appeal because it seems hardly wise to proceed with another appeal if under the terms of it the Board of Appeals would not have authority to act anyway.

While the plans have not been and will not be checked against Building Code requirements, pending decision on this new zoning appeal, there are a number of deficiencies evident in the plans as regards compliance with the Building Code. For instance no required fire resistive enclosure of the cellar stairs is shown, it is likely that an automatic fire alarm will be required on account of the relative location to the rear stairs of the rear bedroom on the westerly side of second and third floors.

If I understand the floor plans of second and third floor, the public hall would run straight through both front apartment and the rear apartment, making it necessary for occupants of either apartment to traverse the public hall to reach the bedrooms and bath rooms, from other parts of the apartments. This is such an extraordinary arrangement that the Board of Appeals are likely to take cognizance of it as having a bearing on the appeal.

Very truly yours,

WMcD/J

Inspector of Buildings

CC: Mr. Carroll Beck  
647 Westbrook Street  
South Portland, Maine

Edward T. Gignoux  
Assistant Corporation Counsel

Enclosure: Outline of appeal procedure.



City of Portland, Maine  
Board of Appeals  
—ZONING—

April 23, 1947

To the Board of Appeals:

Your appellant, Albertine Ouelletto, who is the owner of property at 245 Brighton Avenue, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 17, Paragraph E of the Zoning Ordinance,

Application for building permit to make alterations in apartment house at 245 Brighton Avenue, corner of Beacon Street, to provide for six apartments instead of four and construction of 3-story metal fire escape is not issuable under the Zoning Ordinance because according to Section 9A of the Zoning Ordinance, the existing 4-family apartment house is a non-conforming use in the Residence C Zone where the property is located. The changes proposed undoubtedly constitute structural alterations and the proposed 3-story metal fire escape would occupy a part of the lot not now given over specifically to apartment house use, and Section 13A of the Ordinance does not allow structural alterations in such a non-conforming use and does not allow such a non-conforming use to be extended to any other part of the lot than was used for such use on December 5, 1938.

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

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

Albertine Ouelletto  
Appellant

Received 5/18/47  
msc  
47/27

*Demad*  
*5/19/47 147/27*  
*mm*

**City of Portland, Maine  
Board of Appeals**

**—ZONING—**

**Decision**

Public hearing was held on the 16th day of May, 19 47,  
on petition of Albertine Ouellette, owner of property at  
245 Brighton Avenue, seeking to be permitted an exception to the regulations of  
the Zoning Ordinance relating to this property.

Application for building permit to make alterations in apartment house at 245 Brighton Avenue, corner of Beacon Street, to provide for six apartments instead of four and construction of 3-story metal fire escape is not issuable under the Zoning Ordinance because according to Section 9A of the Zoning Ordinance, the existing 4-family apartment house is a non-conforming use in the Residence C Zone where the property is located. The changes proposed undoubtedly constitute structural alterations and the proposed 3-story metal fire escape would occupy a part of the lot not now given over specifically to apartment house use, and Section 13A of the Ordinance does not allow structural alterations in such a non-conforming use and does not allow such a non-conforming use to be extended to any other part of the lot than was used for such use on December 5, 1938.

The Board of Appeals having found that an exception is not necessary in this case so as to grant reasonable use of property and to avoid confiscation and that an exception cannot be granted without substantially departing from the intent and purpose of this ordinance, and due consideration having been given by the Board to promoting public health, safety, convenience and welfare and encouraging the most appropriate use of land and conserving property values, and appellant having failed to establish facts and conditions which would make an exception legally permissible;

It is, therefore, determined that exception to the Zoning Ordinance may not be permitted in this specific case, and the appeal is dismissed.

.....  
*Walter C. Frost*  
*W. H. ...*  
*B. W. ...*

*Edna J. Colley*  
.....  
.....

Board of Appeals

47/27

May 19, 1947

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Albertine Ouellette

AT 245 Brighton Avenue

Public hearing on above  
appeal was held before  
the BOARD OF APPEALS  
today.

Present for City

Board of Zoning Appeals members:-

- Mr. Colley
- Mr. Getchell
- Mr. Holbrook
- Mrs. Frost
- Mr. N. F. Jensen

VOTE

Yes No

Mr. Colley	( )	(x)
Mr. Getchell	( )	(x)
Mr. Holbrook	( )	(x)
Mrs. Frost	( )	(x)
Mr. N.F. Jensen	( )	(x)
	( )	( )
	( )	( )
	( )	( )

Municipal Officers:-

City officials:-

Jacob H. Berman, Esq. representing appellant  
Louis Bernstein, Esq. representing opposition

Ap 245 Brighton Avenue

June 24, 1947

Mr. John H. Magee  
District Director  
National Housing Agency  
Federal Housing Administration  
Bangor, Maine

Subject: Use of the apartment house owned by Mrs.  
Albertine Ouellette at 245 Brighton Avenue,  
corner of Beacon Street, in Portland--reply to  
you: letter of June 23

Dear Mr. Magee:

This building is in a Residential Zone and is allowed to continue as an apartment house only because it existed so when the present Zoning Ordinance was adopted in 1938. Because the Zoning Ordinance as applied to a non-conforming use in such a zone would not allow issuance of a building permit to include structural alterations (interior and outside fire escape), and increase of the number of apartments from four to six, the owner sought an exception to the provisions of the ordinance as applied to this specific case. Our ordinance requires a public hearing in such a case before the Board of Appeals and that notice of the public hearing be given to the owners of property within 500 feet of the property in question.

Several neighboring property owners did appear in opposition to the appeal, but it seems likely that Mrs. Ouellette has given you somewhat of a wrong impression as to the reasons for denying the appeal--probably because she does not have a full understanding of the situation.

In the appeal the owner agreed that a building permit could not be issued under the terms of the ordinance and gave as the facts <sup>and</sup> conditions which make the exception legally permissible, the following: "An exception is necessary in this case so as to grant reasonable use of this property to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance."

In the action of the Board which determined that the exception could not be granted the Board "found that an exception is not necessary in this case so as to grant reasonable use of property and to avoid confiscation and that an exception cannot be granted without substantially departing from the intent and purpose of this ordinance, and due consideration having been given by the Board to promoting public health, safety, convenience and welfare and encouraging the most appropriate use of land and conserving property values, and appellant having failed to establish facts and conditions which would make exception legally permissible; it is, therefore, determined that exception to the Zoning Ordinance may not be permitted in this specific case, and the appeal is dismissed."

Mr. Edward T. Gignoux, Assistant Corporation Counsel, now handles the affairs of the Board of Appeals, but the files of the Board are in this department and I have undertaken to give you the gist of his particular case. If you have other questions, I am sure Mr. Gignoux will be glad to assist you in any way that he can.

Very truly yours,

WMCD/S

Inspector of Buildings

CC: Edward T. Gignoux  
Assistant Corporation Counsel

NATIONAL HOUSING AGENCY  
FEDERAL HOUSING ADMINISTRATION

OFFICE OF  
DISTRICT DIRECTOR  
BANGOR, MAINE

June 23, 1947.

Re: Mrs. Albertine Ouellette  
245 Brighton Avenue  
Portland, Maine

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

RECEIVED

JUN 24 1947

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

Dear Mr. McDonald:

We have a letter from Mrs. Albertine Ouellette, 245 Brighton Avenue, Portland, Maine, from which the following is quoted:

"My problem is two 9-room apartments, housing two people each, which I want to make into four apartments to house eight people instead of four. I have the go ahead from your office and O. P. A. is willing if I get City permit. Permit was refused as a few neighbors did not want four extra people in the neighborhood or opposed, as chronic opposers, for no reason. These apartments are promised to veterans who made it possible for us to have this neighborhood and country to live in."

Mrs. Ouellette indicates in her letter that the Zoning Law would permit the changes she proposes to make but for some opposition that has developed in the neighborhood.

As you know it is not the policy of this office to intervene in behalf of applicants for building permits but in connection with the issuance of authorizations for conversions we are interested in securing certain data for our own information.

If it is in line with your established policies, we would appreciate any information you can give us with relation to this application and whether or not Mrs. Ouellette has complied with the regulations, or what if any steps she should take to secure authorization.

JHM:a

Very truly yours,

John H. Magee  
District Director



16 Beacon St.,  
Portland, Maine.

47/27

47/27

May 14, 1947.

Mr. Edward T. Colley  
Board of Appeals  
Portland, Maine.

Dear Sir:

The writer is unable to be present at 10.30 A. M  
May 16, for the Zoning Law Appeal hearing of the property  
at 245 Brighton Ave. So wish to express my opinion on same.

I believe the Zoning Law should ~~be~~ cover this  
case and should be lived up to. The house covers about all  
of the lot and garage is almost on the line.

After making a poll of the resident owners near  
by I find they all are against same.

The De Shojn house on Beacon St a short distance  
in a similiar case was refused, since sold.

If this is allowed it opens up other cases in  
this resident district.

I would prefer this letter was considered  
confidential and name not mentioned.

Yours truly,

*Ernest A. Bean*

47/27

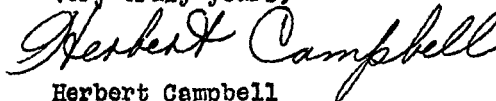
28 Beacon Street  
Portland 4, Maine  
May 14, 1947

Corporation Council  
City Hall  
Portland, Maine

Gentlemen:                    Re: Appeal of Albertine Ouellette

This is to advise you that I am against  
the appeal of Albertine Ouellette, owner of  
property at 245 Brighton Avenue, relating to a  
proposal to make alterations in his apartment  
house to provide six apartments instead of four  
and construction of 3-story metal fire escape.

Very truly yours,



Herbert Campbell  
28 Beacon Street  
Portland 4, Maine

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

May 6, 1947

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 16, 1947, at ten-thirty o'clock in the forenoon upon the appeal under the Zoning Ordinance of Albert A. Ouellette, owner of property at 245 Brighton Avenue, relating to a proposal to make alterations in this apartment house to provide for six apartments instead of four and construction of 3-story metal fire escape.

This permit is not issuable under the Zoning Ordinance because according to Section 9A of the Zoning Ordinance, the existing 4-family apartment house is a non-conforming use in the Residence C Zone where the property is located. The changes proposed undoubtedly constitute structural alterations and the proposed 3-story metal fire escape would occupy a part of the lot not now given over specifically to apartment house use, and Section 13A of the Ordinance does not allow structural alterations in such a non-conforming use and does not allow such a non-conforming use to be extended to any other part of the lot than was used for such use on December 5, 1938.

The appellant gives the following reasons for this appeal: "An exception is necessary in this case so as to grant reasonable use of this property and to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance."

This appeal is taken under Section 17E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases so as to grant reasonable use of property where necessary to avoid confiscation 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 promoting public health, safety, convenience and welfare, 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

CITY OF PORTLAND, MAINE

27/27

May 13, 1947

TO THE BOARD OF APPEALS:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 16, 1947 at ten-thirty o'clock in the forenoon on the following appeals under the Zoning Ordinances

George L. Bonora - 10 Sewall Street - addition to bakery at that address  
(see attached copy of notice for details)

Albertine Quilley - 245 Brighton Avenue - increase number of apartments  
(see attached copy of notice for details)

Robert T. Killings - Building permit to construct one-story building for garden tools, etc. on lot on Oaklawn Road, Peaks Island, Maine, owned by Mr. Killings is not feasible under the Zoning Ordinance because the building would be located closer to the line of Oaklawn Road than the rear wall of the dwelling or cottage on the next lot contrary to Section 49 of the Ordinance.

BOARD OF APPEALS

Edward T. Colley  
Chairman

TO THE MUNICIPAL OFFICERS:

The Municipal Officers will hold a hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 16, 1947 at ten-thirty o'clock in the forenoon concerning appeal under the Safety Ordinance of Mrs. Gertrude M. Deber, 26 Frederic Street relating to order of the Fire Chief for construction of another means of egress and installation of an automatic fire alarm and detection system at that address.

MUNICIPAL OFFICERS

Robert E. Gatchell  
Chairman pro tem

47/27

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

May 12, 1947

Albertine Ouellette  
245 Brighton Avenue  
Portland, Maine

Dear Madam:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 16, 1947 at ten-thirty o'clock in the forenoon concerning your appeal under the Zoning Ordinance relating to alterations in apartment house at the above address to provide for six apartments instead of four and construction of 3-story metal fire escape.

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

Yours truly,

BOARD OF APPEALS

Edward T. Colley, Chairman

cc: Mr. Carroll Beck  
645 Westbrook Street  
South Portland, Maine





(R) FIRE ZONE - C  
CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION  
**COMPLAINT**

COMPLAINT NO. C-51-20

INSPECTION COPY

Date Received 1/31/51

Location 241-247 Brighton Avenue

Use of Building *Apartment Bldg*

Owner's name and address ~~Alberdine Guellette, 245 Brighton Ave.~~

Telephone 5-0206

Tenant's name and address *1053 Grand St Mary Co. Mar... 245 Brighton Ave.*

Telephone

Complainant's name and address Chief Fortier

Telephone

Description: Second floor converted to two apartments in April, 1950 making 5 apartments in entire building--2 apartments first floor--2 apartments second floor--1 apartment third floor, only one exit for each first and second floor apartments;

*(House owner appeal for extra apt in 1947 and appeal was denied)*

*There is a Chief's Order here written January 31, 1950*

*3/16/51 Inspector - now two apartments on 2nd floor without two means of egress - one apartment (now unoccupied) on 3rd floor and Miss O'Leary she does not want to have but admitted she had it in 1948. I am writing letter + it is time to have to be 8/13/53 - Keltner - MM*

(RQ) RESIDENCE ZONE - F  
Complaint No. C-51-20  
Location: 241-247 Brighton Avenue  
Date Received 1/31/51  
Date Disposed of

is now through  
hall on 2nd  
floor.

NOTES

11/12/50 - On my  
latest map  
2 or 3 yrs ago -  
there was one  
apt on 1st floor -  
2 on 2nd floor  
and one on 3rd  
floor.  
I don't see  
evident apt's  
on 2nd floor  
also note  
critical features  
occupancy of  
each apt which  
is not in  
plans and  
could not be  
enclosure of  
cellar stairs  
is not greatly  
important  
the house there

c-51/20 241-247 Brighton Ave.

8/27/1953 MMCD

August 13, 1953

Fred H. & Mary L. Martin  
245 Brighton Ave.,

Copy to: Oliver T. Sanborn  
Chief of the Fire Department

Dear Mr. & Mrs. Martin:

Before you came into possession of the building at 241-247 Brighton Ave., corner of Beacon St., important violations of the Building Code were found in that the one apartment formerly occupying the second story had been changed to two apartments (one in the front and one in the rear) without providing the safe means of egress and fire protective features required by the Building Code for that new arrangement. Mrs. Martin told our clerk over the phone a few days ago that there are now two apartments on the second floor, which leads me to believe that the situation is the same, except for change of ownership, as it was when the violation was found.

It is unfortunate that you should have acquired the building without making inquiry at this department or the Fire Department as to its standing because the Building Code provides that no building shall be maintained and that no owner shall allow use, occupancy or maintenance of a building contrary to the provisions of the Code. Even though you have never been aware of this situation, it appears that you are now liable for it and will either have to revert it to its former arrangement or else take steps without delay to make the present arrangement comply with the Code--in accordance with the procedure laid down by the Code.

Will you be good enough to let this office know before August 27 which course you will pursue, so we may know what is our duty in the matter.

The former owner was well aware of this situation, having sought the right to make six apartments in the building--two on the third floor as well as on the second--in 1947 but was unable to secure the necessary building permit. It appears that the two apartments were provided on the second floor in 1950, and the Fire Chief issued orders to improve the means of egress to the former owner on January 31, 1950. On March 16, 1951 I found the two apartments on second floor and explained the violation in detail to the former owner.

While we do not have complete plans of the building to make a thorough check, there are at least three important defects as to the requirements of the Building Code for the present arrangement:

1. The most important defect is that of means of egress from the rear apartment on second floor in that the occupants of that apartment can only reach the front stairs as an emergency means of egress by opening a door in the hallway and passing through the private quarters of the occupants of the front apartment. Such a means of egress is not allowed either by the Building Code or the Safety Ordinance, which the Fire Chief administers. At one time there was a glass panel in this door on the basis that the door could be locked by the tenant of front apartment for privacy, but the tenant of rear apartment was supposed to be able to break the glass panel and unlock the door. This type of means of egress is not allowed either.

The former owner tried to erect a fire escape on the side of the building opposite Beacon St., but failed to receive a permit under the Zoning law, even after appeal. That was because the fire escape represented increased ground area occupancy of the non-conforming use. The former owner considered providing a means of egress on the Beacon

August 13, 1953

St. side on the basis of being able to get through a window in each of the second floor apartments to the roof of a projection on the Beacon St. side and thence to the ground by a fire escape. It appeared, however, that the roof is more than 10 feet above the ground which would eliminate the use of a straight ladder and probably require an increase of ground area occupancy which would probably produce the same result as in the case of the other proposal for a fire escape.

2. Since there is more than one apartment on the second floor, the Building Code in Sect. 203f2 requires that the cellar stairs be enclosed in the cellar with partitions rated as having at least 1-hour fire resistance and with a self-closing fire door at the foot of the stairs, thus to prevent any fire which might occur in the cellar from passing quickly to the upper floors.

3. Sect. 203e3 requires that adequate electric lights be provided in all of the public and stairhalls of the building and that these lights be controlled by an automatic time switch, capable of being set, according to the season of the year so that the lights would be turned on unerringly before sunset each day and turned off automatically at sunrise or after the next morning.

The only alternative to providing these and any other requirements which may be stipulated by the Building Code, is to change the second floor back to a single apartment.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMD/B



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, November 8, 1954

PERMIT ISSUED 01939

NOV 5 1954

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location 247 Brighton Ave. Use of Building 4-family dwelling No. Stories 3 Building Existing "
Name and address of owner of appliance Fred H. Martin, 245 Brighton Ave.
Installer's name and address Lunt Heating Co., 37 Cliff Ave. Cape Elizabeth Telephone 4-3031

General Description of Work

To install oil burning equipment in connection with existing steam heat

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Kind of fuel?
Minimum distance to burnable material, from top of appliance or casing top of furnace
From top of smoke pipe From front of appliance From sides or back of appliance
Size of chimney flue Other connections to same flue
If gas fired, how vented? Rated maximum demand per hour
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion?

IF OIL BURNER

Name and type of burner Amoco Labeled by underwriters' laboratories? yes
Will operator be always in attendance? no Does oil supply line feed from top or bottom of tank? bottom
Type of floor beneath burner cement Size of vent pipe 1 1/2"
Location of oil storage basement Number and capacity of tanks 1-275
Low water shut off yes Make M&M No. 67
Will all tanks be more than five feet from any flame? yes How many tanks enclosed?
Total capacity of any existing storage tanks for furnace burners 1-275

IF COOKING APPLIANCE

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

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

[Empty lines for miscellaneous information]

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

APPROVED [Signature] 11-8-54

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

Lunt Heating Co.

Signature of Installer By:

[Signature]

INSPECTION COPY

017-214-1M-MAR-53







Beacon St. (cont.)

13-15  
17-19  
21-23  
25-27  
33-41  
43-47  
49-53  
4-12  
14-24  
26-28  
34-40  
42  
44-48  
50-54

Charles E. Campbell - 15 Beacon St.  
Dup.  
James S. Cluck & Margaret J. Murray - 19 Beacon St.  
Mary E. Grubert - 25 Beacon St. 47/27  
Herbert W. Noyes - 39 Beacon St.  
Maud M. Berry - 45 Beacon St.  
Nathaniel W. Shaw - 51 Beacon St.  
Dup.  
Everett A. Beard - 16 Beacon St.  
Herbert Campbell - 21 Beacon St.  
Howard A. + Alice D. Burnham - 42 Arland St.  
Dup.  
Florence D. Doten - 46 Beacon St.  
Esther D. Merkey - 164 Longfellow St.

Arland St.

1-15  
17-29  
31-33  
35-41  
47-55  
57-59  
61-65  
67-69  
4-10  
12-14  
16-18  
20-22  
24-28  
30-34  
36-38  
40-42  
44-56  
58-60  
62-66  
68-72  
74-78  
1-5  
7-9  
11-15

Dup.  
Estadys A. Thomas - 25 Arland St.  
William L. Thomas MR. - 260 Lincoln St., St. Portland  
Dup.  
Richard Small - 59 Arland St.  
Florence E. Cote - 61 Arland St.  
Dup.  
Grace A. Godley - 14 Arland St.  
Anna M. Gauthier - 18 Arland St.  
Sadie Bernstein - 20 Arland St.  
Mabel J. DeShon - 26 Arland St.  
Barbara Johnson - 32 Arland St.  
Dup.  
George F. Rowe - 58 Arland St.  
Clementina Zappia - 140 Congress St.  
Mary E. Craigmiles - 70 Arland St.  
Edith M. Denny - 134 Longfellow St.  
Deloria St.

Dup.

"

"

Beacon St. (cont)

- 13-15 Charles E. Campbell - 15 Beacon St. 24
- 17-19 Dup.
- 21-23 ~~Jacques D. D'Arcy + Margaret J. Murray - 19 Beacon St.~~
- 23-27 ~~Mary C. Tucker - 25 Beacon St.~~ 47/27
- 33-41 Herbert W. Hoys - 39 Beacon St.
- 43-47 Maud M. Berry - 45 Beacon St.
- 49-53 Nathaniel W. Shaw - 51 Beacon St.
- 5-12 Dup.
- 14-24 Everett A. Bean - 16 Beacon St.
- 26-28 Herbert Campbell - 26 Beacon St.
- 34-40 Howard A. + Alice S. Burnham - 42 Arland St.
- 42 Dup.
- 44-48 Florence D. Dosten - 46 Beacon St.
- 50-54 Gertrude D. Thersky - 164 Longfellow St.

Arland St.

- 1-15 Dup.
- 17-29 Elizabeth A. Thomas - 25 Arland St.
- 31-33 William L. Thomas MR - 260 Lincoln St, St. Portland
- 35-41 Dup.
- 47-55 " "
- 57-59 Richard Small - 59 Arland St.
- 61-65 Florence E. Cote - 61 Arland St.
- 67-69 Dup.
- 4-10 " "
- 12-14 Grace A. Godley - 14 Arland St.
- 16-18 Anna M. Gauthier - 18 Arland St.
- 20-22 Sadie Bernstein - 20 Arland St.
- 24-28 Mabel J. Reddon - 26 Arland St.
- 30-34 Barbara Johnson - 32 Arland St.
- 36-38 Dup.
- 40-42 " "
- 44-54 " "
- 58-60 George F. Rowe - 58 Arland St.
- 62-66 Cleopatra Zappia - 146 Congress St.
- 68-78 Mary E. Cragin - 70 Arland St.
- 80-88 Edith M. Dery - 134 Longfellow St.

Delbois St.

- 1-5 Dup.
- 7-9 " "
- 11-15 " "

Deblois St. (cont.)

- 17-21 Edna Louise White - 21 Deblois St.
- 23-27 Percy Frank - 25 Deblois St.
- 29-33 Katharine E. Potter - 184 Deblois St.
- 3-14 Helen S. Webster - 9 Highland St.
- 16-24 Frederick C. Dudley - 32 Deblois St.

Francis St.

- Anne E. Lewis - 177 Francis St.
- 175-177 Dup.
- 179-181 Thomas J. & Josephine A. Baker - 189 Francis St.
- 183-185 Dup.
- 187-189 " "
- 191-193 " "
- 195-203 " "

Whitney Ave.

- 165-167 Clarence G. Whitney - 34 Broad St., Lynn, Mass.
- 169-171 John G. O'Connell - Huggins Beach, Mass.
- 173-175 Mary E. Casey - 70 John Wheelburn, 4 Haven Rd., So. P.
- 177-179 John J. Casey - 170 Washburn Ave.
- 181-183 Ernest B. Cole - 181 Whitney Ave.
- 185-187 Howard W. & Nellie A. Stuart - 185 Whitney Ave.
- 189-191 Blanche Island - 189 Whitney Ave.
- 193-195 Dup.
- 197-203 Harvey N. & Nellie D. Berry - 176 Whitney Ave.
- 170-172 Dup.
- 174-176 John C. Barker - 33 Runkella St.
- 178-180 John L. Barker - 188 Whitney Ave.
- 182-186 Dup.
- 188-190 Ruth B. Wyman - 190 Whitney Ave.
- 192-194 Winifred M. Moss - 196 Whitney Ave.
- 196-200 Dup.
- 202-204 Dup.

Bolton St.

- 170-172 Celia R. Devine - 172 Bolton St.
- 174-176 Louise J. Martell - 180 Bolton St.
- 178-180 Dup.
- 182-186 Rebecca J. Bernstein - 184 Bolton St.
- 188-190 Jennie A. Hayden - 188 Bolton St.
- 192-194 Dup.
- 196-198 " "
- 200-206 " "



167-171. Stuart M. Clarke - Margorie H. & Paul B. & Shora C.  
 Hodgson on serv. ord - 169 Bolton St. 4/1/27  
 175-175. Mrs E. Gilman Tin Jan - 173 Bolton St.  
 177-179. Nathan C. Duckham - 177 Bolton St.  
 181-183. Etha C. Sheehan - 183 Bolton St.  
 185-187. Bella R. Finckel on serv. ord - 187 Bolton St.  
 189-191. Ernest F. & Lillian W. <sup>Leah</sup> ~~Leah~~ - 191 Bolton St.  
 193-197. J. Harold & Mary Leah Anderson - 195 Bolton St.  
 199-203. Dup.

Massachusetts Ave.  
 174-178. Howard C. Moore et al - 178 Mass. Ave.  
 180-182. Elton F. Chandler, Jr - 186 Mass. Ave.  
 184-186. Margaret J. " - 186  
 188-190. Arnold Stiller - 194 Mass. Ave.  
 192-194. Dup.  
 196-198. E. Litch Mason Blumenthal - 192 Mass. Ave.  
 200-202. Bernice W. Hanson - 52 Belmont St.  
 204-208. Dup.  
 211-215. Dup.

Longfellow St.  
 132-144. Elizabeth R. Wolfe - 142 Longfellow St.  
 146-148. Dup.  
 150-156. "  
 162-168. "  
 170-172. Elice A. Hawkes - 21 Deering St.  
 174-176. Dup.  
 178-180. Carroll L. Dean - 250 Longfellow St.  
 182-186. Dup.



(R) RESIDENCE ZONE - C

### APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, August 5, 1947

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect~~ alter ~~repairs~~ ~~and~~ ~~improve~~ all 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 245 Brighton Avenue Within Fire Limits? no D'st. No. \_\_\_\_\_  
 Owner's name and address Albertine Oulette, 245 Brighton Avenue Telephone \_\_\_\_\_  
 Lessee's name and address 245 Brighton Ave. Telephone \_\_\_\_\_  
 Contractor's name and address Carroll Peck, 647 Westbrook St., So. Portland Telephone 4-4841  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No of sheets 1  
 Proposed use of building Apartment No. families 6  
 Last use \_\_\_\_\_ No. families 4  
 Material frame No. stories 3 Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 1200. Fee \$ 3.75

#### General Description of New Work

To provide one new apartment on second floor and one new apartment on third floor, making two on second and two on third.  
 To provide new bathroom on second floor and on third floor and close up one door between present kitchen and buttress on second and third floors.  
 To construct 18' non-bearing partition on second and third floor to provide public hall, as per plan - studs 2x4, 16" O.C., plaster.

*Permit not issued  
 Plus to be returned to J. do  
 8/20/47*

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

Is any plumbing involved in this work? yes Is any electrical work involved in this work? yes  
 Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Framing lumber—Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_  
 Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ Girt or ledger board? \_\_\_\_\_ Size \_\_\_\_\_  
 Girders \_\_\_\_\_ Size \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

#### If a Garage

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

PROVED:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### 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

Albertine Oulette

Signature of owner

By:

*Carroll Peck*

INSPECTION COPY