

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

February 27, 1951

Mr. Paul E. Merrill
41 Berkeley Street
Portland, Maine

Dear Mr. Merrill:

The Board of Appeals will hold a public hearing
in the Council Chamber, City Hall, Portland, Maine on
Friday, March 2, 1951 at 10:30 a. m. to hear your appeal
under the Zoning Ordinance.

Please be present or be represented at this
hearing.

Very truly yours,

Helen C. Frost

Chairman

M

Feb. 28, 1951

Hello Neighbor:

Refer to your letter of Feb. 20, 1951
in regard to Mr. Paul E. Merrill.

" PONY STABLE versus NEIGHBOR "

Won't you be a real neighbor and be present at the PUBLIC
HEARING to be held FRIDAY MARCH 2, 1951 "that this FRIDAY"
at 10:30 AM.

Did you ever SWAT a HORSEFLY ??????? NO!

Did you ever visit a HORSE STABLE and derive the MOST
UNPLEASANT ODOR of HORSES ?????????? NO!

Will you WILL have both these and many other unpleasant
situations which will OCCUR, if you donot APPEAR at
this meeting and STOP this appeal of

MR. PAUL E. MERRILL.

Lets all be real true sincere neighbors and take ACTION for

" TOGETHER WE STAND AND DIVIDED WE FALL "

on this matter. Don't you want real neighbors
instead of ODORS AND HORSEFLIES?????????????

THANKS

YOUR NEIGHBOR.

FOS

MARCH 1, 1958

To whom it may concern:-

The proposed hobby shop and stables
to be built by Mrs. Paul Merrill in
the rear of his home on Berkeley St.
meets with our approval.

Philip Dana Jr.
Florence S. Dana

18 Berkeley St.
Portland, Maine

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer to file
45 Berkeley Street-1

CITY OF PORTLAND, MAINE

Department of Building Inspection

FU

February 16, 1951

Mr. Paul E. Merrill
41 Berkeley Street
Portland, Maine

Copy to Corporation Counsel

Dear Mr. Merrill:

Building permit to authorize construction of a one and one-half story frame building, 20' x 24' on the vacant lot at the rear of 45 Berkeley Street (Assessors Lot No. 131-I-13) for use as a private hobby shop and part of it for a portion of each year for stabling two ponies, is not issuable under the Zoning Ordinance because the property is located within a Residence C Zone where, according to Section 10A applying to such zones, the proposed uses are not allowable.

You have indicated your desire to seek an exception from the Board of Appeals; so, there is enclosed an outline of the appeal procedure.

Pending action by the Board of Appeals, no check is being made against Building Code requirements. The Building Code contains special requirements, however, as to the drainage and material of floor beneath the stable part and as to provision of a screened and covered masonry manure pit.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCD/G

Enclosure: Outline of appeal procedure

C
O
P
Y

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

February 20, 1951

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, March 2, 1951 at 10:30 a. m. to hear the appeal of Paul E. Merrill to permit construction of one and one-half story frame building, 20' x 24' on the vacant lot at the rear of 45 Berkeley Street, for use as a private hobby shop and part of it for a portion of each year for stabling two ponies.

This permit is presently not issuable under the Zoning Ordinance because this property is located in a Residence C Zone where such uses are not allowable.

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 so as 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 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

Helen C. Frost

Chairman

228



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, September 17, 1949

PERMIT ISSUED 01522 SEP 19 1949 CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

N-ESS

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 39-41 Berkley St. Use of Building Dwelling No. Stories New Building Existing " Name and address of owner of appliance Paul Merrill, Berkley St. Installer's name and address A. B. Moody, 479 Auburn St. Telephone 2-0072

General Description of Work

To install forced hot water heating system and oil burning equipment

IF HEATER, OR POWER BOILER

Location of appliance or source of heat basement Type of floor beneath appliance concrete If wood, how protected? Kind of fuel oil Minimum distance to wood or combustible material, from top of appliance or casing top of furnace 15" From top of smoke pipe 15" From front of appliance over 4" From sides or back of appliance over 3' Size of chimney flue 8x12 Other connections to same flue none If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner Bradford Labeled by underwriter's laboratories? yes Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? bottom Type of floor beneath burner concrete Location of oil storage basement Number and capacity of tanks 1-275 gal. If two 275-gallon tanks, will three-way valve be provided? Will all tanks be more than five feet from any flame? yes How many tanks fire proofed? Total capacity of any existing storage tanks for furnace burners none

IF COOKING APPLIANCE

Location of appliance Kind of fuel Type of floor beneath appliance If wood, how protected? Minimum distance to wood or 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? If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? 2.00 (\$1.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

C.R. - 9/19/49 - ags

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

INSPECTION COPY

Signature of Installer

A. B. Moody

Permit No. 49/1522
Location 39 41 Berkeley St
Owner Paul Merrill
Date of permit 9/19/49
Approved 11/14/49

NOTES

- 1 Fill Pipe
- 2 Vent Pipe
- 3 Kind of Heat
- 4 Burner Rigidity & Support
- 5 Name & Label
- 6 Back Control
- 7 High Limit Control
- 8 Remote Control
- 9 Piping Support & Protection
- 10 Valves in Supply Line
- 11 Capacity of Tanks
- 12 Tank Rigidity & Support
- 13 Tank Distance
- 14 Oil Gauge
- 15 Instruction Card: none
- 16 11/14/49 - Mr. Moody
said he will rest
instructions and
9 18

RESIDENCE ZONE - C

APPLICATION FOR PERMIT



Class of Building or Type of Structure ... Third Class
Portland, Maine, May 11, 1949

PERMIT TO CONSTRUCT

JUN 7 1949

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect ~~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 39-11 Berkeley Street Within Fire Limits? no Dist. No.
Owner's name and address Paul Merrill, 34 Berkeley Street Telephone
Lessee's name and address Telephone
Contractor's name and address L. C. Weeks, 5 Johnson Street Telephone A-5703
Architect Specifications Plans YES No. of sheets 5
Proposed use of building Dwelling house & 2-car garage No. families 1
Last use No. families 1
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ 2,500 Fee \$ 9.00

General Description of New Work

To construct 2-story frame dwelling house 26' x 33' with attached garage 18' x 22'.

Permit Issued with Letter

The inside of the garage will be covered, where required by law, with perforated Gypsum lath covered with one-half inch thickness Gypsum plaster. Fire door between garage and balance of building will be Kalamein door labelled by Underwriter.

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 L. C. Weeks

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 18' 6" 8' 6" Height average grade to highest point of roof 27' 6" 17' 6"
Size, front 33' depth 26' No. stories 2 solid or filled land? solid earth or rock? earth
Material of foundation concrete at least 4' Below grade Thickness, top 10" bottom 12" cellar yes
Material of underpinning " to sill with brick veneer on face Height Thickness
Kind of roof Pitch-gable Rise per foot 7" Roof covering Asphalt Class C Und Lab
No. of chimneys 1 Material of chimneys brick of lining tile Kind of heat h. water fuel oil
Framing lumber-Kind hemlock Dressed or full size? dressed
Corner posts 4x6 Sills 4x6 Girt or ledger board? Size
Girders yes Size 6x10 Columns under girders 4x4 pipe Size 4" Max. on centers 7'
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 2x10 conc. 2nd 2x10 ceiling roof 2x6 2x
On centers: 1st floor 16" 2nd 16" 3rd 16" roof 24" 2f
Maximum span: 1st floor 14' 2nd 14' 3rd roof 13'

If a Garage

No. cars now accommodated on same lot 0, to be accommodated 2 number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVED:

with letter by [Signature]

Miscellaneous

Will work require disturbing of any tree on a public st
Will there be in charge of the above work a person who will see that the State and City requirements pertaining to the work are observed? yes

Paul Merrill

Signature of owner by: [Signature]

NOTES

5/15/49 ~~Plaster work~~

6/20/49 ~~Plaster work~~

6/26/49 ~~Plaster work~~

7/27/49 ~~Plaster work~~

9/9/49 ~~Plaster work~~

11/17/49 ~~Plaster work~~

5/9/50 ~~Plaster work~~

5-10-50 ~~Plaster work~~

7-28-50 ~~Plaster work~~

10-23-50 ~~Plaster work~~

11-9-50 ~~Plaster work~~

Permit No. 49/792

Location 394111 Berkeley St

Owner Paul Mendell

Date of permit 6/7/49

Notif. closing-in 9/9/49

Inspn. closing-in 9/9/49

Final Inspn. 1-9-50

Cert. of Occupancy issued

7/27/49 - Straps hanger required for support of beams around window openings. E.S.D.

9/9/49 - 11 windows with casework. E.S.D.

11/17/49 - Plaster plates + columns. Finishing around wall stacks. E.S.D.

5/9/50 - Wood door between garage + house not self closing walls on garage side ceiling, unable to determine if protection is provided

5-10-50 - Went over this with Mr Weeks. He said partition between house and garage is perforated both both sides and cement plaster. Knotting Pine and 4" ^{with strapping} ceiling on garage side, (small tile house side, also to check labelled door said label removed) with statement from Fox for provide statement as to perforated both and plaster and put in door closer. etc.

6-8-50 - Mr Weeks said he has statement from Fox about door, will provide closer and notify. etc.

7-28-50 - Mr Weeks said fireplace at camp until after Labor day. etc.

10-23-50 - Mr Weeks found door label and will put it on door and notify. etc.

11-9-50 - Label checked on Mr Weeks will mail in statement regarding garage separation. etc.

11-9-50 - Letter from Mr Weeks confirming protection between house and garage. etc.

7/14/49

(6) (1) (1) (1) (1) (1)

COPY

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

Date of Issue November 10, 1950

Issued to Paul Kerrill

This is to certify that the building, premises, or part thereof, indicated below, and built—
~~also changed use to~~ 39-41 Berkeley Street
under Building Permit No. 49/797 has had final inspection, has been found to conform substan-
tially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved
for occupancy, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire Building

APPROVED OCCUPANCY

One-family Dwelling House
2-car Garage

Limiting Conditions:

This certificate supersedes
certificate issued 9/9/50:

Arthur L. Hamill
Inspector

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.

STATEMENT ACCOMPANYING APPLICATION FOR BUILDING PERMIT

for dwelling and 2-car garage
at 39-4k Berkeley Street Date 5/11/49

1. In whose name is the title of the property now recorded? Paul Merrill
2. Are the boundaries of the property in the vicinity of the proposed work shown clearly on the ground, and how? stakes
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

[Signature]

WARNING !!!

THIS BUILDING PERMIT IS ISSUED
SUBJECT TO SPECIAL CONDITION:

THAT NO CONCRETE SHALL BE POURED IN FOUNDATION FORMS AND NO
LAYING OF UNIT MASONRY IN FOUNDATION WALLS SHALL BE STARTED UNTIL
NOTICE HAS BEEN GIVEN AT THE DEPARTMENT OF BUILDING INSPECTION OF
READINESS TO START ACTUAL MASONRY WORK, AND UNTIL RE-CHECK OF
LOCATION HAS BEEN MADE BY INSPECTOR.

* * *
Original markings of corners of lot and especially stakes on
street line set by Dept. of Public Works must be kept intact and
easily accessible for re-check--not covered by excavated earth
or building materials. Otherwise the "go-ahead" cannot be given.
Dept. of Public Works cannot re-set their stakes.

* * *
Obtain the notice for re-check must be given at such a time
as to allow reasonable opportunity to make re-check.

Warren McDonald
Inspector of Buildings

117 1/2 Berkeley Street

June 7, 1949

Mr. L. C. Weeks
5 Johnson Street
Mr. Paul Merrill
31 Berkeley Street

Subject: Permit for construction of
one family dwelling with attached
garage at 117 1/2 Berkeley Street

Gentlemen:

The permit for the above work is issued herewith based on the plans originally filed with the application and the revised plan filed June 7, 1949 showing information requested in our letter of May 16, 1949. As to the question of compliance with the requirements of the Zoning Ordinance as raised in the same letter, we are issuing the permit on the basis of Mr. Merrill's information that since his purchase of the plot of land he has had the tract surveyed and laid out in two lots with frontages of 60' and 62' respectively. The garage section of the building as proposed will be built across this new lot line thus wiping it out. Therefore the whole tract of land is taken as one lot with 122' frontage and the side yard distances measured to sides of this size lot.

We wish to call attention to the requirements for ties for the brick veneer. Ties are required to be no less than wire of number six gauge or may be of galvanized corrugated metal if of such a weight that at a width of seven-eighths of an inch 1,000 ties will weigh no less than forty-eight pounds. Ties are required to be spaced not less than 16" from center to center of every fifth course of brick.

Very truly yours,

Inspector of Buildings

117 1/2

AP 39-43 Berkeley Street

May 16, 1949

Mr. L. C. Weeks
5 Johnson Street
Portland, Maine

Subject: Application for permit for construction of
dwelling and attached garage at 39-43 Berkeley
Street

Dear Sirs:

We are unable to issue the permit for the above work because the building as staked out on the ground is to be located only four feet instead of the required five feet from the line separating two fifty foot lots which are two of the three recorded lots in the piece of property owned by Mr. Merrill and because the sum of the side yards of the building would be only thirteen feet instead of the fourteen feet specified by the Zoning Ordinance. Since the tract of land involved is divided into three lots according to a recorded plan of the property, we have to apply the requirements of the Zoning Ordinance as to yard spaces to any of these property lines unless the building is to be built across the lines thus wiping them out.

Aside from the question of compliance with the Zoning Ordinance, a check of the plans filed with the application raises the following questions as to compliance with Building Code requirements:

1. No location of columns beneath girders is shown, but it seems doubtful if the span will be as much as the nine feet given in the application. If the span is to be as much as 8' 4", which dividing the depth of the building into three spaces would give, a 6x10, if of dressed material, would have to be Douglas Fir or Long Leaf Yellow Pine to figure out.
2. No indication is given as to what type of foundation is to be provided for the garage and front porch and the depth below grade to which they are to extend.
3. Size of header over large garage door opening should be shown.
4. A section through the building is needed to indicate the manner in which studs and floor timbers are to be supported on sills, girders and girts and plates.
5. Indication should also be made as to the type of protection and fire door to be provided on wall between garage and dwelling.

All of above details must be worked out and shown in compliance with Building Code and Zoning Ordinance before a permit may be issued.

Very truly yours,

Inspector of Buildings

LSB/G

CC: Mr. Paul Merrill
34 Berkeley Street

APPLICATION FOR SUBMETER



For Sewer User Charge Adjustments

The undersigned hereby requests permission to install additional water meter(s) in accordance with Section 322.6C of the "Municipal Code of the City of Portland, Maine".

It is understood that all expenses related to the purchase, installation and maintenance of the meter(s) is to be borne by the applicant.

To be Completed by Applicant

Address where sub-meter is requested 41 BERKELEY ST PORTLAND
 Property owner name RICHARD C DILLIHUNT
 Tax Map Reference (on Real Estate Tax Bill) 131-1-4 BERKELEY ST 39-47 46532 SF
 Property owner address 41 BERKELEY ST PORTLAND ME
 Person to be contacted to schedule inspections Richard C DILLIHUNT 773-1212
 (Name and Telephone Number) 774-6368
 Portland Water District Acct. No. (on bill) D-33-23929
 Billing Name & Address (on bill) RICHARD DILLIHUNT
SAME

Location and size existing Portland Water District Service Meter 3/4" meter
front bldg basement foundation wall

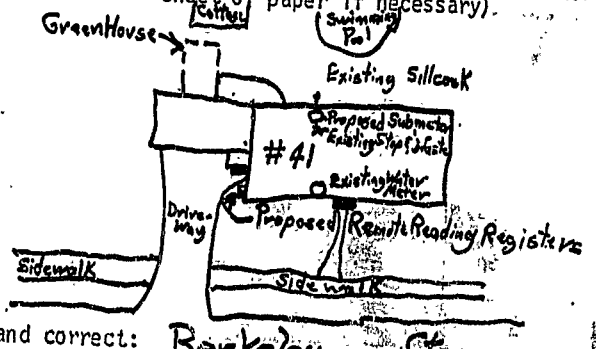
Proposed location and size of sub-meter in 1/2" water supply to existing
outside faucet in rear of bldg 5/8" Submeter

Will a remote reading register be utilized? NO YES (If yes, state location near existing bldg water meter (outside near electric Meter))

Description of proposed changes in plumbing required for submetering:

cut a new water meter (Submeter)
in 1/2" water supply
line to outside faucet
after Existing Stop & Waste
 The volume of water to be submetered can be shown not to enter the sewerage system by virtue of its use for:
Watering lawns + Gardens
Filling swimming pool.

Sketch plan showing proposed changes in plumbing and the location of existing and proposed meters. Show water flow through submeter to non-discharge equipment or location (use additional sheet of paper if necessary).



I certify the above information is true and correct:
Richard C Dillihunt
 Signature

Berkeley St.
5-16-83
 Date

Aug. 19, 1983

INSTRUCTIONS

- First - The applicant is to complete front of this form. The Tax Map Reference can be found on your Real Estate Tax Bill directly following Owners Name and address in the center of your Property Tax Bill. Billing Name and address should be copied from your Water & Sewer Bill as well as the Portland Water District Account Number which is in the lower left corner of the Water and Sewer Bill.
- Second - Mail completed application form to:
 City of Portland
 Dept. of Public Works
 404 City Hall
 Portland, Maine 04119
 ATTN: MR. WILLIAM GOODWIN
- Third - The Public Works Department will call the person indicated on front side to schedule pre-installation inspection. During this inspection the Public Works section of this form (below) will be completed. Following this inspection Public Works will make copies of the application form. If the application is approved 3 copies will be made, one will be mailed to the Portland Water District, one will be forwarded to the City Plumbing Inspector and one will be mailed back to the Applicant. If the application is denied, one copy will be made and mailed to the applicant showing reason for denial.
- Fourth - Upon receipt of a copy of the approved application, the applicant can purchase and install the sub-meter as approved. Following installation on the applicant or his plumber must call the Chief Plumbing Inspector at 775-5451 Ext. 604 for an inspection of the completed installation. Following inspection by the Chief Plumbing Inspector, the Water District will be requested to seal the sub-meter and arrange to have an automatic reading system (if applicable - see General Information) installed where by the volume shown by the submeter will be credited on the Sewer User Charges of the Bill.

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GENERAL INFORMATION

Section 322.6C of the "Municipal Code of the City of Portland, Maine" reads as follows:

"Submetering of Water Volume. Any person who feels that recorded water records are not a reliable index of his discharge volume may install an additional water meter of a type approved by the Director to measure the volume of water which can be shown not to enter the sewerage system. The person installing such a meter shall immediately notify the Director of such installation and shall be responsible to the Director for reporting meter readings not less often than every three months. Such person shall be credited with the volume charges for the volume shown by such meters which meter shall be accessible for reading by the City or its agents at all reasonable times."

The City and the District have arranged to relieve the customer from the reporting responsibility required above if both meters can be read simultaneously by the District Meter Readers during their regularly scheduled visits to read the pre-existing service meter. This can be accomplished by locating the sub-meter directly adjacent to the pre-existing service meter or by equipping the sub-meter located elsewhere with a remote reading register located so both readings can be made at the same time.

Approved meters are, Neptune and Rockwell meters, conforming to the following specifications:

1. shall meet or exceed AWWA accuracy test requirements and be accompanied by a certificate of test accuracy.
2. the meters will have straight reading, cubic foot registers.
3. the meters shall have the meter number stamped into the main case.
4. the meters shall be magnetic drive.
5. shall have either a rotating disc or oscillating piston.
6. shall have a bronze case.

Approved meters are available from the Water District, which sells them for the price the District buys them from the manufacturers. If you wish to purchase a sub-meter from the District you must bring your copy of an approved application with you at time of purchase.

TO BE COMPLETED BY PUBLIC WORKS

Pre-installation inspection by William B. Goodwin
 on June 20, 1983

Automatic reading system requested YES NO

A Watt's No 8ANF Back Flow Preventer or equal shall be installed on the hose bibb

Application Approved Denied

Comments _____

TO BE COMPLETED BY THE PLUMBING INSPECTOR

An inspection of the completed installation of the submetering system approved on this application was conducted on Jul. 8, 1983 by Ernold R. Goodwin, Chief Plumbing Inspector of the City of Portland.

- The submetering system was installed as approved.
 No cross connections were found.

The installation is approved dis-approved

Ernold Goodwin

TO BE COMPLETED BY THE WATER DISTRICT

Date submeter sold 6-21-83
 Submeter account number D-33-23929
 Submeter make and number 5/8"R # 32645875
 Submeter installation readings 0.00
 Submeter account entered into computer 8-19-83
 Submeter account entered into meter book 8-19-83
 Special Instructions _____

