

427-431 BRIGHTON AVENUE

SHAW-WALKER



**APPLICATION FOR PERMIT**  
**DEPARTMENT OF BUILDING INSPECTIONS SERVICES**  
**ELECTRICAL INSTALLATIONS**

Date Oct. 29, 19 81  
 Receipt and Permit number A 87326

To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:

The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:

LOCATION OF WORK: 431 Brighton Avenue  
 OWNER'S NAME: David Levaseur ADDRESS: same FEES

**OUTLETS:**  
 Receptacles \_\_\_\_\_ Switches \_\_\_\_\_ Plugmold \_\_\_\_\_ ft. TOTAL \_\_\_\_\_

**FIXTURES: (number of)**  
 Incandescent \_\_\_\_\_ Fluorescent \_\_\_\_\_ (not strip) TOTAL \_\_\_\_\_  
 Strip Fluorescent \_\_\_\_\_ ft. \_\_\_\_\_

**SERVICES:**  
 Overhead \_\_\_\_\_ Underground \_\_\_\_\_ Temporary \_\_\_\_\_ TOTAL amperes \_\_\_\_\_

**METERS: (number of)** \_\_\_\_\_

**MOTORS: (number of)**  
 Fractional \_\_\_\_\_  
 1 HP or over \_\_\_\_\_

**RESIDENTIAL HEATING:**  
 Oil or Gas (number of units) \* \_\_\_\_\_ **3.00**  
 Electric (number of rooms) \_\_\_\_\_

**COMMERCIAL OR INDUSTRIAL HEATING:**  
 Oil or Gas (by a main boiler) \_\_\_\_\_  
 Oil or Gas (by separate units) \_\_\_\_\_  
 Electric (Under 20 kws \_\_\_\_\_ Over 20 kws \_\_\_\_\_)

**APPLIANCES: (number of)**

Ranges _____	Water Heaters _____
Cook Tops _____	Disposals _____
Wall Ovens _____	Dishwashers _____
Dryers _____	Compactors _____
Fans _____	Others (denote) _____

TOTAL \_\_\_\_\_

**MISCELLANEOUS: (number of)**

Branch Panels \_\_\_\_\_

Transformers \_\_\_\_\_

Air Conditioners Central Unit \_\_\_\_\_  
 Separate Units (windows) \_\_\_\_\_

Signs 20 sq. ft. and under \_\_\_\_\_  
 Over 20 sq. ft. \_\_\_\_\_

Swimming Pools Above Ground \_\_\_\_\_  
 In Ground \_\_\_\_\_

Fire/Burglar Alarms Residential \_\_\_\_\_  
 Commercial \_\_\_\_\_

Heavy Duty Outlets, 220 Volt (such as welders) 30 amps and under \_\_\_\_\_  
 over 30 amps \_\_\_\_\_

Circus, Fairs, etc. \_\_\_\_\_

Alterations to wires \_\_\_\_\_

Repairs after fire \_\_\_\_\_

Emergency Lights, battery \_\_\_\_\_

Emergency Generators \_\_\_\_\_

INSTALLATION FEE DUE: \_\_\_\_\_  
 FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT ..... DOUBLE FEE DUE: \_\_\_\_\_  
 FOR REMOVAL OF A "STOP ORDER" (304-16.b) ..... TOTAL AMOUNT DUE: 3.00

**INSPECTION:**  
 Will be ready on \_\_\_\_\_, 19 \_\_\_\_; or Will Call XX  
**CONTRACTOR'S NAME:** Eastern Oil & Equip  
**ADDRESS:** 63 Preble St.  
**TEL.:** \_\_\_\_\_  
**MASTER LICENSE NO.:** \_\_\_\_\_ **SIGNATURE OF CONTRACTOR:** William Leop B.F. Filed  
**LIMITED LICENSE NO.:** \_\_\_\_\_

INSPECTOR'S COPY -- WHITE  
 OFFICE COPY -- CANARY  
 CONTRACTOR'S COPY -- GREEN



FILL IN AND SIGN WITH INK

001174

PERMIT ISSUED

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

OCT 29 1981

Oct. 29, 1981

Portland, Maine,

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 431 Brighton Ave. Use of Building dwelling - multi No. Stories 2 New Building Existing "xxx" Name and address of owner of appliance David Levasseur - same Installer's name and address Eastern Oil & Equip. - 63 Preble St. Telephone 772-8337

General Description of Work

To install gravity h. w. boiler & burner replacement

IF HEATER, OR POWER BOILER

Location of appliance basement Any burnable material in floor surface or beneath? no If so, how protected? Kind of fuel? # 2 fuel oil Minimum distance to burnable material, from top of appliance or casing top of furnace 3 ft. all around From top of smoke pipe From front of appliance From sides or back of appliance Size of chimney flue 8 x 10 Other connections to same flue none 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? yes

IF OIL BURNER

Name and type of burner Burnham - gun Labelled 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 concrete Size of vent pipe 1 1/2 Location of oil storage basement Number and capacity of tanks 1=275 gal. Low water shut off yes Make McDonald Miller No. 901 Will all tanks be more than five feet from any flame? yes How many tanks enclosed? none Total capacity of any existing storage tanks for furnace burners 275 gal.

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

Amount of fee enclosed? 15.00

APPROVED

[Signature]

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

[Signature]

Signature of Installer



INSPECTION COPY

CS 300





**APPLICATION FOR PERMIT**  
**DEPARTMENT OF BUILDING INSPECTIONS SERVICES**  
**ELECTRICAL INSTALLATIONS**

Date 12-22, 19 78  
 Receipt and Permit number A15942

To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:  
 The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of  
 Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:  
 LOCATION OF WORK: 245-247 Stevens Ave.  
 OWNER'S NAME: Edward Ayer ADDRESS: same FEES

OUTLETS:	Receptacles _____	Switches _____	Plugnold _____	ft. TOTAL _____	_____
FIXTURES: (number of)	Incandescent _____	Flourescent _____	(not strip) TOTAL _____	_____	_____
	Strip Flourescent _____	ft. _____	_____	_____	_____
SERVICES:	Overhead <u>x</u> _____	Underground _____	Temporary _____	TOTAL amperes <u>100</u> ..	<u>3.00</u>
METERS: (number of)	<u>1</u> _____	_____	_____	_____	<u>.50</u>
MOTORS: (number of)	Fractional _____	_____	_____	_____	_____
	1 HP or over _____	_____	_____	_____	_____
RESIDENTIAL HEATING:	Oil or Gas (number of units) _____	_____	_____	_____	_____
	Electric (number of rooms) _____	_____	_____	_____	_____
COMMERCIAL OR INDUSTRIAL HEATING:	Oil or Gas (by a main boiler) _____	_____	_____	_____	_____
	Oil or Gas (by separate units) _____	_____	_____	_____	_____
	Electric Under 20 kws _____	Over 20 kws _____	_____	_____	_____
APPLIANCES: (number of)	Ranges _____	Water Heaters _____	_____	_____	_____
	Cook Tops _____	Disposals _____	_____	_____	_____
	Wall Ovens _____	Dishwashers _____	_____	_____	_____
	Dryers _____	Compactors _____	_____	_____	_____
	Fans _____	Others (denote) _____	_____	_____	_____
	TOTAL _____	_____	_____	_____	_____
MISCELLANEOUS: (number of)	Branch Panels _____	_____	_____	_____	_____
	Transformers _____	_____	_____	_____	_____
	Air Conditioners Central Unit _____	_____	_____	_____	_____
	Separate Units (windows) _____	_____	_____	_____	_____
	Signs 20 sq. ft. and under _____	_____	_____	_____	_____
	Over 20 sq. ft. _____	_____	_____	_____	_____
	Swimming Pools Above Ground _____	_____	_____	_____	_____
	In Ground _____	_____	_____	_____	_____
	Fire/Burglar Alarms Residential _____	_____	_____	_____	_____
	Commercial _____	_____	_____	_____	_____
	Heavy Duty Outlets, 220 Volt (such as welders) 30 amps and under _____	_____	_____	_____	_____
	over 30 amps _____	_____	_____	_____	_____
	Circus, Fairs, etc. _____	_____	_____	_____	_____
	Alterations to wires _____	_____	_____	_____	_____
	Repairs after fire _____	_____	_____	_____	_____
	Emergency Lights, battery _____	_____	_____	_____	_____
	Emergency Generators _____	_____	_____	_____	_____
FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT	INSTALLATION FEE DUE: _____	_____	_____	_____	_____
FOR REMOVAL OF A "STOP ORDER" (304-16.b)	DOUBLE FEE DUE: _____	_____	_____	_____	_____
	TOTAL AMOUNT DUE: _____	_____	_____	_____	<u>3.50</u>

INSPECTION: Will be ready on 12-22, 1978; or Will Call \_\_\_\_\_  
 CONTRACTOR'S NAME: Larry McMahon  
 ADDRESS: 12 Clifton St.  
 TEL: 774-774-0742 SIGNATURE OF CONTRACTOR: L. W. McMahon  
 MASTER LICENSE NO.: 826  
 LIMITED LICENSE NO.: \_\_\_\_\_

INSPECTOR'S COPY — WHITE  
 OFFICE COPY — CANARY  
 CONTRACTOR'S COPY — GREEN

237-247 Stevens Avenue  
423-431 Brighton Avenue

Feb. 16, 1970

Claude Levasseur  
431 Brighton Avenue

cc to: Friendly Ice Cream Corp.  
1855 Boston Rd. N. Wilbrahan, Mass.  
cc to: Christy Pachon, 562 Congress St.  
cc to: Donald Metathlin, Planning Dir.  
cc to: Corporation Counsel

Dear Mr. Levasseur:

Building permits to construct a 1-story building 30'x65' (restaurant) and to install a detached pole sign, 8'x20'x6" with the top 10'6" above the grade of the ground at the above named location are not issuable under the Zoning Ordinance for the following reasons:

1. The property is located in a B-1 Business Zone where the proposed restaurant use is not allowable under the provisions of Sec. 602.8.A.9 of the Ordinance.
2. A rear yard distance of only 10' is to be provided instead of 20' and a side yard distance of approximately 5 1/2' is to be provided instead of the 10' as required under Sec. 602.8C.2 and 602.8C.1 of the Ordinance.
3. A detached pole sign is not allowable in this zone. (Sec. 602.16.4.a)
4. This sign is located within the corner clearance area contrary to Section 602.19H of the Ordinance which requires that no obstruction more than 3 1/2' high shall be located within a triangle formed by the street lines of intersecting streets and a line connecting points on the street line 25' from the corner.

We understand that you would like to exercise your appeal rights in this matter. Accordingly you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 shall be paid at this office at the time a variance appeal is filed.

If this appeal is sustained and the plot plan is approved, then the off-street parking for this restaurant which abuts a lot in a residential zone (which this lot does) a chain link, picket or sapling fence, not less than 48" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Very truly yours,

ABS:IM

A. Allan Soule  
Assistant Director Building Inspection  
Dept.



Steven Ave  
Brighton Ave

Corner of - 2/15/70 -

Allen

177-C-1-11/12

CHECK LIST AGAINST ZONING ORDINANCE

- Date - New
- Zone Location - B1
- Interior or corner Lot -
- 40-ft setback area? (Section 21) - Steven Ave. No - Brighton Ave. - No
- Use - Restaurant
- Sewage Disposal - Sewer
- Rear Yards - 10' - Reg. 201 - Sec 402.6.1
- Side Yards - 5 1/2' Reg 10'
- Front Yards - 70' ± - Reg. 15'
- Projections -
- Height - o.k.
- Lot Area -
- Building Area -
- Area per Family -
- Width of Lot -
- Lot Frontage -
- Off-street Parking - Restaurant seating area  $\frac{12600}{10000}$  required  $\frac{13}{24}$  spaces have room  
on Plat Plan 2/17/70

Sign - Pole not allowed - B-1  
Corner clearance



B1 BUSINESS ZONE

### APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class  
Portland, Maine, January 21, 1970

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 ~~247~~ Approx. 247 Stevens Avenue See 431 Brighton Ave Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
Owner's name and address Claude Levasseur, 831 Brighton Ave. Telephone \_\_\_\_\_  
Prospective owner \_\_\_\_\_  
Lessee's name and address Friendly Ice Cream Corp., 1855 Boston Rd., No. Wilbraham, Mass. Telephone 01067  
Contractor's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans \_\_\_\_\_ No. of sheets \_\_\_\_\_  
Proposed use of building Ice Cream Shop 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 construct 1-story frame building 30'x65' as per plans

This application is ~~permitted~~ preliminary to get settled the question of zoning appeal. In the event the appeal is sustained the applicant will furnish complete information estimated cost and pay legal fee.

*Appeal Withdrawn 3/12/70*

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** Prospective owners

#### Details of New Work

Is any plumbing involved in this work? yes Is any electrical work involved in this work? yes  
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 walls? \_\_\_\_\_ height? \_\_\_\_\_

#### If a Garage

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

APPROVED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### 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  
Friendly Ice Cream Corp.

CS 301

INSPECTION COPY

Signature of owner By:

*Paul J. Priore (Rep.)*



B1 BUSINESS ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure ... Sign

Portland, Maine, January 21, 1970

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 Approx. 247 Stevens Avenue Within Fire Limits? Dist. No.
Owner's name and address Claude Levasseur, 431 Brighton Ave. Telephone
Lessee's name and address Friendly Ice Cream Corp., 1855 Boston Rd. Telephone
Contractor's name and address No. Wilbraham, Mass. 01067 Telephone
Architect Specifications Plans yes No. of sheets
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 detached pole sign 8'8" x 6'8" - Steady lighting 10'6" to bottom of sign

This application is preliminary to get settled the question of zoning appeal. In the event the appeal is sustained the applicant will furnish complete information, estimated cost and pay legal fee.

Appeal Withdrawn 3/12/70

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 Prospective owners

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 sewerage?
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 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:

Blank space for approval signature

Miscellaneous

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

Friendly Ice Cream Corp.

CS 301

INSPECTION COPY

Signature of owner

By:

Ronald J. Laurie (Rep.)

4/23/70 = fee paid \$ 15.00  
Withdrawn 3/12/70  
70/15

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

VARIANCE APPEAL

See 431 Brighton Ave.  
Cor. Brighton Ave.

Claude Levasseur, owner of property at 237-247 Stevens Avenue 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: construction of a 1-story frame restaurant building and to erect a detached pole sign 8'8" x 6'6" with the top 10'6" above the grade. These permits are not issuable under the Zoning Ordinance for the following reasons: (1) The property is located in the B-1 Business Zone where the proposed restaurant use is not allowable under the provisions of Sec. 602.8.A.8 of the Ordinance; (2) A rear yard distance of only 10' is to be provided instead of 20' and a side yard distance of approximately 5 1/2' is to be provided instead of the 10' as required under Sec. 602.8C.2 and 602.8C.1 of the Ordinance; (3) A detached pole sign is not allowable in this zone - Sec. 602.16.4.a; (4) This sign is located within the corner clearance area contrary to Section 602.19M of the Ordinance which requires that no obstruction more than 3 1/2' high shall be located within a triangle formed by the street lines of intersecting streets and a line connecting points on the street line 25' from the corner.

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.

Claude P. Levasseur

APPELLANT

DECISION

~~After public hearing held on 4/23/70 at 7:00 PM in the Board of Appeals, the Board of Appeals has found 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.~~

~~By the Board of Appeals, the variance is granted.~~

APPELLANT GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE

Frank H. Hill

Harry M. Stinson

Ralph L. Perry

Board of Appeals

Englewood Florida  
March 5, 1970

Board of Appeals, <sup>Re</sup> <sup>Shirley Lee Cooney</sup>  
Partlow, Marie. <sup>68</sup>  
Appeal.

Gentlemen;

My son Albert R. Jabbe  
residing at 226 Prospect Street  
is hereby given authority to  
appear on my behalf in the  
appeals case re corner of  
Brighton Ave. and Stevens Ave.

Albert C. Jabbe.



add to our <sup>2</sup> already bad situation  
This zone was created as  
a neighbor hood facility. It  
has served its purpose well  
and should be left as planned.

In addition to the children  
attending school, there, others  
assemble to be housed to other  
locations. This can - many  
more to further congest the  
area

Very truly yours  
Albert C. Decker

Mail address.  
22 Prospect Street  
Portland, Maine.  
24123



PORTLAND PUBLIC SCHOOLS

389 CONGRESS STREET  
PORTLAND, MAINE 04111

DR. RODNEY E. WELLS  
SUPERINTENDENT OF SCHOOLS  
MR. FRANK B. TUPPER  
ASSISTANT SUPERINTENDENT FOR  
PERSONNEL AND BUILDING PRINCIPALS  
MR. CLYDE BARTLETT  
ASSISTANT SUPERINTENDENT FOR  
CURRICULUM AND PUPIL SERVICES  
~~MR. DONALD W. KOTKIN~~  
~~BOX 1100, KENNEBEC~~



February 25, 1970

Mr. Franklin G. Hinckley  
192 Middle Street  
Portland, Maine

Dear Mr. Hinckley:

The Portland Superintending School Committee, during the time of its meeting on Monday, February 23, discussed at some length the proposed zone change or variance which is being suggested for the northeast corner of the intersection of Brighton Avenue and Stevens Avenue. It is the understanding of the Committee that an ice cream establishment is being proposed for that corner.

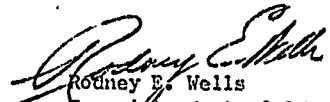
On behalf of the School Committee and its Chairman, I am sending this Memorandum to you to indicate very serious concern of the Committee and its opposition to such a change or variance.

In addition to the considerable amount of traffic which presently traverses this intersection, the Committee is very much concerned about the safety of children in the area especially in the afternoon when schools are closing. It is quite possible that the new business will attract a large number of junior high school and senior high school students, many of whom will be driving to that location and who may find it a very convenient and desirable location in which to congregate after schools close in the afternoon. The later closing of the Roosevelt School and the Longfellow School will constitute a very real traffic hazard for these very young children. Children attending the Roosevelt School must walk on both Stevens and Brighton Avenue, as do a number of the intermediate grade students attending the Longfellow School.

The discussion of the foregoing factors resulted in a formal vote by the School Committee that this expression of concern and opposition be forwarded to the Planning Director and to you.

If there is any additional information which you might like, please do not hesitate to call me.

Sincerely yours,

  
Rodney E. Wells  
Superintendent of Schools

REM/1c

"Portland is Building"

## Immanuel Baptist Church

EDWARD R. NELSON, B. D., D. D.  
MINISTER

STEPHEN M. LIPMAN, B. A., B. D.  
ASSOCIATE MINISTER

High and Deering Sts.  
Portland, Maine 04101

March 10, 1970

To the Members of the  
Board of Zoning Appeals

Greetings:

As members of the official board of Immanuel Baptist Church owning a parsonage at 222 Bradley Street, we are very much concerned relative to a proposed restaurant on the corner of Brighton and Stevens Avenue. Our minister and his wife, Dr. and Mrs. Edward R. Nelson, have lived in this home for 23 years and their sons, David and Stephen both went through the Roosevelt School located on that corner. Even thirteen years ago, this was a very busy intersection and they considered it dangerous for the children in the neighborhood. Since that time, with the growth of the shopping center on outer Brighton Avenue and much new housing the traffic pattern has tremendously increased.

Therefore, as officials of Immanuel Church we are not in favor of re-zoning this area for a restaurant that would only add traffic confusion and a further burden to an already crowded intersection.

Cordially yours,

*George H. Maynard*  
Chairman, Board of Deacons

March 9, 1970

Mr. Claude Lovassour  
431 Brighton Ave.

Dear Mr. Lovassour:

cc: Friendly Ice Cream Corp.  
1855 Boston Rd.  
H. Woburn, Mass.  
cc: Christy Pacheco  
562 Congress St.

March 12, 1970

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

March 6, 1970

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, March 12, 1970 at 4:00 p.m. to hear the appeal of Claude Levasseur requesting an exception to the Zoning Ordinance to permit construction of a 1-story frame restaurant (Friendly Ice Cream) and to erect a detached pole sign 8'8" x 6'8" with the top 10'6" above the grade at 237-247 Stevens Avenue, corner Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because (1) the property is located in the B-1 Business Zone where the proposed restaurant use is not allowable under the provisions of Sec. 602.8.A.3 of the Ordinance; (2) a rear yard distance of only 10' is to be provided instead of 20' and a side yard distance of approximately 5 1/2' is to be provided instead of the 10' as required under Sec. 602.8C.2 and 602.8C.1 of the Ordinance; (3) A detached pole sign is not allowable in this zone - Sec. 602.16.4.a; (4) this sign is located within the corner clearance area contrary to Sec. 602.19M of the Ordinance which requires that no obstruction more than 3 1/2' high shall be located within a triangle formed by the street lines of intersecting streets and a line connecting points on the street line 25' from the corner.

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 property in question as required by Ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

237-247 Stevens Avenue  
423-431 Brighton Avenue

Feb. 18, 1970

C Claude Levasseur  
431 Brighton Avenue

cc to: Friendly Ice Cream Corp.  
1855 Boston Rd., N. Wilbraham, Mass.  
cc to: Christy Pachios, 562 Congress St.  
~~cc to: Donald Metathlin, Planning Dir.~~  
~~cc to: Corporation Counsel~~

Dear Mr. Levasseur:

Building permits to construct a 1-story frame building 30'x65' (restaurant) and to install a detached pole sign, 8'8"x6'8" with the top 10'6" above the grade of the ground, at the above named location are not issuable under the Zoning Ordinance for the following reasons:

- O 1. The property is located in a B-1 Business Zone where the proposed restaurant use is not allowable under the provisions of Sec. 602.8.A.6 of the Ordinance.
2. A rear yard distance of only 10' is to be provided instead of 20' and a side yard distance of approximately 5 1/2' is to be provided instead of the 10' as required under Sec. 602.9C.2 and 602.9C.1 of the Ordinance.
- P 3. A detached pole sign is not allowable in this zone. (Sec. 602.16.4.a)
4. This sign is located within the corner clearance area contrary to Section 602.19M of the Ordinance which requires that no obstruction more than 3 1/2' high shall be located within a triangle formed by the street lines of intersecting streets and a line connecting points on the street line 25' from the corner.

Y We understand that you would like to exercise your appeal rights in this matter. Accordingly you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 shall be paid at this office at the time a variance appeal is filed.

If this appeal is sustained and the plot plan is approved, then the off-street parking for this restaurant which abuts a lot in a residential zone (which this lot does) a chain link, picket or sapling fence, not less than 48" in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

Very truly yours,

AAS:m

A. Allan Soule  
Assistant Director Building Inspection  
Dept.



PORTLAND PUBLIC SCHOOLS

389 CONGRESS STREET  
PORTLAND, MAINE 04111

DR. RODNEY E. WELLS  
SUPERINTENDENT OF SCHOOLS  
MR. FRANK B. TUPPER  
ASSISTANT SUPERINTENDENT FOR  
PERSONNEL AND BUILDING PRINCIPALS  
MR. CLYDE BARTLETT  
ASSISTANT SUPERINTENDENT FOR  
CURRICULUM AND PUPIL SERVICES  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~



February 25, 1970

Mr. Franklin G. Hinckley  
192 Middle Street  
Portland, Maine

Dear Mr. Hinckley:

The Portland Superintending School Committee, during the time of its meeting on Monday, February 23, discussed at some length the proposed zone change or variance which is being suggested for the northeast corner of the intersection of Brighton Avenue and Stevens Avenue. It is the understanding of the Committee that an ice cream establishment is being proposed for that corner.

On behalf of the School Committee and its Chairman, I am sending this memorandum to you to indicate very serious concern of the Committee and its opposition to such a change or variance.

In addition to the considerable amount of traffic which presently traverses this intersection, the Committee is very much concerned about the safety of children in the area especially in the afternoon when schools are closing. It is quite possible that the new business will attract a large number of junior high school and senior high school students, many of whom will be driving to that location and who may find it a very convenient and desirable location in which to congregate after schools close in the afternoon. The later closing of the Roosevelt School and the Longfellow School will constitute a very real traffic hazard for these very young children. Children attending the Roosevelt School must walk on both Stevens and Brighton Avenue, as do a number of the intermediate grade students attending the Longfellow School.

The discussion of the foregoing factors resulted in a formal vote by the School Committee that this expression of concern and opposition be forwarded to the Planning Director and to you.

If there is any additional information which you might like, please do not hesitate to call me.

Sincerely yours,

Handwritten signature of Rodney E. Wells in cursive.  
Rodney E. Wells  
Superintendent of Schools

REW/k

"Portland is Building"

CITY OF PORTLAND, MAINE - PLANNING DEPARTMENT  
ROUTING SLIP

FROM: DEM DATE: \_\_\_\_\_

- TO:
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Lissa Cole                   | <input type="checkbox"/> Paul Rollins     |  |
| <input type="checkbox"/> Gerald Holtenhoff            | <input type="checkbox"/> Robert Thompson  |  |
| <input type="checkbox"/> Alice Littlefield            | <input type="checkbox"/> Warren Turner    | <input type="checkbox"/> Immediate Action                        |
| <input type="checkbox"/> Floyd McKay                  | <input type="checkbox"/> Kevin Twine      | <input type="checkbox"/> Necessary Action                        |
| <input type="checkbox"/> Donald E. Megathlin, Jr.     | <input type="checkbox"/> Henry Willette   | <input type="checkbox"/> Investigate & Report                    |
| <input type="checkbox"/> Gerald Pierce                |   | <input type="checkbox"/> Submit Your Recommendations or Comments |
|   |   | <input type="checkbox"/> Reply Directly                          |
| <input checked="" type="checkbox"/> <u>Pat Muelly</u> |   | <input checked="" type="checkbox"/> Prepare Reply                |
|   |   | <input type="checkbox"/> For Your Information                    |
| <input type="checkbox"/> Richard Anderson             | <input type="checkbox"/> Robert Hawkins   | <input type="checkbox"/> For Your Approval                       |
| <input type="checkbox"/> Jack Berman                  | <input type="checkbox"/> F. Worth Landers | <input type="checkbox"/> For Your Signature                      |
| <input type="checkbox"/> Paul Brachiotti              | <input type="checkbox"/> John Menario     | <input type="checkbox"/> As Requested                            |
| <input type="checkbox"/> R. Lovell Brown              | <input type="checkbox"/> Clark Neily      | <input type="checkbox"/> Return After Use                        |
| <input type="checkbox"/> John DePalma                 | <input type="checkbox"/> Jadine O'Brien   | <input type="checkbox"/> For Your Files                          |
| <input type="checkbox"/> John Dexter, Jr.             | <input type="checkbox"/> Harold Parks     | <input type="checkbox"/> For Our Files                           |
| <input type="checkbox"/> Joseph Gray                  | <input type="checkbox"/> Barnett Shu      |  |

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

INTER-OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE  
SCHOOL DEPARTMENT

TO: Mr. Donald Megathlin, Planning Director

DATE: February 25, 1970

FROM: Rodney E. Wells

SUBJECT:

The Portland Superintending School Committee, during the time of its meeting on Monday, February 23, discussed at some length the proposed zone change or variance which is being suggested for the northeast corner of the intersection of Brighton Avenue and Stevens Avenue. It is the understanding of the Committee that an ice cream establishment is being proposed for that corner.

On behalf of the School Committee and its Chairman, I am sending this memorandum to you to indicate very serious concern of the Committee and its opposition to such a change or variance.

In addition to the considerable amount of traffic which presently traverses this intersection, the Committee is very much concerned about the safety of children in the area especially in the afternoon when schools are closing. It is quite possible that the new business will attract a large number of junior high school and senior high school students, many of whom will be driving to that location and who may find it a very convenient and desirable location in which to congregate after schools close in the afternoon. The later closing of the Roosevelt School and the Longfellow School will constitute a very real traffic hazard for these very young children. Children attending the Roosevelt School must walk on both Stevens and Brighton Avenue, as do a number of the intermediate grade students attending the Longfellow School.

The discussion of the foregoing factors resulted in a formal vote by the School Committee that this expression of concern and opposition be forwarded to you and to the Appeals Board.

If there is any additional information which you might like, please do not hesitate to call me.

  
REW/k

DATE: March 12, 1970

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Claude Levasseru (Friendly Ice Cream)

AT 237-247 Stevens Avenue

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

BOARD OF APPEALS

	YES	NO
Franklin G. Hinckley	( )	( )
Ralph L. Young	( )	( )
Harry M. Shwartz	( )	( )

Record of Hearing

Appellant given leave to withdraw without prejudice.

247 Stevens Avenue

Feb 9, 1970

Friendly Ice Cream Corp.  
1855 Boston Road  
North Wilbraham, Mass., 01067

Gentlemen:

Mr. Gene Martin as of this date has contacted me on the status of your proposed ice cream shop at the above named location. I informed him that the location plan that you submitted with this application for a permit is before the City Planning Board awaiting their approval of driveways, parking, etc. The question of parking, traffic flow, etc. is usually asked by the Board of Appeals before it will make a final decision.

A hearing by the Planning Board will take place either Friday, Feb. 27th or Friday, March 6, 1970.

Very truly yours,

A. Allan Soule  
Assistant Director Building Inspection Dept.

AAS:m



(RC) RESIDENCE ZONE - C



APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, April 10, 1957

00443
APR 10 1957

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, or demolish the following building structure or structures 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 431 Brighton Ave. Within Fire Limits? no Dist. No.
Owner's name and address Angelo A. Palazzo, 431 Brighton Ave. Telephone 4-9367
Lessees name and address
Contractor's name and address GNER Telephone
Architect Specifications Plans no. No. of sheets
Proposed use of building dwelling house No. families 2
Last use " " No. families 2
Material wood No. stories 2 1/2 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ 65. Fee \$ .50

General Description of New Work

To cut in two windows in first floor kitchen. Openings to be 40" x 40", 2-2x4 headers, 40" span.

CERTIFICATE OF REQUISITE

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 owner

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 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?

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

APPROVED:

OR- 4/10/57-AGJ

Signature of owner

Angelo A. Palazzo

INSPECTION COPY

4-26  
4-27

Permit No. 574445

Location 431 S. Wall Street, New York

Owner Angelo R. Calogera

Date of permit 4/10/57

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

Staking Out Notice

Form Check Notice

NOTES

4-16-57 End window  
OK 71.70.

4-22-57 Completed  
AP

X



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, July 22, 1953

PERMIT ISSUED 01172 JUL 24 1953 CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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 431 Brighton Ave Use of Building Residence No. Stories 2 New-Existing Existing " Name and address of owner of appliance Angello A Pellazzo Installer's name and address Ballard Oil & Equip Co 135 Marginal Way Telephone 2-1991

General Description of Work

Install One Ballard Hot Water Boiler and reset owners conversion burner.

IF HEATER, OR POWER BOILER

Location of appliance Basement Any burnable material in floor surface or beneath? no If so, how protected? Kind of fuel? #2 oil Minimum distance to burnable material, from top of appliance or casing top of furnace 30" From top of smoke pipe 24" From front of appliance 60" From sides or back of appliance 60" Size of chimney flue 8 x 8 Other connections to same flue no If gas fired, how vented? Rated maximum demand per hour 1.0 gal per hr Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner Reinstall existing oil burner Labelled by underwriter's laboratories? Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? Type of floor beneath burner Location of oil storage Number and capacity of tanks If two 275-gallon tanks, will three-way valve be provided? Will all tanks be more than five feet from any flame? How many tanks fire proofed? Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath? If so, how protected? Kind of fuel? 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? Forced or gravity? If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

[Blank 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.)

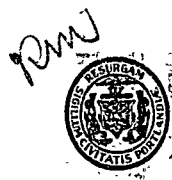
APPROVED: [Signature line]

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

Ballard Oil & Equipment Co

Signature of Installer By: Richard J. Cole

INSPECTION COPY



FILL IN AND SIGN WITH INK

### APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, 7/24/52

01143  
JUL 25 1952

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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 431 Brighton Ave. Use of Building Dwelling No. Stories 2 ~~New Building~~ Existing "  
Name and address of owner of appliance Angelo A. Palazzo, 431 Brighton Ave., Portland, Maine  
Installer's name and address Ballard Oil & Equipment Co. Telephone 2-1991

#### General Description of Work

To install one fully automatic oil burner with all controls for safe operation in connection with present hot water gravity heating system

#### 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 Esso EBS Labeled by underwriter's 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  
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 \_\_\_\_\_ Any burnable material in floor surface or beneath? \_\_\_\_\_  
If so, how protected? \_\_\_\_\_ Kind of fuel? \_\_\_\_\_  
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? \_\_\_\_\_ Forced or gravity? \_\_\_\_\_  
If gas fired, how vented? \_\_\_\_\_ Rated maximum demand per hour \_\_\_\_\_

#### MISCELLANEOUS EQUIPMENT OR SPECIAL 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:

OK. 7-25-52. [Signature]

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 Ballard Oil & Equipment Co.

By: [Signature]





427-431 Dr.

Full  
INQUIRY BLANK

ZONE "L"

FIRE DIST. No

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Date 4/18/51

Verbal  
By Telephone

LOCATION Corner of Stevens Ave.  
427-431 Brighton Ave. OWNER

MADE BY Leslie J. Warren TEL. 2-2291

ADDRESS 585 Forest Avenue

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

CLASS OF CONSTRUCTION \_\_\_\_\_

NO. OF STORIES \_\_\_\_\_

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

INQUIRY: 1- For what purposes can this lot 60'x100'  
be used?

OK  
MM  
5/2/51

ANSWER: 1- Read him list of allowable uses from  
 zoning Ordinance. Explained that any building,  
 whether for business or living purposes could  
 not occupy the entire lot and that 15' front  
 yard, 12' rear yard and 7' side yards would  
 have to be maintained in any case

DATE OF REPLY 4/18/51

REPLY BY

A.J.S.

City of Portland, Maine  
Board of Appeals

*Withdrawn 2/2/51*  
5/1

—ZONING—      October 16, 19 50

To the Board of Appeals:      Bessie G. Symonds and      are  
Your appellant,      Marien E. Thompson      , who are the owners of  
property at      431 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 18, Paragraph E of said Zoning Ordinance.

Building permit to cover construction of motor vehicle service station building  
(Service Garage) about 45' x 29', one-story high, and installation of gasoline  
tanks, pumps and piping on the lots at 431 Brighton Avenue, and including the  
lot at 245-247 Stevens Avenue, is not issuable under the Zoning Ordinance because  
this property is located mostly in a Local Business Zone and partly in a  
Residence C Zone. Such a use is not permitted in a Local Business Zone unless  
first authorized by the Board of Appeals, and such a use is not permitted in  
a Residence C Zone unless appeal is sustained under the following clause.

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 to  
avoid confiscation and can be granted without substantially departing from  
the intent and purpose of the Zoning Ordinance.

*Bessie G. Symonds*  
*Marion E. Thompson*  
Appellants

After public hearing held on the  
the Board of Appeals finds that an exception is

day of      , 19

APPELLANTS GIVEN LEAVE TO WITHDRAW

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

*Walter C. Mox*  
Chairman, Board of Appeals

BOARD OF APPEALS

DATE: February 2, 1951

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF BESSIE G. SYMONDS AND MARIAN E. THOMPSON  
AT 431 Brighton Avenue

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

<u>Board of Appeals</u>	<u>VOTE</u>		<u>Municipal Officers</u>
	Yes	No	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	

Record of Hearing:

SEE FILE - APPELLANT GIVEN LEAVE TO WITHDRAW

CITY OF PORTLAND, MAINE.

BOARD OF APPEALS.

Gentlemen:

Please be advised and have it on record that Mr Paul J Thibodeau Jr. and Anastasia Thibodeau (his wife) can not be present at the meeting scheduled for December 1, 1950, but wish to cast their vote as NO.

Signed

*Paul J. Thibodeau Jr.*  
*Anastasia Thibodeau*

470 Brighton Avenue,  
Portland, Maine.  
November 22. 1950.

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

November 21, 1950

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, December 1, 1950 at 10:30 a. m. to hear the appeal of Bessie G. Symonds and Marian E. Thompson requesting exception to the Zoning Ordinance to permit erection of motor vehicle service station building, about 45' x 29', and installation of gasoline tanks, pumps and piping on the lots at 431 Brighton Avenue, and including the lot at 245-247 Stevens Avenue.

NOTE: This hearing was originally scheduled for November 17, 1950, but, lacking a quorum, the Board of Appeals had to reassign it to December 1, 1950.

This permit is presently not issuable because this property is located mostly in a Local Business Zone where such a use is not permitted unless first authorized by the Board of Appeals.

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

Edward T. Colley

Chairman

M



85 Capisic Street  
Portland, Maine

November 16, 1950

Mr. Edward T. Colley  
Chairman, Portland City Council  
City Hall  
Portland, Maine

Dear Mr. Colley:

I am writing in connection with a proposed hearing to be held before the Board of Zoning Appeals tomorrow morning in connection with an application for the construction of a Gulf filling station at the corner of Brighton and Stevens Avenues, diagonally across from Roosevelt School. I would address this letter to Mrs. Frost as Chairman of the Board of Zoning Appeals but for the fact that I understand she is in Florida. Similarly, I would appear at the hearing rather than write but for the fact that I have to be out of town tomorrow morning.

I wish to make it clear that I am not a property owner in the immediate area and that my only interest stems from the fact that I have a child attending the Roosevelt School.

I am greatly concerned with the maintenance of safe conditions for children at the corner of Brighton and Stevens Avenues. Since the City installed traffic lights at that location, and with the very efficient service which is given by the Portland Police Department, it is my view that the City has done everything that it can to make the crossing as safe as possible for the small school children who attend Roosevelt School. In fact, I think a great deal of credit is due to the Portland Police Department for the very efficient way in which they handle this corner at the opening and closing of school each day.

It seems to me that to erect a filling station at this corner property, diagonally across from the school, will greatly increase the hazard to small children going to and from school. Obviously, the officer on duty cannot control cars that may turn to cross the sidewalk from either Brighton or Stevens Avenue into the filling station, and I assume

Mr. Edward T. Colley

-2-

November 16, 1950

that the filling station would have an entrance on both avenues. As you know, this school takes children from kindergarten through the fourth grade. Thus the problem is more serious than it would be in the case of a school where the children were older. It seems to me that it would be a grave mistake for the Board of Zoning Appeals to take any action which would increase the hazard at this crossing where the City has done so much in the past few years to better safety conditions.

I fully appreciate that whoever may own the property may unquestionably suffer if the property is not put to commercial use. But it seems to me that a corner drug store, corner store or almost any other type of business would be preferable to a filling station which would necessarily involve cars going in and out of the station across sidewalks on which children were traveling.

Very respectfully yours,

*Charles W. Allen*

CWA:bgr

217 Stevens Avenue  
Portland 5, Maine.

November 13, 1950.

Mr Edward F Colley  
Chairman  
Board of Appeals.

Dear Sir:

I am in receipt of the notice relative to the request of Bessie G Symonds and Marian E Thompson to build a Filling Station on their property at 245-247 Brighton Avenue.

Unfortunately, I shall be out of town on business on Friday, November 17th so will be unable to appear at the hearing to be held before the Board of Appeals at that time.

However, I wish to take this opportunity to register my protest as I feel it would be detrimental to the value of the property I own at 217 Stevens Avenue.

Very truly yours,

*H. S. Hodsdon.*

Herbert S Hodsdon.

Testimony given at Board of Appeals meeting on  
December 1, 1950 with reference to appeal of Bessie G.  
Symonds and Marian E. Thompson relating to the property at  
431 Brighton Avenue

Clarence A. Brown, Attorney -- I am Clarence A. Brown representing Fred C. Spring who lives next easterly on Brighton Avenue from this property under discussion. It is a disturbing thing in a neighborhood to owners of property to have a radical change made from that which had been laid down in the zoning law. We recognize that an exception can be made for non-conforming uses by this Board of Appeals. However, we regard this as a distinct and radical change in the character of the neighborhood. We feel that it will seriously deteriorate the value of the property owned by the home owners around there, but there is another very great objection about which I am speaking as a citizen and as one who has had some contact with the Roosevelt school. The Roosevelt school has a great number of small children. The situation I think is very well handled there now. The fire station is going in in that vicinity and that is good, but when we put a filling station on the corner of Brighton Avenue and Stevens Avenue where the Symond house now is, we are going to have a four-corner intersection there -- haven't seen the plans, but probably have two entrances on Brighton Avenue and two on Stevens Avenue. In the summer time, spring, or early fall of the year, the school windows will be open, and the traffic will be a distraction. I suppose that most every car that fills up with gas shuts off the motor during the filling process, and that means starting the car every time it fills up. This is not only a filling station but a service station which seems to me will entail a great deal of noise. It is impossible to perform services on automobiles without some noise. All of this adds to the distraction of this school. The greatest danger is children passing these four extra curb cuts, and there will be at least four. Does the public convenience require a modification of this property in this zone? Here we aren't talking about modification of an existing building to a non-conforming use, but we are talking about demolition and the erection of a new and distinctly different use. I remember not too long ago a man who is an invalid and couldn't work very much. He wanted to add a window to his house to make a two-family dwelling and make a living on the income. No exception was granted in that case. It was before the Council here. I realize this Board of Appeals can allow this appeal if it wishes to, but I do think that this Board of Appeals intends to keep within the spirit of the Zoning Ordinance. I was interested to read a case in Massachusetts which states the law as it exists in Massachusetts as it has been laid down by the court -- the design of any zoning act is to protect the general welfare, the protection of health and the promotion of safety are salient features. The stability of the neighborhood and the protection of property of others in the vicinity are important considerations. The financial situation or pecuniary hardship of a single owner affords no adequate ground for making an exception when it affects other property owners as well as the public.

Mr. Brown - I would like to ask how many here are here today to oppose the granting of this appeal - (about 16)

George R. King, Chairman, Board of Trustees of Immanuel Baptist Church - own the parsonage at 222 Brighton Avenue which is within the 500 feet distance of this lot. Bought this valuable piece of residential property for use of our minister and his family with the implied guarantee that we were protected by the zoning law which zoned that as a residential area. We are aware that the corner at Brighton and Stevens Avenue is zoned for limited mercantile use and that it may be at your discretion rezoned for use of a filling station. I do not understand that the present law for limited mercantile use permits the use of property in that location for a service station and filling station. We have invested considerable money in it and we feel that not only the value of our property would be impaired but that the safety of the children who may and do occupy our parsonage. There is no, to my mind, local need or demand for a filling station at that point. Apparently, in my opinion, it is designed to take care of through traffic coming from the Turnpike, Frost Street and Stevens Avenue or Brighton Avenue. There are adequate filling stations on either side of Stevens Avenue. These are adequate to take care of through traffic. They are not needed for local demand of the residents in this area. It seems to me that it is paramount that this high grade residential area and residential values be maintained. The Trustees of Immanuel Baptist Church are strongly opposed to any change in the zoning law in this district.

William B. Flynn, 11 Glenwood Avenue - Have two children attending Roosevelt School. Would like to bring up one other point. Going on what has happened to other sections of the city. Obviously this corner is attractive, and the flow of traffic is considerable. If you grant this appeal, what's to prevent another one across the street. Mr. Brown mentioned that the proposed station might have 8 entrances. Multiply that 12 or 16 times and I do not want my kids being exposed to this hazard. They are talking about one station but it could be possible in the immediate future to have other applications and might have one corner with 10 filling stations. I am against it.

Dr. J. Foster Wellington, 396 Brighton Avenue - It will depreciate the property of owners around there, but I do not think that is important at all as compared with the danger to the kids going to school. If the children in the school should be injured by the granting of this permit, I am sure all would be sad about it. If you allow one in you may have to put in another. Allowing filling stations to go in would be a bad precedent.

Ralph Young, 200 Bradley Street - endorsed all objections already spoken.

Clarence Brown - Zoning law is a very fine thing, but now we have Stevens Avenue out there which might be called School Street. Have a very beautiful high school and going to have a very beautiful grammar school. No filling stations any where near any of those schools. There isn't anything in the public interest which requires that we do differently.

Testimony given at Board of Appeals meeting on  
December 1, 1950 with reference to appeal of Bessie G.  
Symonds and Marian E. Thompson relating to the property at  
431 Brighton Avenue

Clarence A. Brown, Attorney -- I am Clarence A. Brown representing Fred C. Spring who lives next easterly on Brighton Avenue from this property under discussion. It is a disturbing thing in a neighborhood to owners of property to have a radical change made from that which had been laid down in the zoning law. We recognize that an exception can be made for non-conforming uses by this Board of Appeals. However, we regard this as a distinct and radical change in the character of the neighborhood. We feel that it will seriously deteriorate the value of the property owned by the home owners around there, but there is another very great objection about which I am speaking as a citizen and as one who has had some contact with the Roosevelt school. The Roosevelt school has a great number of small children. The situation I think is very well handled there now. The fire station is going in in that vicinity and that is good, but when we put a filling station on the corner of Brighton Avenue and Stevens Avenue where the Symond house now is, we are going to have a four-corner intersection there -- haven't seen the plans, but probably have two entrances on Brighton Avenue and two on Stevens Avenue. In the summer time, spring, or early fall of the year, the school windows will be open, and the traffic will be a distraction. I suppose that most every car that fills up with gas shuts off the motor during the filling process, and that means starting the car every time it fills up. This is not only a filling station but a service station which seems to me will entail a great deal of noise. It is impossible to perform services on automobiles without some noise. All of this adds to the distraction of this school. The greatest danger is children passing these four extra curb cuts, and there will be at least four. Does the public convenience require a modification of this property in this zone? Here we aren't talking about modification of an existing building to a non-conforming use, but we are talking about demolition and the erection of a new and distinctly different use. I remember not too long ago a man who is an invalid and couldn't work very much. He wanted to add a window to his house to make a two-family dwelling and make a living on the income. No exception was granted in that case. It was before the Council here. I realize this Board of Appeals can allow this appeal if it wishes to, but I do think that this Board of Appeals intends to keep within the spirit of the Zoning Ordinance. I was interested to read a case in Massachusetts which states the law as it exists in Massachusetts as it has been laid down by the court -- the design of any zoning act is to protect the general welfare, the protection of health and the promotion of safety are salient features. The stability of the neighborhood and the protection of property of others in the vicinity are important considerations. The financial situation or pecuniary hardship of a single owner affords no adequate ground for making an exception when it affects other property owners as well as the public.

Mr. Brown - I would like to ask how many here are here today to oppose the granting of this appeal - (about 16)



George A. King, Chairman, Board of Trustees of Immanuel Baptist Church - own the parsonage at 222 Brighton Avenue which is within the 500 feet distance of this lot. Bought this valuable piece of residential property for use of our minister and his family with the implied guarantee that we were protected by the zoning law which zoned that as a residential area. We are aware that the corner at Brighton and Stevens Avenue is zoned for limited mercantile use and that it may be at your discretion rezoned for use of a filling station. I do not understand that the present law for limited mercantile use permits the use of property in that location for a service station and filling station. We have invested considerable money in it and we feel that not only the value of our property would be impaired but that the safety of the children who may and do occupy our parsonage. There is no, to my mind, local need or demand for a filling station at that point. Apparently, in my opinion, it is designed to take care of through traffic coming from the Turnpike, Frost Street and Stevens Avenue or Brighton Avenue. There are adequate filling stations on either side of Stevens Avenue. These are adequate to take care of through traffic. They are not needed for local demand of the residents in this area. It seems to me that it is paramount that this high grade residential area and residential values be maintained. The Trustees of Immanuel Baptist Church are strongly opposed to any change in the zoning law in this district.

William B. Flynn, 11 Glenwood Avenue - Have two children attending Roosevelt School. Would like to bring up one other point. Going on what has happened to other sections of the city. Obviously this corner is attractive, and the flow of traffic is considerable. If you grant this appeal, what's to prevent another one across the street. Mr. Brown mentioned that the proposed station might have 8 entrances. Multiply that 12 or 16 times and I do not want my kids being exposed to this hazard. They are talking about one station but it could be possible in the immediate future to have other applications and might have one corner with 10 filling stations. I am against it.

Dr. J. Foster Wellington, 396 Brighton Avenue - It will depreciate the property of owners around there, but I do not think that is important at all as compared with the danger to the kids going to school. If the children in the school should be injured by the granting of this permit, I am sure all would be sad about it. If you allow one in you may have to put in another. Allowing filling stations to go in would be a bad precedent.

Ralph Young, 200 Bradley Street - endorsed all objections already spoken.

Clarence Brown - Zoning law is a very fine thing, but now we have Stevens Avenue out there which might be called School Street. Have a very beautiful high school and going to have a very beautiful grammar school. No filling stations anywhere near any of those schools. There isn't anything in the public interest which requires that we do differently.

CLASS OF SERVICE

This is a Telegram or Cablegram unless indicated by a symbol above coding the address.

WESTERN UNION

THE WRITTEN RECORD NEVER FORGOTTEN

WESTERN UNION (25)

SYMBOLS

DL	Day Letter
NL	Night Letter
LC	Deferred Cable
NLT	Cable Night Letter
	Ship Radiogram

TELEGRAPH and be sure

MARSHALL, PRESIDENT

STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

BA076

DEC 1 AM 9 28

B2PDA079 PD=PORTLAND ME 1 916A=

BOARD OF APPEALS=

DLR 1045AM CITY HALL COUNCIL CHAMBER CITY HALL  
PORTLAND ME=

STRENUOUSLY OPPOSE THE ERECTION OF FILLING STATION ON  
SYMONDS PROPERTY BRIGHTON AVE UNABLE TO ATTEND=

FRED J SWAN=

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Portland, Maine  
November 15, 1950

We, the undersigned parents of children who attend Roosevelt School at the corner of Stevens Avenue and Brighton Avenue in Portland, hereby register our belief that a filling station and service station on the diagonal corner would increase the hazard to our children, and we feel that public convenience does not require such a drastic change in the school neighborhood:

Charles G. K. [unclear]  
Selma Foster Stone  
Edward B. [unclear]  
George J. [unclear]  
Sterling F. Sampson  
Janet S. [unclear]  
Dorothy H. Jones  
Arthur E. Kennedy  
Ruth Dowling  
Margery M. Barber  
Raymond D. Barber  
Virginia [unclear]  
Philip J. [unclear]  
Edward J. [unclear]  
Ruth [unclear]  
Robert M. [unclear]  
Elizabeth H. [unclear]  
Phyllis [unclear]  
Mrs. A. N. [unclear]  
Cleo H. [unclear]  
Phyllis [unclear]  
Eva Dalton  
Miss Dorothy [unclear]  
Ruth Colby

118 [unclear] St.  
77 Fairmount St.  
90 Prospect St.  
472 Brighton Ave.  
49 Caleb St.  
49 [unclear] St.  
[unclear] [unclear] St.  
1. Hastings St.  
68 Hastings St.  
[unclear] [unclear] St.  
Same  
27 [unclear] St.  
176 [unclear]  
176 Prospect St.  
218 Prospect St.  
218 [unclear] St.  
217 [unclear] St.  
37 Stevens Ave.  
90 Caleb St.  
21 [unclear] St.  
94 Hastings St.

Mrs. George Champier  
Mrs. Frank Smith  
Mrs. Philip W. Anderson  
Mrs. Helen James  
Mrs. Richard French  
Mrs. William J. Dowd  
Mrs. Evelyn D. Franklin  
H. B. Franklin  
Mrs. Mary E. Poberly  
Mrs. Helen Hayes  
Mrs. Frank C. Stone  
Harlow B. Hammond  
Mrs. Hally Harwood  
Mrs. Ida Brewer  
George M. Champier  
W. E. Harwood, Jr.  
Mary E. Harwood  
W. J. Harwood  
Pauline M. Harwood  
Mrs. M. H. Harwood  
Charles W. Harwood 85 Cypress St  
Mrs. Edward E. Harwood  
Mrs. Rebecca F. Harwood  
Mrs. Bessie O. Harwood  
Mrs. Mary Harwood  
Mrs. Sarah Harwood  
Mrs. M. Harwood  
Mrs. Andrew Jackson

James A. Harwood  
Mrs. James A. Harwood  
Mrs. Emma C. Harwood  
Mrs. Rosquell B. Harwood  
Mrs. Evelyn K. Harwood  
Mrs. Lois Harwood

TO THE BOARD OF APPEALS  
OF THE CITY COUNCIL  
OF PORTLAND, MAINE

November , 1950

We, the undersigned, owners of real estate in Portland, Maine, within the area, under the zoning law, affected by the proposed development of the land at the corner of Brighton Avenue and Stevens Avenue for a Service Garage and Filling Station, do hereby request that the application for permission for such development be denied.

Our objection is not superficial nor through any desire to be unneighborly but is based upon our desire to guard against such a major commercial development as is proposed. We are certain that it will change the character of the neighborhood with the consequent depreciation in the value of our own property. We are conscious also that such a development will further increase the hazards of the corner, where at certain times of the day there is a large volume of pedestrian traffic owing to the proximity of the Roosevelt School.

From our personal acquaintance with the vicinity, we are certain that this is not a case where such a development is necessary for public necessity or convenience. We, therefore, feel that our rights, which we thought were practically vested rights under the zoning law, should not be cast aside in this case which is not an emergency nor a compelling public necessity.

*George K. Rogers*  
*Margaret G. Rogers*  
*Anne Rogers*  
*Mrs. Robert Rogers*  
*Mrs. J. Foster Wellington*  
*Dr. J. Foster Wellington*  
*Mrs. Ralph W. Young*  
*Ralph W. Young*  
*Wm. L. F. Young*  
*Mrs. J. W. Young*  
*Mrs. L. L. Young*  
*William L. Young*  
*Mrs. J. W. Young*

Respectfully submitted,

*Edith M. Spring*  
*Fred C. Spring*  
*Carolyn A. Spring*  
*Donald C. Spring*  
*Ethel E. McEllynon*  
*Edward F. McEllynon*  
*Mildred L. McEllynon*  
*Walter E. McEllynon*  
*Robert W. McEllynon*  
*George McEllynon*





Church of the Holy Spirit  
475 Brighton Ave.  
Rev. D. W. Albright, Pastor  
Allison B. Humphrey, Trustee  
Warren P. Benson, Trustee  
Samuel D. Gupton, Trustee  
Jerome C. Lensen  
Francis E. Fuller

TO THE BOARD OF APPEALS  
OF THE CITY COUNCIL  
OF PORTLAND, MAINE

November 11, 1950

We, the undersigned, tenants of real estate in Portland, Maine, within the area, under the zoning law, affected by the proposed development of the land at the corner of Brighton Avenue and Stevens Avenue for a Service Garage and Filling Station, do hereby subscribe to the foregoing statement of the owners of real estate in the area, and do hereby request that the application for permission for such development be denied.

Respectfully submitted,

B. L. Young  
Mrs. B. L. Young  
Charles H. Seavey  
Mrs. Charles H. Seavey  
Frank Ruffley  
Lester C. Partridge  
Herbert R. Daniels  
Muriel P. Daniel  
William B. Flynn  
Gene S. Flynn  
Mrs. Helen C. Lathrop  
Harry W. Lathrop  
Mrs. Gerald G. Senger  
Gerald G. Senger  
Ruby Lewis  
C. Lewis  
Mary E. Ledger  
Doris Ledger

Donald B. Sumner  
Mr. L. Martin  
Mrs. Lester C. Partridge  
Mr. M. S. Lyon  
Mr. Oliver R. McNeill  
Verna McNeill

CITY OF PORTLAND, MAINE  
LEGAL DEPARTMENT

November 28, 1950

The Board of Appeals will hold a public hearing  
in the Council Chamber, City Hall, Portland, Maine  
on Friday, December 1, 1950 at 10:30 a. m. to hear  
your appeal under the Zoning Ordinance relating to  
the premises at

Please be present or be represented at this  
hearing.

Very truly yours,

Edward T. Colley

Chairman

C  
O  
P  
Y