



33/18

PUBLIC HEARING ON THE APPEAL OF FRED. E. STONE AT 625-631 BRIGHTON AVENUE, CORNER
OF EDGEWORTH AVENUE.

April 26, 1933

A public hearing upon the above appeal was held before the Committee on Zoning and Building Ordinance Appeals today. Present for the city were Councillors Deering, Ward, and Rounds, and the Inspector of Buildings.

Mr. Stone appeared in support of his appeal and rested his case on the statement in the appeal application.

Possibly a score or more of persons, mostly property owners in the vicinity of the proposed dairy were present in opposition to the appeal. H. Earle Shaw of 52 Westminster Avenue acted as spokesman for the opponents, stating that in their opinion it would be detrimental to surrounding property not only by way of annoyance, but by way of depreciation of values. At the request of Chairman Deering, Mr. Shaw furnished a list of persons whom he believed to be opposed to the establishment.

INSPECTOR OF BUILDINGS.

33/18

April 29, 1933

To the Municipal Officers:

The Committee on Zoning and Building Ordinance Appeals to whom was referred the appeal of Fred E. Stone with relation to the establishment of a milk pasteurization plant and dairy at 625-631 Brighton Avenue, corner of Edgeworth Avenue, reports as follows:

It is the belief of this committee that this establishment may not be permitted without substantially derogating from the intent and purpose of the Zoning Ordinance as it applies to the General Residence Zone in which the property in question is located.

It is recommended that the appeal be denied.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS.

Chairman.

33/8

April 21, 1933

To Whom It May Concern:

The Committee on Zoning and Building Ordinance Appeals of the Board of Municipal Officers will hold a public hearing at the City Council Chamber, Room 20, City Hall, Wednesday, April 26th at 11:00 o'clock A. M. upon the appeal of Fred F. Stone with relation to construction and use of a certain building at 625-631 Bloughton Avenue, corner of Edgeworth Avenue.

A permit has been applied for to construct a wooden building 32' x 42', part two stories and part one story in height, to be used as a pasturization plant and retail dairy. The permit has been denied because such a business use is not ordinarily permissible under the precise terms of the Zoning Ordinance in the General Residence Zone where the property is located.

All persons interested either for or against this appeal will be heard at the above time and place.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS.

PHILIP J. DEERING, Chairman

33/18

April 22, 1933

Mr. Fred E. Stone
Limerick, Maine

Dear Sirs

The Committee on Zoning and Building Ordinance Appeals of the Board of Municipal Officers will hold a public hearing at the City Council Chamber, Room 23, City Hall, Wednesday, April 26th at 11:00 o'clock A. M., upon your appeal with relation to the construction and establishment of a pasteurization plant and retail dairy at 825-831 Brighton Avenue, corner of Edgeworth Avenue.

You should be present or represented at this hearing in support of your appeal, as failure to be so represented will be considered equivalent to withdrawal of the appeal and so reported to the Board of Municipal Officers.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS.

PHILIP J. DERRING, Chairman

#2557A-I

May 3, 1933

Mr. Fred E. Stone
Limerick, Maine

Dear Sir:

On May 1st, the Board of Municipal Officers voted to deny your appeal with relation to the establishment of a milk pasteurization plant and dairy at 625-631 Brighton Avenue, corner of Edgeworth Avenue.

We are therefore unable to issue the permit to cover this work, and if you will return the receipt for the fee paid to this office on or before May 17, 1933, your money will be refunded by voucher.

Very truly yours,

Inspector of Buildings.

WM/HG



(R) GENERAL RESIDENCE ZONE Permit No. _____
APPLICATION FOR PERMIT

Class of Building or Type of Structure Third

Portland, Maine, April 17, 1933

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location 825-51 Brighton Avenue Ward 9 Within Fire Limits? no Dist. No. _____
 Owner's or Lessee's name and address Cor. Edgeworth Avenue Telephone _____
Fred E. Stone, Limerick, Maine
 Contractor's name and address _____ Telephone _____
 Architect's name and address _____

Proposed use of building Pasturization plant and retail deli Fee \$.25 prelim. fee

Description of Present Building to be Altered
 Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
 Last use _____ No. families _____

General Description of New Work
To construct a frame building 42' x 32' - part one story high and the balance two stories

This application is filed for the purpose of getting settled the question of appeal and in event the appeal is sustained the applicant will furnish complete information before the permit is actually issued.

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

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to top of plate _____
 Height average grade to highest point of roof 16'
 To be erected on solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ bottom _____
 Material of underpinning _____ Height _____ Thickness _____
 Kind of Roof _____ Rise per foot _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____
 Kind of heat _____ Type of fuel _____ Is gas fitting involved? _____
 Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____
 Material columns under girders _____ Size _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.
 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 _____
 Total 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 above work require removal or disturbing of any shade 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

INSPECTION COPY

Signature of owner Fred E. Stone

97/24

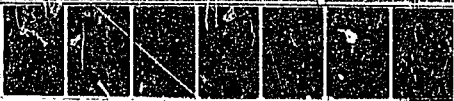
Ward 7 Permit No. 33
Location 625.31 (31st St)
Owner Fred E. Stone
Date of permit _____
Notif. closing-in _____
In. closing-in _____
Final Notif. _____
Final Inspn. _____
Cert. of Occupancy issued _____

NOTES

Permit denied

PERMIT

631-633 BRIGHTON AVENUE - JACKET #2





CITY OF PORTLAND

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

May 24, 1983

Rich Aluminum
625 Brighton Rd.
Westbrook, Maine 04092

Dear Sir,

Your application to construct a 5'6' x 10' mud room addition to 51 E. Commonwealth Drive, Portland, Maine has been reviewed and a building permit is issued subject to the following requirements.

Your plan does not show what is being used for a foundation. Therefore either a 4' foot wall backfilled both sides 8" thick shall be used or approved equivalent.

If you have any question on this requirement, please call this office.

Sincerely,

P. Samuel Hoffses
Chief of Inspections

PSE/dmm

(B)

APPLICATION FOR PERMIT

PERMIT ISSUED
MAY 25 1983
CITY of PORTLAND

B.O.C.A. USE GROUP
B.O.C.A. TYPE OF CONSTRUCTION 00465
ZONING LOCATION PORTLAND, MAINE May 24, 1983

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

LOCATION ... **51 East Commonwealth Drive**
1. Owner's name and address **Mrs. Woodwell - 83112** Fire District #1 , #2 Telephone
2. Lessee's name and address Telephone
3. Contractor's name and address **Rich Alundum - 825 Bridgton Rd., West.** Telephone **797-3348**
Proposed use of building **Addition to single fam. for mud room** No. of sheets
Last use **sin. fam.** No. families
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ **2,670.00**

FIELD INSPECTOR - M. @ 775-5451
Appeal Fees \$
Base Fee
Late Fee
TOTAL \$ **25.00**

To construct, 5 1/2' x 10' x 7 1/2' high, addition to be used for mud room on left side of building facing street line.

SEND PERMIT TO #3 Stamp of Special Conditions

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

DETAILS OF NEW WORK

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

APPROVALS BY: DATE MISCELLANEOUS
BUILDING INSPECTION—PLANNING EXAMINER Will work require disturbing of any tree on a public street? **no**
ZONING:
BUILDING CODE: 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**
Fire Dept.:
Health Dept.:
Others:

Signature of Applicant *John Dodge* Phone #
Type Name of above **John Dodge for Rich Alundum** 1 2 3 4
Other
and Address

(4)

FIELD INSPECTOR'S COPY APPLICANT'S COPY OFFICE FILE COPY

Mr. Corporation Counsel-----2

September 21, 1951

He was first taxed for the lot at 631-633 Brighton Avenue, corner of Edgeworth Avenue in 1947. He proceeded about the same with this lot. Soon after acquiring it had the lot graded to the level of Brighton Avenue as it is now and began to spread out with parking and storage of cars and trucks down to the present time.

Inspector of Buildings

Wfcl/G

Attachment : Six photographs and one plan

CORRESPONDENCE

C-44-73-1 (Rosemont
Garage and Lanigan prop-
erty at 619-625 Brighton
Avenue)

CITY OF PORTLAND, MAINE

BUILDING INSPECTOR

March 5, 1948

To: Edward T. Gignoux
Assistant Corporation Counsel

From: Warren McDonald
Inspector of Buildings

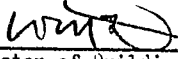
Subject: Evidence as to use of two vacant lots at 627-629 and 631-633 Brighton Avenue,
reported to be owned by Robert D. Lanigan and adjacent to the Rosemont Garage,
operated by Mr. Lanigan, in conflict with the Zoning Ordinance

As requested, I inspected the above premises and took two photographs on Febru-
ary 24, 1948, and the photographs and an illustrative plan are attached hereto.

With reference to the plan please note that the zone line between the Local Busi-
ness Zone in which the garage is located and the Residence C Zone in which all of one
of the vacant lots and practically all of the other are located, coincides with the cen-
ter line of Machigonne Street and that center line extended to a point 100 feet north-
easterly of Brighton Avenue and thence southeasterly, running parallel with
Brighton Avenue and 100 feet therefrom. The zone line coinciding with the center line
of Machigonne Street is approximately 15 feet from the northwest wall of the garage at
the front corner and slightly farther away from the wall at the rear corner.

Bearing in mind that the garage with its Service and Repair Garage features is
a non-conforming use in the Local Business Zone where it is located but the parking and
storage of motor vehicles with only one commercial motor vehicle allowed is a conforming
use in the Local Business Zone but a non-conforming use in the Residence C Zone, I found
by inspection about noon on February 24, 1948 that there were nine passenger cars and
two commercial motor vehicles in various parts of the two vacant lots so that all
of these vehicles were undoubtedly in the Residence C Zone; and that four passenger cars
and two commercial motor vehicles were parked nearer the garage. Certainly parts of
both of the latter trucks and probably a part of all of the four passenger cars extended
over the zone line and into the Residence C Zone.

While at the public hearing on a Lanigan zoning appeal, the question was raised
as to whether the garage building, itself, were being used in conflict with the Zoning
Ordinance, I take it that the present case is to deal only with the two vacant lots,
both of which Mr. Lanigan has purchased (at different times) since the lots were estab-
lished in a Residence C Zone and apparently with full knowledge of the limitations of
use in such a zone.


Inspector of Buildings

Wmcd/S

Encl: Photographs 1 and 2 of the Lanigan property and Rosemont Garage at 619-633
Brighton Avenue and an illustrative sketch dated October 9, 1946, revised
March 5, 1948.

73-1 (Rosemont
and Lanigan pro-
perty at 619-625 Brighton
Avenue)

March 5, 1948

To: Edward T. Gignoux
Assistant Corporation Counsel

From: Warren McDonald
Inspector of Buildings

Subject: Evidence as to use of two vacant lots at 627-629 and 631-633 Brighton Avenue,
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Inspector of Buildings

WMcD/S

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Brighton Avenue and an illustrative sketch dated October 9, 1946, revised
March 5, 1948.

2-44-73

CITY OF PORTLAND, MAINE

CORPORATION COUNSEL

September 9, 1946

Mr. Robert D. Lanigan
Rosemont Garage
623 Brighton Avenue
Portland, Maine

Dear Sir:

Numerous complaints have been received at this office and at that of the Inspector of Buildings concerning the operation of your garage at 623 Brighton Avenue. The complaints point to the expansion of your repair work and its attendant noise beyond limits which have previously existed. The all night filling station service is most obnoxious to some of your neighbors.

It is well to remind you that your garage is situated in close proximity to a good residential section of the City and that those neighbors have certain rights which you are bound to respect. Further, your use of the property is non-conforming to the terms of the Zoning Ordinance and only such use as you can show existed at the date of the adoption of that ordinance, without enlargement in any respect, can be maintained.

Finally, under the Zoning Ordinance, and under general law, a use of property which is seriously detrimental to the health and well being of the neighbors may be enjoined as a nuisance.

I hope that you may see fit to restrict your operations in those particulars which have proved obnoxious. Neither the Building Inspector nor I intend to police your garage to remedy this situation. If substantiated complaints continue, we shall be obliged to take such legal action as we deem warranted.

Very truly yours,

W. Mayo Payson
W. Mayo Payson
CORPORATION COUNSEL

WMP:G

ZONE-L. H. ...

Conclusions and Action

are left remaining for long periods of
time. Most days there is a bus or work-
mens cars parked directly in front of my
house or down the side of my property.
The other day there were seven at one
time parked around here. They are not
only noisy and not pleasant to have
around but I consider this condition
makes the valuation of my property less

I understand the vacant lot adjoining
the garage is to be used for a parking
lot for these buses and I think this
should be prohibited in this district and
hope you will be able to do something about
it.

Yours Truly

Mrs. Alvah F. Hodgdon.

634 Brighton Ave.

Portland 5, Me.

Jim W.
P.L. ...
Main ...

RECEIVED
MAY 25 1944
DEPT. OF BLD'G. INSP.
CITY OF PORTLAND

M & H

434 Broughton Ave
Portland 5, Me.

May 20, 1944

Mr. Warren McDonald
389 Congues St.
Portland Me.
Dear Sir,

b19-20
P. ...
P. ...

I would like to enter
a complaint against the trees
that are being repaired and then
parked about my house each
day. They are in my estimation
a public nuisance about my
property. When we built here
we were given to understand the
zoning ordinance would prohibit
just such things. The trees are
repaired in the garage across from
my property. After being repaired,
they are out and right the motor

2-8 Westchester

Garage

**SURVEY AND INVESTIGATION OF BUILDINGS AND INTERESTS THEREIN
QUESTIONABLE AS TO LEGAL AND SAFE USE**

1. Location 619-625 Brighton Ave Date investigation commenced 6-7-44
2. References; Complaints C 4473 Appl. RP No Appeals Inq. _____
3. Present Owner and Address Robert D. Lanigan 27 Hillis St
4. Present Lessee and Address _____
5. Building Permit Record: 5/29/31 Rep. Fire (37-576) 4/1/33 Roof-1/2 (40-252) 3/14/40 Alt. (47-1141) 8/12/41 Oil Burn. (42-233) 4/21/43 Rep. Fire

14 Permits preceding 1931 date back to 2-7-25 which begins with the Foundation

Assessors' Record

6. Survey 1924; Owner NEW ENGLAND LAND CO No. tenants _____

No. rooms _____; Class of Use _____

4th 1934-4-33 - Renew 1/2 Rafting. 1937-1-w.c. 1-Lay

7. Assessors' change record since 1924 1939 Front Projection removed. 1940 Ladies Toilet 4'x6' in end of boiler room. 1941 Amend 1-40/232. Remove 10' center partition and provide new office 10'x12' as per plan. To provide two new 10' windows with center door in office. Amend 2-40/232 REMOVE ONE STORY CONCRETE block addition 16'x18' on front of bldg. North end. 5/4/40 Amend 3-40-232 New Partition of office to be 8" brick wall instead of stud part. Repair after fire.

8. Change of Owners, 1924 to date 1941-R-12-41 O. B. 171 existing Steadm. 1943 No Alt.

NEW ENGLAND LAND. 1926 Isaac E. Thorton. 1927 Motor Mercantile Corp.

1929 Rosemont Garage Co. 1931 Percy W. Stevens NR. 1940 Robert D. Lanigan.

9. City Directory Record 619-63

1926	1936	Same
1927	1937	Same
1928	1938	William C. Rath Co. Inc. Trucking Rosemont Garage - Auto Reps
1929	1939	
1930	1940	Same
1931	1941	Same
1932	1942	Same
1933	1943	Same
1934	1944	Same
1935	1945	

62 3 Brighton Ave

1935 Rosemont Garage Auto Reps

10. Miscellaneous

ZONE II. CHART 184. BLOCK A. LOT 3-4

Robert D. Lanigan 1943 been dissolved for Stock - Furniture & Fixtures and Machinery since 1943

Conclusion and Action

EVIDENCE AS TO USE OF THE ROSEMONT GARAGE AT 619-625 BRIGHTON AVENUE, CORNER OF
WESTMINSTER AVENUE ON DECEMBER 5, 1938

On June 7, 1944, Mr. & Mrs. Charles E. Stickney of 9 Hastings Street agreed that the Barry Trucking Company was located at this garage in 1937, but neither knew just when the Trucking Company moved out. Mr. Stickney said that the Trucking Company used the garage for only a short period. Mrs. Stickney said the period of their use was very objectionable especially at night time. When the Boston and Maine trucks and buses were first taken out there, Mrs. Stickney said that the objections were much more than at present because they park them in a solid line along the Hastings Street side of Brighton Avenue, but now they tend to park them over on Edgeworth Avenue. Mrs. Stickney referred to a machine for cleaning or cleaning off paint which Mr. Langan, the proprietor of the garage, had ^{operated side} ~~put~~ out of the garage last summer and which made a very disturbing noise.

October 2, 1944
Portland, Maine
Bumberland ss
R. D. Lanigan, and subscribed
Personally appeared before me
to this statement by affixing his signature thereto.



ROSEMONT GARAGE
R. D. "BOB" LANIGAN
TOWING, WRECKING AND GENERAL
AUTOMOTIVE SERVICE
623 BRIGHTON AVENUE
PORTLAND, ME.

October 2, 1944.

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

Dear Warren:

Ever since I have operated the garage at the above location,
which was in 1930, I have stored, repaired and painted trucks.

From 1937 up to the present time, the number of trucks stored
in the garage have averaged from ten to fifteen monthly.

Very truly yours,

ROSEMONT GARAGE:

By

R D Lanigan

Rec'd 10/3/44
Wm

EVIDENCE AS TO USE OF THE ROSEMONT GARAGE AT 619-625 BRIGHTON AVENUE, CORNER OF WESTMINSTER AVENUE ON DECEMBER 5, 1938

On June 7, 1944, Mr. & Mrs. Charles E. Stickney of 9 Hastings Street agreed that the Barry Trucking Company was located at this garage in 1937, but neither knew just when the Trucking Company moved out. Mr. Stickney said the Trucking Company used the garage for only a short period. Mrs. Stickney said the period of their use was very objectionable especially at night time. When the Boston and Maine trucks and buses were first taken out there, Mrs. Stickney said that the objections were much more than at present because they park them in a solid line along the Hastings Street side of Brighton Avenue, but now they tend to park them over on Edgeworth Avenue, Mrs. Stickney referred to a machine for cleaning or cleaning off paint which Mr. Lanigan, the proprietor of the garage, had ~~parked~~ ^{parked} out of the garage last summer and which made a very disturbing noise.

Photo taken
but 8/14?
for hearing
in 150

Fred E. Stone -

Adm'd hearing before full Bd. on
7/1/22.

Engine motion represents Stone
in support of appeal.

Plans sheet & back & etc.

much better establishment
than present garage.

H. Earle Shinn spoke against
appeal and about 20 persons stood
opposing appeal.

Only 3 stood as favoring appeal.



City of Portland, Maine

Sustained
to the
Denied
unanimously
3-3-20

Appeal to the Municipal Officers to Change the Decision of the

Inspector of Buildings Relating to the Property ~~Owned~~ ^{Leased}

by Fred E. Stone at 625-631 Brighton Avenue, Corner of Edgeworth Avenue

April 17, 1935

To the Municipal Officers:

Your appellant, Fred E. Stone

who is the ~~owner~~ ^{lessee} of property at 625-631 Brighton Avenue, Corner of Edgeworth Avenue respectfully petitions the Municipal Officers of the City of Portland to change the decision of the Inspector of Buildings relating to this property, as provided by Section 13, Paragraph c. of the Zoning Ordinance, on the ground that the enforcement of the ordinance in this case involves unnecessary hardship and because relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

The decision of the Inspector of Buildings denies a permit to construct a building approximately 32' x 42' on this property to be used as a pasteurization plant and retail dairy on the ground that such a use is not permissible under the precise terms of the Zoning Ordinance in the General Residence Zone where the property is located.

The reasons for the appeal are as follows: The appellant is now in the retail milk business having one or more routes in Portland, and is desirous of having his own establishment. He desires to locate in a good neighborhood where sufficient frontage and area of land may be acquired to make the desired establishment one by beautifying the grounds and otherwise making the establishment attractive. He believes that this establishment, if permitted, will not be detrimental to the neighborhood, especially in view of the public garage adjoining the property in question.