



City of Portland, Maine

IN THE BOARD OF MUNICIPAL OFFICERS

January 4, 1928

Ordered, that the appeal of Frank D. True & Samuel Clark, Jr. from the decision of the Inspector of Buildings be denied and that a building permit be refused said Frank D. True & Samuel Clark, Jr. as prayed for in their original appeal.

Read twice and passed.

A true copy of record.

Attest:

A. Edwin Smith

City Clerk.

January 4, 1928

To the Board of Municipal Officers:

The Committee on Zoning Appeals to whom was referred the appeal of Messrs Frank D. True and Samuel Clark Jr. seeking a change in the decision of the Inspector of Buildings so that an addition may be built to their building at 861 Brighton Avenue, and the first story of the same used for a dry cleaning and dyeing establishment, reports as follows:

A public hearing upon this appeal was held on December 23rd, 1927 at which the proponents were represented and several opponents were present. With one exception, all of the opponents owned property in the neighborhood and were of the opinion that the proposed establishment would be harmful to the neighborhood.

The proponents held that there would be no objectionable odors, fumes or smoke but developed the fact that the business would not be one local to that community in any particular, but would be at least city wide in its scope. Also that there would be employed, even at the start, at least six persons in the industrial part of the business which is in excess of the number permitted in a Local Business zone.

The proposed establishment appears to derogate from the intent and purpose of the Zoning Ordinance. Recommended that the appeal be denied.

Committee on Zoning Appeals

VH/EP

Hearing of Appeal by Frank D. True and Samuel Clark Jr. at 861 Brighton Ave.

December 23, 1927

The appellants were represented by Dr. Sherman I. Gould and Dr. Slavin, Manager of Foster's Dye House, who proposes to lease or buy the building in question. Mr. Clark was also present, and he held that all the dry cleaning and heating plant was to be kept in the proposed addition which was to be of fire proof construction, that there would be no objectionable fumes as regards odor, fumes and smoke of any consequence. Mr. Slavin stated that they would use steam for their processes only and not for power, that the boiler would probably be carried at 50 pounds pressure, that they would use either soft coal or oil for fuel, that there would be at least 6 operatives engaged in the dry cleaning and dyeing and that they hoped to increase the business as conditions warranted in the future. Mr. Gould brought out the fact that there were dwelling houses and tenement houses in the neighborhood of the existing plant of the Foster plant and that there had been no complaint received in regard to odor, fumes or smoke.

There were several opponents of the appeal present, and they were heard as follows:

William D. Howard representing the Howard Realty Company which owns the lot on the corner of Dennett Street and Brighton Avenue and several acres in this vicinity objected to the project on the ground of probable depreciation of property, the probably smoke fumes and on account of the popular prejudice against such a plan. Mr. Howard stated that he built the building in question and that it had double concrete outside walls with a 4 inch thickness on the inside and another on the outside with an air space between.

Ernest Roberts, who owns the property at Nos. 13 & 32 Dennett Street and lives at No. 13, objected on the ground that such an industry would detract from the desirability of the entire community from the standpoint of fire hazard and upon the special ground that he hoped to sell the property at 32 Dennett Street to T. F. Glish. Mr. Glish now lives at 32 Dennett Street and is considering the purchase. He was present and stated that he did not feel that he could buy the property if such a plant was contemplated as he felt that the establishment would depreciate all of the residential property about there, and because he thought it would be a detriment to the public school across the street which his children would attend.

C. S. Marston owns the dwelling house on Dennett Street immediately back of the building in question. He felt that the proposition would be harmful to the property.

H. H. Watts, who owns the property and lives at No. 12 Dennett Street, objected to the establishment on account of the probable depreciation of the property in the vicinity due to smoke and odor and the general idea of prejudice against such a plan.

Percy A. Mills, who owns property on Dennett Street quite close to the building in question, objected particularly on the grounds of the depreciation of property.

Sherman I. Gould, attorney who represented the appellants, also owns prop-

erty in the near vicinity of the proposed plant and stated that he had no fears of the proposed establishment becoming a nuisance or in any way depreciating the value of his property.

INSPECTOR OF BUILDINGS

WM/EP

27/5471-0

December 20, 1927

Messrs. Frank D. True & Sam'l. Clark, Jr.
217 Commercial St.
Portland, Maine.

The Committee on Zoning Appeals of the City of Portland will hold a public hearing in the anteroom of the office of the Corporation Counsel, Room 35, City Hall, Friday December 23d, 1927 at three o'clock in the afternoon upon your appeal seeking a change in the decision of the Inspector of Buildings ~~that the building at~~ No. 86 1/2 Brighton Avenue may be altered and used for the purpose of a dry cleaning and dyeing establishment.

Failure of an appellant to appear or send a representative for the purpose of supporting an appeal will be deemed equivalent to withdrawal of appeal and will be so reported to the Municipal Officers.

COMMITTEE ON ZONING APPEALS.

File
5471

Appeal of F. D. True & Samuel Clark Jr. at 861 Brighton Ave.

To the Committee on Zoning Appeals:

Frank D. True and Samuel Clark Jr. propose a one story addition about 15 feet by 30 feet in the rear of the building at 861 Brighton Avenue, the addition to be used for the actual operations of dry cleaning and dyeing and for boiler room. They propose to use the first story of the existing building as office and sales rooms for the same dry cleaning and dyeing establishment.

The property is located in a Local Business Zone and the permit was denied on the ground that this use is likely to prove injurious and offensive to the property in the General Residence Zone which abuts in the rear by reason of emission of odor, fumes and noise. The owners are making this appeal to establish their rights to this use as they have definite tenants in prospect.

It is my belief that the proposed use of the existing first story is such a retail business or service as to be a conforming use in a Local Business Zone, but that the operations of dry cleaning and dyeing are of a manufacturing or industrial nature and therefore a non-conforming use if more than 50 operatives are to be employed in such industrial use.

Inspector of Buildings

WM/EP

COPY

COPY

COPY



City of Portland, Maine

Appeal to the Municipal Officers to Change the Decision of the
Inspector of Buildings Relating to the Property Owned
by Frank D. True & Samuel Clark Jr. at 861 Brighton Avenue

December 8, 1927

To the Municipal Officers:

Your appellants, Frank D. True and Samuel Clark Jr.,
are the owners of property at 861 Brighton 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 change the use of the first story of this building and build an addition to the same, all to be for the purpose of a dry cleaning and dry dyeing establishment on the ground that the proposed use is likely to prove injurious, noxious or offensive to the neighboring residential zone by reason of the emission of odor, fumes and smoke.

The reasons for the appeal are as follows:

The property is located in a Local Business Zone and is not in a thickly settled or congested part of the city, and there are very few residences now built sufficiently close to the proposed development to be effected thereby. It is held that due to improved methods that there will not be odor, fumes or smoke to such an extent to prove harmful to the neighboring property.

.....

Hear:

December 20, 1927

To Whom It May Concern:

The Committee on Zoning Appeals of the City of Portland will hold a public hearing in the anteroom of the office of the Corporation Counsel, Room No. 35, City Hall, Friday, December 23rd, 1927 at three o'clock in the afternoon upon the appeal of Frank D. True and Samuel Clark Jr. who seek a change in the decision of the Inspector of Buildings so that the building at 361 Brighton Avenue may be altered and used for the purpose of a dry cleaning and dyeing establishment.

All persons interested either for sustaining or for denial of the above appeal will be heard at the above time and place.

Committee on Zoning Appeals.

Hearing of Appeal by Frank D. True and Samuel Clark Jr. at 861 Brighton Ave.

December 23, 1927

The appellants were represented by Mr. Sherman I. Gould and Mr. Slavin, Manager of Foster's Dye House, who proposes to lease or buy the building in question. Mr. Clark was also present, and he held that all the dry cleaning and heating plant was to be kept in the proposed addition which was to be of fire proof construction, that there would be no objectionable fumes as regards odor, fumes and smoke of any consequence. Mr. Slavin stated that they would use steam for their processes only and not for power, that the boiler would probably be carried at 50 pounds pressure, that they would use either soft coal or oil for fuel, that there would be at least 6 operatives engaged in the dry cleaning and dyeing and that they hoped to increase the business as conditions warranted in the future. Mr. Gould brought out the fact that there were dwelling houses and tenement houses in the neighborhood of the existing plant of the Foster plant and that there had been no complaint received in regard to odor, fumes or smoke.

There were several opponents of the appeal present, and they were heard as follows:

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Ernest Roberts, who owns the property at Nos. 13 & 32 Dennett Street and lives at No. 13, objected on the ground that such an industry would detract from the desirability of the entire community from the standpoint of fire hazard and upon the special ground that he hoped to sell the property at 32 Dennett Street to T. F. Glish. Mr. Glish now lives at 32 Dennett Street and is considering the purchase. He was present and stated that he did not feel that he could buy the property if such a plant was contemplated as he felt that the establishment would depreciate all of the residential property in the vicinity, and that it would be a detriment to the public school across the street which his children would attend.

O. S. Marston owns the dwelling house on Dennett Street immediately back of the building in question. He felt that the proposition would be harmful to the property.

H. R. Watts, who owns the property and lives at No. 12 Dennett Street, objected to the establishment on account of the probable depreciation of the property in the vicinity due to smoke and odor and the general idea of prejudice against such a plan.

Percy A. Mills, who owns property on Dennett Street quite close to the building in question, objected particularly on the grounds of the depreciation of property.

Sherman I. Gould, attorney who represented the appellants, also owns prop-

erty in the near vicinity of the proposed plant and stated that he had no fears of the proposed establishment becoming a nuisance or in any way depreciating the value of his property.

INSPECTOR OF BUILDINGS

7M/EP



APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class

Portland, Maine, December 9, 1927

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 661 Brighton Avenue Ward 2 Within Fire Limits? No Dist. No. _____
 Owner's or Lessee's name and address _____ Telephone _____
 Contractor's name and address _____ Telephone _____
 Architect's name and address _____
 Proposed use of building Dry Cleaning Establishment and dwelling house No. families 2
 Other buildings on same lot none

Description of Present Building to be Altered

Material Cement B.L.O. No. stories 2 Heat _____ Style of roof Flat Roofing T & G
 Last use combination store and dwelling house No. families 1

General Description of New Work

To change the first story of existing building from a store to dry cleaning establishment and build one story addition, approximately 15' x 50', of second class construction, to be used in connection with the dry cleaning business.

Detailed plan of the addition and alterations of the existing building will be submitted before the permit is issued and all arrangements will be made in compliance with the Building Code of the City of Portland

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to highest point of roof _____
 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 _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____
 Kind of heater _____ Type of fuel _____ Distance, heater to chimney _____
 If oil burner, name and model _____
 Capacity and location of oil tanks _____ Size of service _____
 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
 Plans filed as part of this application? yes No. sheets 1 Fee \$ 1.00
 Estimated cost \$ 700.
 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

Signature of owner _____

INSPECTION COPY

5471

Permit No. 9

Location 861 Brighton Ave.

Owner F.D. Truc & Sam 'I' Clark

Date of permit _____

Notif. closing-in _____

Inspn. closing-in _____

Final Notif. _____

Final Inspn. _____

Cert. of Occupancy issued _____

NOTES

3 Photos 1/13/27 7:15 A.M.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

November 24, 1953

TO THE BOARD OF APPEALS:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, December 4, 1953 at 10:30 a. m. Eastern Standard Time to hear the appeal of Forrest A. Graves, et al. requesting exception to the Zoning Ordinance to cover construction of a one-story concrete block motor vehicle service station building about 25 feet by 44 feet and the installation of gasoline pumps, tanks and piping at 855-863 Brighton Avenue, between Essex and Donnett Streets, to be used by Socony Vacuum Oil Co.

This permit is presently not issuable under the Zoning Ordinance because this proposed use of building and land is not allowable in the Local Business Zone where the property is located, according to Section 6A of the Ordinance, unless first authorized by the Board of Appeals after the usual appeal procedure.

This appeal is taken under Section 8E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases where necessary to grant reasonable use of property and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to 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

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer

to file AP 855-863 Brighton Ave., Department of Building Inspection
FU

CITY OF PORTLAND, MAINE

November 9, 1953

Mr. A. E. Willis, Sales Mgr.
Socony Vacuum Oil Co.,
48 Main St.
South Portland, Me.

Copy to: Corporation Counsel ✓

Forest H. Graves

Dear Mr. Willis:

Building permit intended to cover construction of a one story concrete block motor vehicle service station building about 25 feet by 44 feet and the installation of gasoline pumps, tanks and piping at 855-863 Brighton Ave., between Essex and Dennett Streets, is not issuable under the Zoning Ordinance because this proposed use of building and land is not allowable in the Local Business Zone where the property is located, according to Section 6A of the Ordinance, unless first authorized by the Board of Appeals after the usual appeal procedure.

It is my impression that you were aware of this limitation when you filed the application for the permit and that you desire to seek special authorization by appeal from the Board of Appeals; so there is enclosed an outline of the appeal procedure. If Socony does not yet have title to the land, the appeal may be taken in the name of and with the consent of the present owners, and the resulting decision will apply to the property rather than any particular owner.

If early action is desired, the appeal should be filed at the office of Corporation Counsel before the close of business on Thursday, November 12.

It may be well to remind you, however, that should the right to establish the station be granted by the Board of Appeals, the construction work would have to commence within six months of the date of the grant and the station put into service within one year of that date, or the rights under the grant would lapse.

Very truly yours,

WHCD/B

Warren McDonald
Inspector of Buildings

P. S. With reference to the third paragraph, Thursday, November 19 is the latest date of filing to secure earliest attention of the Board.

C
O
P
Y

To the City of Portland Board of Appeals:

We, the undersigned, being the Trustees of the Glenwood Square Baptist Church Property and therefore interested in the matter under consideration see no reason for objection to Mr. Graves proposition.

On the other hand we feel that it would be a great improvement from a traffic point of view as the present corner is a serious menace to pedestrians especially to school children. Also we believe the general appearance of the location would be greatly improved and that this change would remove permanently the concern we must always entertain lest some undesirable business should be established there which would be detrimental to not only our church as such, but to the entire community.

74 East
Irvin G. Sawyer
Fred L. Carpenter *41 East*
Winslow E. Whitten
Lawrence H. Cunningham
Charles E. Coffin

City of Portland, Maine
Board of Appeals
—ZONING—

November 13, 1953, 19

*has same?
conditional!!
12/31/53
53/00*

To the Board of Appeals:

Your appellant, Forrest A. Graves, et al, who is the owner of property at 855-863 Brighton Avenue, respectfully petitions the Board of Appeals property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

Building permit intended to cover construction of a one-story concrete block motor vehicle service station building about 25 feet by 44 feet and the installation of gasoline pumps, tanks and piping at 855-863 Brighton Avenue, between Essex and Dennett Streets, is not issuable under the Zoning Ordinance because this proposed use of building and land is not allowable in the Local Business Zone where the property is located, according to Section 6A of the Ordinance, unless first authorized by the Board of Appeals after the usual appeal procedure.

The facts and conditions which make this exception legally permissible are as follows:
An exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

*Raymond E. Graves
Forrest A. Graves
Donald E. Graves
Appellants*

After public hearing held on the 31st day of December, 1953, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance, provided that the building to be constructed on these premises shall be located at least 12 feet from the rear lot line and 7 feet from the street line of Essex Street, which is the side lot line, and provided, further, that a screen of evergreen trees shall be placed and forever maintained along the rear line of this property, said trees to be of sufficient height and density to adequately screen the adjoining property.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case, provided that the building to be constructed on these premises shall be located at least 12 feet from the rear lot line and 7 feet from the street line of Essex St. which is the side lot line, and provided, further, that a screen of evergreen trees shall be placed and forever maintained along the rear line of this property, said trees to be of sufficient height and density to adequately screen the adjoining property.

*William B. O'Brien
Edward J. Colley
Harry K. Torrey
Helen E. Frost
BOARD OF APPEALS*

68 Essex St.
Portland, Me
Jan. 2, 1953

Dear Sirs:

I wish to say that we as a family are very much in favor of the filling station at corner of Essex St and Brighton Ave.

As parents of five children living on Essex St. we have worried much about our children getting hit ^{by cars} as they enter Essex St from school. It is a very blind corner and they have had several narrow escapes.

We also know that the drug store that was operating there last winter has injured the lives of many of our young people.

May God lead you in your decision in whatever it may be.

Yours sincerely
Mrs. Winifred Whitten

December 30, 1953

Dear Sir:

In regards to the new flying station, to be built on Brighton Avenue, we think that it is a very good idea; as we have never had a decent one.

Sincerely yours

Mr. Frederick Fisher
103 Devon

Rev. Walter M. Colby
838 Brighton Ave.
Portland 5, Maine

December 30, 1953

To the Board of Appeals:

Dear Sirs:

I have lived in the Glenwood Square community for more than nineteen years as Pastor of the Baptist Church and I am very much interested in the welfare of all the people both in the Church and the entire community. I have seen some of the accidents and mishaps that have taken place in this length of time and I feel sure the present building that Mr. Graves owns is a great hazard because of its location being right on the corner of Essex street which hides all cars coming out of the street and makes it very dangerous for all traffic.

I am sure the proposed filling station that Mr. Graves is applying for a permit to build would be much less hazardous as it would make it an open corner which would be a benefit to the entire community and especially to our church and the Chapman school over what we have experienced in the past. I do not feel that it would impair the value of the adjoining property owned by Mr. & Mrs. Carl Austin but rather would make it a more pleasant and safer situation for them and their children.

However, both parties concerned, Mr. & Mrs. Graves and Mrs. Austin are members of the Church and I do not want to take sides nor show partiality to either party but I do feel that I should express my opinion as an interested citizen of the community and I wish this letter might be kept strictly confidential.

Cordially yours,

Rev. Walter M. Colby

X

70 Corset St.
Portland Me
Dec. 29, 1953

City of Portland Board of Appeals
City Hall
Portland, Maine
Dear Mr. Chairman:

In regard to the proposed change in the property on Brighton Ave opposite the Chapman school I am in favor of ^{the} idea of locating a service station there. The present building is an eyesore and a modern service station will definitely improve the look of the area.

Yours truly

Jiffony
70 Corset St.)

158 Rowe Ave.
Dec 29, 1953.

Chairman
City of Portland
Board of Appeals

Dear Sir -

As an interested citizen in the welfare of our community, and a member of the Glenwood Square Baptist Church, I am in favor of having a filling station as petitioned than to have other more unfavorable businesses, or conditions such as we have had in the past.

This is the Property of Forest Graves that is being referred to.

Yours Truly
John W. DeWever
158 Rowe Ave.
Portland, Maine
(owner)

December 29, 1953
119 1/2 Warwick Street
Portland, Maine

Chairman
City of Portland Board of Appeals
City Hall
Portland, Maine

To Whom It May Concern:

We are writing in regard to the permit that Ernest A. Heanes has applied for to erect a filling station at 861 Brighton Avenue, Portland, Maine.

We don't trade at the existing station at Nixon's corner due to the fact that it is not opened for the convenience of the public. We also feel that a new modern station would certainly be an asset to the community.

He let me ² that a parking sta-
tion is needed here. There is
not a modern station from Rose-
mont Corner to Cambria Mills.

If the council members had an
opportunity to view the location
in question it would be evident
to them that a new station
on the proposed route would
be a great improvement here.

Sincerely,

Richard P. Nutter

Joan B. Nutter

95 Levan Street
Portland 5, Maine
28 December 1953

Chairman
City of Portland Board of Appeals
City Hall
Portland, Maine

Dear Sirs:

I would like to take this opportunity to urge favorable consideration of the request by Mr. Ernest A. Graves for authority to operate a gasoline service station or allow use of his property for this purpose.

I have been a resident of the Glenwood area of the City of Portland for several years and a property owner for two years during which time a suitable service station has not been available in this area. In order to secure adequate service and first grade petroleum products it is necessary to go to Rosemont, a great disadvantage and an unnecessary one. This area is suffering from growing pains and a modern service station is a must of the very near future. The present station is dirty, service is poor and the gasoline is not a brand I care to use in my car. Further, the place looks like a junk yard.

A much greater advantage, as I see it, would be the improvement in lighting which would result from this station. I have two children attending school at Chapman School and another child who attends Nathan Clifford School, taking the school bus across the