

23-123 BISHOP ST.

For
Oxford
STOCK No. 753 1/2
MADE IN U. S. A.

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Nov. 5, 1975

Location 23-123 Bishop St. (293-A-748, 296-H-13&295) Zone 1 2

G-3

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for auto graveyard & recycling plant

as set forth on the attached site plan (made by Robert Hall whose address is _____) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Portland Terminal Co. 212 St. John St.

Lessee (name, address and phone number) National Metal Converters Leeds, Maine

Is proposed use to be accessory to a building or other use on this lot?

NO. If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? None, commercial vehicles _____.

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)?

YEP And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? YEP

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? YEP

Do you propose to remove or disturb any tree on a public street? NO
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner National Metal Converters of Leeds, Inc

By Harold Lewis - Pres.
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below - notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(Date) _____

[Signature]
Inspector of Buildings

RECEIVED
NOV 20 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Nov. 5, 1975

Location 23-123 Bishop St. (293-A-7&8, 296-H-13&295) Zone I 2

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for auto graveyard & recycling plant

as set forth on the attached site plan (made by Robert Hall whose address is _____) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Portland Terminal Co. 242 St. John St.

Lessee (name, address and phone number) National Metal Converters Leeds, Maine

Is proposed use to be accessory to a building or other use on this lot? _____

_____ If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? _____, commercial vehicles _____

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)? _____ And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? _____

Do you propose to remove or disturb any tree on a public street? _____ If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner _____

By _____ (duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below - notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(Date) _____

Inspector of Buildings

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION

BUILDING LOCATION

PORTLAND, MAINE, July 16, 1975

To the DIRECTOR 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 near 23-123 Bishop St (293-A-7&8, 296-B-13 & 295-C-3)
1. Owner's name and address Portland Terminal Co. 242 St John St
2. Lessor's name and address National Metal Convert, Inc., Leeds, Maine
3. Contractor's name and address
4. Architect
Fire District #1 #2
Telephone 862-3300
Telephone
Plans *yes* No. of sheets 7
No. families
No. families
Roofing
Estimated contractual cost \$ 1,000.00
Fee \$ 50.00

FIELD INSPECTOR—Mr. Reitze

This application is for:
Dwelling @ 775-5451
Garage Ext. 234

GENERAL DESCRIPTION

an automobile re-cycling plant
as per plan.

Stamp of Special Conditions

*SUPERSEDED
USE (SEE) C.O.P.*

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

PERMIT IS TO BE ISSUED TO 1 2 3 4

Other:

DETAILS OF NEW WORK

Is any plumbing involved in this work? .. no. Is any electrical work involved in this work? .. YES
In 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 Kind of heat fuel
No. of chimneys Material of chimneys Dressed or full size? Sills
Framing Lumber—Kind Columns under girders Size Max. on centers
Size Girder 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: BUILDING INSPECTION—PLAN EXAMINER .. DATE ..

ZONING: ..

BUILDING CODE: ..

Fire Dept.: ..

Health Dept.: ..

Others: ..

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? .. yes ..

Signature of Applicant .. Gregory A. Tselikis .. Phone # 774-6291
Type Name of above .. Gregory A. Tselikis Esq.
Attorney for Applicant's ..
Other ..
and Address ..

FIELD INSPECTOR'S COPY

NOTES

March 1-1976 Nothing Hunted
4-10-1976 Same JTB
D.K.

June 8-1976 Nothing
has been down since
Ray Oestge

George

Permit No. 23-123
Location Bishop ST
Owner N.T. D.H.L. METAL CO.
Date of permit 11-5-1975
Approved

Large ruled area with a vertical line down the center, crossed out with a large X.

BERNSTEIN, SHUR, SAWYER AND NELSON

ONE MONUMENT SQUARE
PORTLAND, MAINE
04111

ISRAEL BERNSTEIN (1890-1967)
BARNETT I. SHUR
LOUIS BERNSTEIN
SUMNER T. BERNSTEIN
HERBERT H. SAWYER
LEONARD M. NELSON
WILLIAM W. WILLARD
JEROME F. GOLDBERG
GEORGE M. SHUR
GREGORY A. TSELIKIS
F. PAUL FRINSKO
PETER J. RUDIN
ALAN R. ATKINS
RICHARD P. LEBLANC
ERIC F. SAUNDERS
GORDON F. GRIMES

AREA CODE 207
TELEPHONE 774-6291

COUNSEL: RICHARD E. POULOS

November 12, 1975

Mr. A. Allan Soule
Assistant Director
City of Portland
389 Congress Street
Portland, Maine 04111

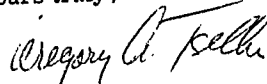
RE: NATIONAL METAL CONVERTERS, INC.

Dear Mr. Soule:

Last week I picked up the licenses for the National Metal auto graveyard. I also dropped down to your office to pick up the building permit. One of your associates indicated that perhaps a use permit should be issued instead of a building permit. He agreed that he would review this matter with you and the appropriate permit would be issued. I wonder if you would devote your personal attention to this matter and let us know which permit should be issued and make arrangements for us to pick up the permit. As you may recall, the permit fee has already been paid.

Thank you for your assistance in this matter.

Yours truly,



Gregory A. Tselikis

GAT/prh



CITY OF PORTLAND-MAINE

DONALD E. MEGATHLIN, JR.
PLANNING DIRECTOR

October 15, 1975

National Metal Converters, Inc.
c/o Paul Frinsko
Bernstein, Shur, Sawyer & Nelson
1 Monument Square
Portland, Maine

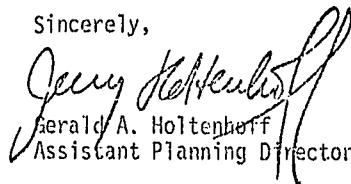
Dear Mr. Frinsko:

By this letter I am confirming the Planning Board's action at its meeting of October 14, 1975 whereat the Planning Board, with one abstention, voted to approve the automobile graveyard as proposed by National Metal Converters, Inc. and to so advise the City Manager. The Board also found the present natural screening to be adequate but conditioned its site approval as follows:

1. That the adequacy of screening be reviewed annually in conjunction with license (permit) renewal.
2. That no substantial accumulation of tires be allowed by the licensee to take place.

This matter will be duly advertised for a public hearing before the City Council, preparatory to the Council's November 3rd hearing on the application for an automobile graveyard permit. A report will be sent to the City Manager during the preceding week. All material submitted at the Planning Board's meeting will be specifically included as part of the record on this matter.

Sincerely,


Gerald A. Holtenhoff
Assistant Planning Director

GAH/jk

cc: Chairman & Members of the Planning Board
John E. Menario, City Manager
Donald E. Megathlin, Jr., Planning Director
✓ Alan Soule, Assistant Director of Building & Inspection
Arthur Duffett, City Clerk

G.L.

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Nov. 5, 1975

Location 23-123 Bishop St. (291-A-768, 296-B-134295) Zone I-2

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for auto graveyard & recycling plant as set forth on the attached site plan (made by Robert Hall whose address is _____) to show compliance with the Zoning Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:-

Owner (name, address and phone number) Portland Terminal Co., 242 St. John St.

Lessee (name, address and phone number) National Metal Converters Leeds, Maine

Is proposed use to be accessory to a building or other use on this lot? _____ . If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? _____, commercial vehicles _____.

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Public Works)? _____ And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)?

Do you propose to remove or disturb any tree on a public street? _____ If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner _____

By _____ (duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below - notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:-

(Date) _____

Inspector of Buildings

Permit To Be Displayed On Premises

CITY/TOWN PORTLAND COUNTY, CUMBERLAND MAINE

Permit Number 1

Fee Paid \$ 100.00

Public Hearing held November 3, 1975 19.75

Permit

To establish, operate or maintain an automobile graveyard or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30, Chapter 481, Public Laws 1966, Sections 2451-B to 2459.

This permit is hereby granted upon condition that the automobile graveyard or junkyard does not violate any of the above Sections of Title 30.

Owner's Name National Metal Converters, Inc.

Business Name National Metal Converters, Inc.

Street or Highway Number 23-123 Bishop Street

P. O. Address Portland, Maine

City/Town Portland, Maine 04103

This permit expires December 31, 1975 unless sooner revoked by the Municipal Officials.

Dated at City/Town Portland, Maine this 3rd day of November 1975.

Municipal Officers:

The Undersigned being Clerk of the City of Portland hereby certifies that at a meeting of the Municipal Officers of said City of Portland held November 3, 1975 a majority of the Municipal Officers of said City of Portland voted to approve the within application. The Undersigned further certifies that a record of said vote of approval is on file in the official records of said City of Portland.

Certified True Copy

Arthur D. Safford
City/Town Clerk,

- 1 Copy to Applicant
- 1 Copy to Municipality
- 1 Copy to State D.O.T.
- 1 Copy to State Police

(over)

**CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form**

Applicant: National Metal Converters, Inc. Date: Sept. 11, 1975
Leeds, Maine
 Mailing Address: _____
Assessor's numbers 291-1-1, 2 Bishop St.
Address of Proposed Site: 291-1-1, 2 Bishop St.
 Proposed Use of Site: _____
72,000 s. ft. / none
 Acreage of Site / Ground Floor Coverage: _____
1-2 Industrial
 Zoning of Proposed Site: _____
 Site Location Review (DEP) Required: () Yes (X) No
 Board of Appeals Action Required: () Yes (X) No
 Planning Board Action Required: () Yes () No
 Proposed Number of Floors: _____
 Total Floor Area: _____
 Other Comments: _____
 Date Dept. Review Due: September 17, 1975

PLANNING DEPARTMENT REVIEW
9/11/75
 (Date Received)

- Major Development — Requires Planning Board Approval; Review Initiated
- Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN
APPROVED												
APPROVED CONDITIONALLY												
DISAPPROVED	✓											

REASONS: This is not a development* and
hence, not subject to the provisions of a
site plan review. There is no jurisdiction under the site plan ord.
* as defined in the site plan ordinance.
 (Attach Separate Sheet if Necessary)

Serald A. Kottenhoff
 SIGNATURE OF REVIEWING STAFF/DATE
 PLANNING DEPARTMENT COPY

BERNSTEIN, SHUR, SAWYER AND NELSON
ONE MONUMENT SQUARE
PORTLAND, MAINE
04111

ISRAEL BERNSTEIN (1890-1967)
BARNETT L. SHUR
LOUIS BERNSTEIN
SUMNER T. BERNSTEIN
HERBERT M. SAWYER
LEONARD M. NELSON
WILLIAM W. WILLARD
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GREGORY A. TSELIKIS
J. PAUL FRINSKO
PETER J. RUBIN
ALAN R. ATKINS
RICHARD P. LEBLANC
ERIC F. SAUNDERS

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CITY OF PORTLAND

AREA CODE 207
TELEPHONE 774-6291

COUNSEL RICHARD Z. POULOS

July 17, 1975

Mr. Alan Soule, Director
Zoning Administration
City of Portland
City Hall
Portland, Maine

RE: NATIONAL METAL CONVERTERS, INC.

Dear Mr. Soule:

In accordance with the Application for Permit of National Metal Converters, Inc. on property of Portland Terminal Company at Rear 23-123 Bishop Street, Portland, Maine, held under land lease by National Metal Converters, Inc. dated June 10, 1975 from Portland Terminal Company, you had requested a brief letter setting forth the proposed use by National Metal Converters, Inc. National is the owner-operator of a large auto shredding plant in Leeds, Maine. That plant is duly licensed by the State of Maine and has been in full time operation for a period in excess of five years.

National is the only facility of its type in the State of Maine, and one of the larger facilities of its type in the United States. The facility is designed to recycle automobiles which have been scrapped by hydraulically pressing the automobiles to a flattened position and shredding the automobiles into small bits of steel which are then loaded into railroad cars and trucks and shipped out of the State of Maine, and to National's steel rolling mill in South Windham for reprocessing into steel.

Obviously, in the process of performing its business, National provides a much needed clean-up of abandoned automobiles which are littering the landscape. To more effectively service those areas in need of such clean-up, and to be of readier access to its market source, National has made several surveys. The surveys indicate that the

BERNSTEIN, SHUR, SAWYER AND NELSON

Mr. Alan Soule, Director
Zoning Administration

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JUL 21 1975

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CITY OF PORTLAND

area of Greater Portland is greatly in need of the kind of clean-up facility for abandoned automobiles which National can provide. This need presents an attractive market source for National for the gathering of abandoned automobiles to be processed.

In anticipation of filling this need, National entered into the lease, which you already have been provided with, at the location of Portland Terminal Company off Bishop Street. You will note in the photograph supplied to you, that the area is a long rectangular piece of land, abandoned for railroad use and now laying vacant. It is surrounded on two sides by a natural fencing of 30 to 50 foot trees. The area is not visible from any public street. The immediate abutters are Morin's Body Shop off Warren Avenue, and the Merrill Trucking Company at the rear of Bishop Street. There are no homes near the location. The railroad tracks run through the property and continue parallel to Warren Avenue into Westbrook.

The use intended by National will be as a depot for the temporary location of abandoned vehicles. I emphasize temporary since it is unlikely that any of the vehicles will be present for more than several days at a time. It is intended that abandoned vehicles will be accumulated as they are cleaned out of the City of Portland and the area of Greater Portland at the depot. The auto flattener will be moved into the depot probably on a weekly basis to press and flatten the cars accumulated. A vehicle such as a front-end loader will load the flattened cars onto flat bed trailer trucks for transportation to Leeds and shredding.

Trucks will also remove all automobile tires, and all other debris not kept in the cars for processing.

Three to four employees will be on the site at all times to insure proper maintenance. Under no circumstances will vehicles be allowed to accumulate for any purpose other than the awaiting of flattening and shipment to Leeds.

No office will be maintained other than for the supervision of this activity, no used car parts of any kind will

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Mr. Alan Soule, Director
Zoning Administration

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JUL 21 1975
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CITY OF PORTLAND

PAGE 3

be sold. No parts, motors, tires, or other portions of automobiles will be accumulated for storage, resale, or the like. No other type of property except for abandoned automobiles will be accepted at the depot. It is currently anticipated that no automobiles brought to the depot will remain at the depot for more than several days prior to the time that it is flattened and removed to Leeds.

I am sure that I do not have to impress upon you the value of this type of service to the City of Portland. Removing abandoned vehicles which have so long constituted a blight upon the City, will be a substantial beautification of the entire area. This service will be more rapidly performed once National has established a depot in the City of Portland where independent truckers will be able to make autos available.

National is of the opinion that the use proposed does not constitute a junkyard within the meaning of the City of Portland Zoning Ordinance, or the State of Maine statutes dealing with automobile graveyards. The term "automobile graveyard" carries within it the clear implication that the autos are placed at a location for long term occupancy for purposes of the sale of parts, without any present intention to recycle the automobiles. Likewise, junkyard is a defined term under the provisions of the State statute (although not defined under the City of Portland Zoning Ordinance). As defined under Title 30, §2451-B (2), junkyard is a yard, field or other area used as a place of storage for: (a) discarded, worn out or junked plumbing, heating supplies, household appliances and furniture; (b) discarded scrap and junked lumber; (c) old or scrapped copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap, ferrous or non-ferrous material; and (d) garbage dumps, wastedumps and sanitary fills.

The State statutes therefore make a clear distinction between automobile graveyards which relate to automobiles and junkyards which relate to other types of debris. It is the firm belief of National that its depot is merely

BERNSTEIN, SHUR, SAWYER AND NELSON

Mr. Alan Soule, Director
Zoning Administration

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JUL 21 1975

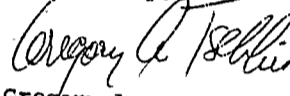
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CITY OF PORTLAND

a convenient spot for the temporary location of automobiles awaiting immediate flattening and trucking to Leeds.

Since the property is in an I-2 Zone, we believe that it is a permitted use since none of the exclusions in the I-2 Zone would deny the intended use.

We would appreciate your confirmation of our opinion, and favorable action upon the permit request.

Yours truly,



Gregory A. Tselikis

GAT/tja

cc: National Metal Converters, Inc.

CITY OF PORTLAND, MAINE
MEMORANDUM

Lovell Brown, Director, Building Inspection Services

DATE: July 28, 1975

William J. O'Brien, Jr. Corporation Counsel

Re: Application of National Metal Convertors Inc.

On July 22nd, 1975 you forwarded the following question to this office for an opinion thereon:

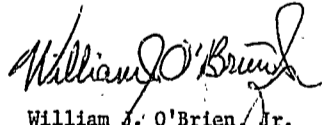
"What is the meaning of Section 602.11 A.2 of the Zoning Ordinance where it states: "Junkyards, automobile graveyards, removal or sale of used parts from motor vehicles." Can these be considered separately or can we consider them as describing a junkyard?"

In answer to your question, the use of these terms when read against Section 602.11 and 602.12 would seem to infer a category of separate uses and, therefore, the phrase you mention above should not be considered descriptive in nature. The end result of this is that the lack of reference to automobile graveyards in Section 602.12 A.3 of the Zoning Ordinance means that automobile graveyards are permitted uses in such zones.

In response to the overall question posed by the letter of Gregory A. Tselikis, I disagree that the proposition of National Metal Convertors Inc. is not an automobile graveyard. I feel that the use proposed by National Metal Convertors Inc. clearly falls within the definition of automobile graveyard set forth in title 30 MRSA Section 2451-B, Subsection 1 as follows: "Automobile graveyard" as used in this sub chapter shall mean a yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn out or junked motor vehicles... Inclusion within this definition means that National Metal Convertors Inc. is required to get a permit from the Municipal Officers before they can establish their use of the property on Bishop Street. The regulations concerning such permit are set forth in Title 30 MRSA 2451, et seq. and in a Department of Transportation Bulletin. Mr. Tselikis will probably be quite familiar with this regulatory set up.

Furthermore, National Metal Convertors Inc. also falls within the definition of a junk dealer as set forth in Section 410.1 of the City Code, which requires a permit from the Municipal Officers under Section 410.1. In all likelihood the permit required by the Municipal Code and the one required by state statute can be combined. It is my suggestion that you have National Metal Convertors Inc. and Mr. Tselikis submit application for both permits on the appropriate form and that said application be forwarded to the City Clerk, to the Planning Board and then to the Municipal Officers.

If you have any further questions concerning this matter please contact me and I will elaborate further.


William J. O'Brien, Jr.
Corporation Counsel

CITY OF PORTLAND, MAINE
MEMORANDUM

Mr. Lovell Brown, Director, Building Inspection Services DATE: 7-30-75

Mr. Allan Soule, Assistant Director, Building Inspection Services

Subject: Application of National Metal Convertors Inc.

In William J. O'Brien, Jr's memorandum to you of July 28, 1975, Mr. O'Brien feels that the use of National Metal Convertors Inc. are asking for in their letter to me on July 17, 1975, falls within the definition of an automobile graveyard. He also states that their use falls within the definition of a junk dealer, therefore, requiring State and City licenses. He does not say a junk yard. It would seem based on his ruling that we are within our rights to call this an automobile junkyard and as such this would be allowable in the I-2 Industrial Zone in which this property is located. If you concur with the above, than as Mr. O'Brien states we should at once get in contact with the lessees so that they may apply for licenses from the City and State.

I am enclosing a copy of this memorandum and the one to you from Mr. O'Brien to Michael Wing for his review. Mr. Wing would like to know when you make your decision when you are going to contact the National Metal Convertors Inc. so that he may co-ordinate any other City Departments that he feels may be involved.

A. Allan Soule, Assistant Director
Building Inspection Services

I will accept opinion of corp. council.
R.H.B.

the meaning of Section 602.11 A.2 of the Zoning Ordinance
it states: "Junk yards, automobile graveyards, removable or
of used parts from motor vehicle." Can these be considered separately
we considering them as describing a junkyard?

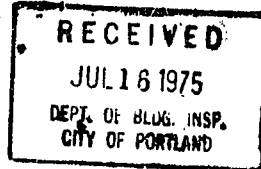
2. They state in their letter that trucks will also remove all automobile tires and all other debris not kept in the cars for processing. Will this in time become a storage of automobile tires and junk?
3. How often will the flatener come to this yard? Shall we pin them down to a certain number of times per month?
4. What about the burning of the upholstery an etc., on the insides of the automobile? Will this be sort of a burning area? We do not allow Morin behind them to do this, for example.

PORTLAND TERMINAL COMPANY

J. R. McFARLANE
MANAGER-INDUSTRIAL DEVELOPMENT
REAL ESTATE AND TAXATION

242 ST. JOHN STREET
PORTLAND, MAINE
04102

June 25, 1975



Mr. Harold Siagel, President
National Metal Converters, Inc.
Rt. 106
Leeds, Maine 04263

Dear Mr. Siagel:

Enclosed is an executed copy of an agreement covering the lease of Railroad owned land in Bishop Street Yard, Portland, Maine for the storage of scrap automobile bodies.

Very truly yours,

J. R. McFarlane

Enc.

Permit To Be Displayed On Premises

CITY/TOWN PORTLAND COUNTY, CUMBERLAND, MAINE

Permit Number 1

Fee Paid \$ 100.00

Public Hearing held November 3, 1975 1975

Permit

To establish, operate or maintain an automobile graveyard or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30, Chapter 481, Public Laws 1966, Sections 2451-B to 2459.

This permit is hereby granted upon condition that the automobile graveyard or junkyard does not violate any of the above Sections of Title 30.

Owner's Name National Metal Converters, Inc.

Business Name National Metal Converters, Inc.

Street or Highway Number 23-123 Bishop Street

P. O. Address Portland, Maine

City/Town Portland, Maine 04103

This permit expires December 31, 1975 unless sooner revoked by the Municipal Officials.

Dated at City/Town Portland, Maine this 3rd day of November 1975.

Municipal Officers:

The Undersigned being Clerk of the City of Portland hereby certifies that at a meeting of the Municipal Officers of said City of Portland held November 3, 1975 a majority of the Municipal Officers of said City of Portland voted to approve the within application. The Undersigned further certifies that a record of said vote of approval is on file in the official records of said City of Portland.

Certified True Copy

Arthur W. Duffett
City/Town Clerk,

- 1 Copy to Applicant
- 1 Copy to Municipality
- 1 Copy to State D.O.T.
- 1 Copy to State Police

(over)

Restrictions And/Or Conditions:

1. All gas tanks, car seats and tires to be removed once a week.
2. Approved portable extinguishers to be on site while operations are going on.
3. All gas and waste oil to be removed outside the City limits and no large amounts be allowed to accumulate.

Recommendations of Department of Transportation

Recommendations of State And/Or Local Police:

Violations:



November 5, 1975
City of Portland, Maine
OFFICE OF THE CITY CLERK No. 6190

To all whom these presents may concern:

THIS IS TO CERTIFY That the Municipal Officers have granted a license to

NAME National Metal Converters, Inc.

D.B.A. _____

AT 23-123 Bishop Street

PORTLAND, MAINE 04103

For JUNK DEALER (AUTOMOBILE JUNKYARD) \$25.00

and in that place only under the following conditions

This license is granted subject to strict observance of all laws, ordinances
and regulations enacted for the protection of the City so far as they may
apply, and is to continue in force until December 31, 1975
unless sooner revoked.

Antonia A. Safford

City Clerk

THIS LICENSE IS NOT TRANSFERABLE

October 10, 1975

Mr. F. Paul Frinsko
Bernstein, Shur, Sawyer and Nelson
One Monument Square
Portland, ME 04111

RE: 23-123 Bishop Street

Dear Mr. Frinsko:

In reply to your letters of October 7, 1975, I have submitted plans and other information to the Planning Department for their review, and the hearing is set for Tuesday, October 14th at 4:00 p.m., in room 209, City Hall.

This department has approved the use that National Metal Converters has asked for, at this location, as an automobile graveyard. We will be able to issue the building permit as soon as the Counsel gives its final approval.

Very truly yours,

A. Allan Soule
Assistant Director

AAS/mj

BERNSTEIN, SHUR, SAWYER AND NELSON

ONE MONUMENT SQUARE
PORTLAND, MAINE
04111

October 7, 1975

AREA CODE 207
TELEPHONE 774-6291

COUNSEL RICHARD E. POULOS

BARNETT I. SHUR
LOUIS BERNSTEIN
SUMNER T. BERNSTEIN
HERBERT M. SAWYER
LEONARD M. NELSON
WILLIAM W. WILLARD
JEROME F. GOLDBERG
GEORGE M. SHUR
GREGORY A. TSELIBIS
F. PAUL FRINSKO
PETER J. RUBIN
ALAN R. ATKINS
RICHARD P. LEBLANC
ERIC F. BAUNDERS

Mr. Alan Soule
Director, Zoning Administration
City of Portland
City Hall
Portland, Maine

Re: National Metal Converters, Inc.
23-123 Bishop Street

Dear Alan:

After our most recent conference, and on September 10, 1975, I delivered to your office the complete right of way and track map, drawn to scale, showing the property of National Metal Converters, Inc., all in accordance with your request.

It was my understanding from you that this submission would complete the documentation required for the issuance of the appropriate use permit, application for which was made on August 28, 1975. I believe that this was the understanding of Mr. Brown also as set forth in his letter to my partner dated August 5, 1975 wherein he indicates that the proposed use would be acceptable as far as the zoning ordinance is concerned and we were requested to proceed with our applications for State and City permits.

Appropriate applications have been filed for State and local permits and we anticipate receipt of the permits at the next Council meeting.

I would appreciate your advice as to the issuance of the permit applied for on August 28, 1975 at your earliest convenience.

Very truly yours,

F. Paul Frinsko
F. Paul Frinsko

FPF/ell

BERNSTEIN, SHUR, SAWYER AND NELSON

ONE MONUMENT SQUARE
PORTLAND, MAINE
04111

ISRAEL BERNSTEIN (1890-1987)
BARNETT I. SHUR
LOUIS BERNSTEIN
SUMNER T. BERNSTEIN
HERBERT H. SAWYER
LEONARD M. NELSON
WILLIAM W. WILLARD
JEROME F. GOLDBERG
GEORGE M. SHUR
GREGORY A. DELIKIS
F. PAUL FRINSKO
PETER J. RUBIN
ALAN R. ATKINS
RICHARD S. LEBLANC
ERIC F. SAUNDERS

Area Office
TELEPHONE 774-6281

COUNSEL: RICHARD E. POULOS

September 10, 1975

Mr. Alan Soile
Deputy Director
Department of Buildings & Inspection
City Hall
Portland, Maine 04111

re: National Metal Converters, Inc.

Dear Alan:

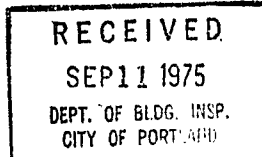
In accordance with our recent conversation concerning the application of National Metal Converters, Inc. to establish a storage area for junk cars on property leased from Portland Terminal Company at the end of Bishop Street in Portland, I have enclosed the complete right of way and track map of Portland Terminal Company for that area, drawn to scale, with the boundaries of the property leased to National Metal Converters, Inc. and the access routes thereto shown in red.

I trust that this will expedite your processing of this application, and should you have any further questions please feel free to call me at any time.

Very truly yours,

F. Paul Frinsko
F. Paul Frinsko

FPF:rs
Encl.



CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Ellsworth T. Rundlett III, Assistant Corporation Counsel DATE: 9-19-74
FROM: A. Allan Soule, Asst. Director Building & Inspection Services
SUBJECT: Portland Recycling, Inc.

In reply to your memo of September 18, 1974 we informed the Portland Recycling, Inc., and all involved that the type of operation they proposed, in a letter to Mr. R. Lovell Brown, 6/6/74, the Director of this department, that it would be allowable in the I-2 Industrial Zone. I received a call from Mr. Ernest J. Babcock some time around the last of August or the first of September telling me that they were changing their operation from what they originally informed me. I told him that it would be necessary for him to write me a letter explaining what they proposed to do. The letter sent to me is the same one that you have received in your office. I have informed him, on the 18th of September, 1974, that I could no longer consider the operation that he now proposes as an allowable use in the I-2 Industrial Zone, but felt that it may now fall in the category of a junk yard. I gave him two alternatives. We could consider this as a junk yard, and he could go before the Board Of Appeals to see if they would allow it, or, he and a representative of his company could come to the City Hall to meet with Mr. Brown and myself and go over their operation in detail so that we could get a more clearer picture of what they propose. It does not seem likely on the basis of Mr. Babcock's letter that we can now give our approval, however, we are waiting to hear from Mr. Babcock so that we can clarify the next step necessary for this business.

A. Allan Soule,
Director Building & Inspection Services

AAS:12

CITY OF PORTLAND, MAINE
MEMORANDUM

FROM: A. Allan Soule, Assistant Director of Building and Inspection DATE: 9/18/74
 Ellsworth T. Rundlett III, Assistant Corporation Counsel
SUBJECT: Portland Recycling, Inc.

The attached letter was sent to me and to Arthur Duffett regarding the operation at Presumpscot Street.

I am concerned that the proper procedures, licensing and otherwise, be met by this company. Would you please review the proposed operation again, contact Mr. Babcock, and determine what category this proposed business will fall in.

Mr. Babcock appears to be quite willing to discuss this matter in detail with City officials.


Ellsworth T. Rundlett III
Assistant Corporation Counsel

ETR/dlh

Enclosure

cc: Arthur Duffett

PIERCE, ATWOOD, SCRIBNER, ALLEN & MCKUSICK

ATTORNEYS AT LAW
ONE MONUMENT SQUARE
PORTLAND, MAINE 04111
AREA CODE 207
773-6411

LEONARD A. PIERCE
1898-1980
COUNSEL
EDWARD W. ATWOOD

LEONARD A. PIERCE
EDWARD W. ATWOOD
ALLEN
PIERCE
MCKUSICK
SCRIBNER
LANCASTER, JR.
D. NEWBURY
W. PERKINS
W. AMERO
D. FOWLER, JR.
R. COGGESHALL
H. PRATT, JR.
D. BOXER
G. PIERCE, JR.
A. AYRE
E. INGALLS
J. SPRITCH
E. BABCOCK

September 13, 1974

Ellsworth T. Rundlett, III
Assistant Corporation Counsel
City Hall
Portland, Maine

Re: Portland Recycling, Inc.

Dear Mr. Rundlett:

A week or so ago, I telephoned you to inform you that the scope of the activities contemplated by Portland Recycling, Inc., has changed since I filed the application for a permit on its behalf.

The purpose of this letter is to inform you that Portland Recycling, Inc., presently contemplates the purchase for resale and/or recycling of #1 steel, #2 steel, and cast iron engine blocks.

I apologize if this additional information will cause you to repeat any of your actions taken on behalf of Portland Recycling, Inc., however, this information was simply not available at the time of the initial application.

I appreciate your cooperation and patience in this matter. If there is anything that I may do to assist you in this matter, please do not hesitate to contact me.

Sincerely yours,

Ernest J. Babcock

Ernest J. Babcock

EJB:tls

503-525 Presumpscot Street

Sept. 18, 1974

Pierce, Atwood, Scribner, Allen & McKusick
Att: Ernest J. Babcock
1 Monument Square

Dear Mr. Babcock:

In reply to your letter of September 13, 1974, in which you state in part, that the Portland Recycling, Inc., would contemplate resale and/or recycling of steel #1 and #2, and cast iron engine blocks.

As per our conversation earlier I have stated, based on a letter of July 6, 1974, from Lawrence E. Buckley, Prolerized New England Company, of Everett, Massachusetts, that the use proposed in that letter would be allowable in this zone without an appeal. I now feel on reading your letter that this recycling process will now include steel, cast iron blocks and possibly scrap, that this would now have to be considered a junk yard. I feel I cannot allow anymore than was originally stated in Mr. Buckley's letter to the Director of this department, Mr. Brown. Mr. Brown and myself would be glad to get together with you and someone from the company who is willing to go into more detail on the type of operation that you propose and make a further decision at that time. If, however, you decide to go ahead on what you are now asking we can call this a junk yard and you may go before the Board of Appeals as a conditional use at this location.

If it is your desire to have a conference with us or to go ahead with an appeal please let me know, so that we may set up the proper procedure.

Very truly yours,

A. Allan Soule,
Asst. Dir. Building & Inspection Services

AAS:im

PIERCE, ATWOOD, SCRIBNER, ALLEN & MCKUSICK

ATTORNEYS AT LAW
ONE MONUMENT SQUARE
PORTLAND, MAINE 04111
AREA CODE 207
773-6411

LEONARD A. PIERCE
1888-1960
COUNSEL
EDWARD W. ATWOOD

LEONARD A. PIERCE
EDWARD W. ATWOOD
ALBERT G. AYRE
JAMES B. SIMPSON
ERNEST J. BABCOCK
DANIEL E. BOXER
JOYHAM D. PIERCE, JR.
ALBERT G. AYRE
EVERETT P. INGALLS
JAMES B. SIMPSON
ERNEST J. BABCOCK

September 13, 1974

Mr. Allan Soule
Assistant Director
Building and Inspection Services
City Hall
Portland, Maine

Re: Portland Recycling, Inc.

Dear Mr. Soule:

A week or so ago, I telephoned you to inform you that the scope of the activities contemplated by Portland Recycling, Inc., has changed since I filed the application for a permit on its behalf.

The purpose of this letter is to inform you that Portland Recycling, Inc., presently contemplates the purchase for resale and/or recycling of #1 steel, #2 steel, and cast iron engine blocks.

I apologize if this additional information will cause you to repeat any of your actions taken on behalf of Portland Recycling, Inc., however, this information was simply not available at the time of the initial application.

We are currently discussing the formulation of a soils survey and construction plan with local engineers. We will contact you as soon as these documents are completed.

I appreciate your cooperation and patience in this matter. If there is anything that I may do to assist you in this matter, please do not hesitate to contact me.

Sincerely yours,

Ernest J. Babcock
Ernest J. Babcock

EJB:tls

503-525 Pranspocot Street

July 1, 1974

Prolerized New England Company
Rover Street, P.O. Box 48
Everett, Mass., 02149

cc to: D. Swartz & Sons, Inc.
10 Congress Square
Att: Harry M. Swartz

Gentlemen:

In reply to your letter of June 6, 1974 on locating a building for an office and shop and four pieces of equipment which will be used to flatten automobiles as stated in your letter to us of June 6, 1974 and based on this letter this use would be allowable in the I-2 Industrial Zone where this property is located.

Someone will need to come to this office here in City Hall to apply for a building permit for this use and a building permit for the building (office and storeroom) so that we may check this against our code requirements.

We will need besides the plans for the building, four blue or black line copies of your proposed site which shall consist of:

1. A map or maps prepared at a scale of not less than one (1) inch to one hundred (100) feet; and shall set forth:
 - a. name and address of the applicant and name of the proposed development;
 - b. scale and north points;
 - c. boundaries of the site;
 - d. total land area of the site;
 - e. topography indicating contours at intervals of not more than two (2) feet;
 - f. existing soil conditions;
 - g. location of water courses, marshes, rock outcroppings and wooded areas;
 - h. location, ground floor area and elevations of building and other structures existing and proposed, and materials to be used;
 - i. approximate location of buildings or other structures on parcels abutting the site;
 - j. location of on-site public utilities, water and sewer mains, culverts, drains, existing and proposed, showing size and direction of flow;
 - k. location and dimensions of any easements, public or private rights-of-way, existing and proposed;
 - l. location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public

- m. streets, and curb and sidewalk lines;
- n. landscape plan showing location, type and approximate size of plantings;
- o. location and dimensions of all fencing and screening;
- c. location and intensity of outdoor lighting system.

2. a written statement by the applicant that shall consist of:

- a. a description of the proposed uses to be located on the site, including quantity and type of residential units, if any;
- b. the total land area of the site, and the total floor area and ground coverage of each proposed building and structure;
- c. general summary of existing and proposed easements or other burdens now existing or to be placed on the property;
- d. method for handling solid waste disposal;
- e. the applicant's evaluation of the availability of off-site public facilities including sewer, water and streets;
- f. a description of any problems of drainage or topography, or a representation that, in the opinion of the applicant there are none;
- g. an estimate of the time period required for completion of the development.

We will also need four signed copies of a statement by the applicant setting forth the names and addresses of the owner or owners of the parcel you are proposing to develop and the estimated cost of the development.

The Department of Environmental Protection may be involved because of the closeness of this property to the stream and ocean nearby. You should check with the State on this.

If I can be of any further help please do not hesitate to call on me here at this office in City Hall.

Very truly yours,

A. Allan Scule
Asst. Director Building & Inspection
Services

AAS:m

August 5, 1975

Bernstein, Shur, Sawyer and Nelson
Attn: Mr. Gregory A. Tsolikis
1 Monument Square
Portland, Maine 04111

C.C. Portland Terminal Co.
242 St. John St.

C.C. National Metal Convertors, Inc.
Leeds, Maine

Re: 23-123 Bishop St. Assessors # 293-A-7 & 8, 296-H-13, 295-G-3

Gentlemen:

This office has reviewed your recent letter, dated July 17, 1975 addressed to Mr. Alan Soule, Assistant Director of Building and Inspection Services, and we have on the basis of that letter and our ordinances conferred with our Corporation Counsel for confirming opinions and we feel that the ordinance would classify the use by the National Metal Convertors, Inc. as a junk yard. Inasmuch as this is located in an I-2, Industrial Zone, the use for such would be acceptable as far as the Zoning Ordinance is concerned, however we wish to advise you of the following requirements that should be pursued by you before this office can take a further step toward the issuance of a building permit for that use.

The regulations concerning such a use are set forth in the City Ordinances under Title 30 MRSA 2451 et seq. and in a Department of Transportation Bulletin. I feel that Mr. Tsolikis will probably be quite familiar with this regulatory set up. Inasmuch as the use of requirements falls within the definition of a junk dealer as set forth in Section 410.1 of the City of Portland Ordinances, the use requires a permit which must be approved by the Municipal Officers under Section 410.1.

It is suggested by this office that National Metal Convertors, Inc. and Mr. Tsolikis submit the application for both permits and licenses necessary on the appropriate form and that the application be forwarded to the City Clerk of Portland and an advisory indicated to this office of same so that we may take pursuing steps to have Planning Board review and in turn submission to the Municipal Officers.

Shur & Co.
P. O. Box
8/10/75

Page 3.

On advise from Corporation Counsel, we find that the definition of an automobile graveyard is set forth in Title 30 MRSA, Section 2451-B, Sub section 1, which states, "Automobile graveyard" as used in this sub chapter shall mean a yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn out or junked motor vehicles... Included in this definition, it goes on to relate that the approval of the Municipal Officers must be established before the use of the property and a permit for same can be issued. If you have any further questions, concerning this matter, do not hesitate to call me at this office and I will try to be of assistance to you.

At some point in time, I wish to remind you that a fee will be due on the application which was made on July 16, 1975. Inasmuch as this was a time of review rather than payment, we will wait for your homework to be done elsewhere and hear from you at a later date at which time we may then process the permit.

Very truly yours,

R. Lowell Brown
Director

RLB:k

FILE

August 5, 1975

Bernstein, Shur, Sawyer and Nelson
Att: Mr. Gregory A. Tselikis
1 Monument Square
Portland, Maine 04111

C.C. Portland Terminal Co.
242 St. John St.

C.C. National Metal Convertors, Inc.
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Page 2.

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Very truly yours,

R. Lovell Brown
Director

O

P

Y