

REAR 1654-1704 WASHINGTON AVE.

SHAW-WALKER  
S 9203-113

City of Portland, Maine  
Board of Appeals  
— ZONING —

*Sustained*  
*7/30/54*

July 13, 1954, 19

*54/34*

To the Board of Appeals:

Your appellant, Matthew J. Flaherty, who is the owner of property at Rea: 1654 to 1704 Washington Avenue, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

Certificate to authorize the removal of sand, gravel and loam from a portion (area about 360,000 square feet) of the land at the rear of 1654 to 1704 Washington Avenue is not issuable under the Zoning Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure, according to Section 12A of the Ordinance applying to the Residence A Zone where this property is located.

The facts and conditions which make this exception legally permissible are as follows:

An exception is necessary to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

*Matthew J. Flaherty*  
Appellant

After public hearing held on the 30th day of July, 1954, 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 after the removal of the material, the land shall be smoothly graded so as not to leave depressions or hummocks which will detract from the development possibilities of this or adjoining land.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case, provided that after the removal of the material, the land shall be smoothly graded so as not to leave depressions or hummocks which will detract from the development possibilities of this or adjoining land.

*William H. O'Brien*  
*Arthur W. Watch*  
*John W. Lake*  
*Ben B. Wilson*  
*Frank J. Torrey*  
BOARD OF APPEALS

(COPY)

CITY OF PORTLAND, MAINE  
Department of Building Inspection



## Certificate of Occupancy

LOCATION Rear 1654 to 1704 Washington Ave.

Date of Issue August 10, 1954

Issued to Matthew E. Flaherty

This is to certify that the building premises, or part thereof, at the above location, ~~is~~ ~~has~~ ~~been~~ ~~changed~~ ~~as~~ ~~to~~ ~~use~~ ~~under~~ ~~Building~~ ~~Code~~ ~~No.~~ ~~1~~ ~~to~~ ~~include~~ ~~the~~ ~~operation~~ ~~and~~ ~~use~~ ~~of~~ ~~the~~ ~~same~~ ~~for~~ ~~the~~ ~~purpose~~ ~~of~~ ~~removal~~ ~~of~~ ~~sand~~ ~~and~~ ~~gravel~~ ~~and~~ ~~loam~~ ~~from~~ ~~the~~ ~~premises~~ ~~and~~ ~~the~~ ~~removal~~ ~~of~~ ~~the~~ ~~same~~ ~~is~~ ~~hereby~~ approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Removal of sand, gravel and loam

Area about 360,000 square feet.

Limiting Conditions: Granted under appeal sustained 7/30/54 provided that after removal of material, land shall be smoothly graded so as not to leave depressions or hummocks which will detract from the development possibilities of this or adjoining land.

This certificate supersedes  
certificate issued

Approved:

*Warren W. Dorr*  
Inspector of Buildings

(Date)

Inspector

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

DATE: JULY 30, 1954

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF MATTHEW J. FLAHERTY  
AT 1654-1704 WASHINGTON AVENUE

Public hearing on above appeal was held before the BOARD OF APPEALS

Board of Appeals

VOTE

Municipal Officers

	Yes	No
WILLIAM H. O'BRIEN	(✓)	( )
RUTH D. WALCH	(✓)	( )
BEN B. WILSON	(✓)	( )
JOHN W. LAKE	(✓)	( )
HARRY K. TORNEY	(✓)	( )
	( )	( )
	( )	( )
	( )	( )
	( )	( )

PROVIDED THAT AFTER THE REMOVAL OF THE  
MATERIAL, THE LAND SHALL BE SMOOTHLY GRADED  
SO AS NOT TO LEAVE DEPRESSIONS OR HUMMOCKS  
WHICH WILL DETRACT FROM THE DEVELOPMENT  
POSSIBILITIES OF THIS OR ADJOINING LAND.

Record of Hearing:

NO OPPOSITION

LETTER IN FILE FROM PLANNING BOARD

Mr. Warren McDonald, Director  
Building Inspection  
Mr. Roger L. Creighton  
Planning Director

July 14, 1954

Removal of soil off  
Washington Avenue

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In connection with the forthcoming appeal of John Vance for permission to remove material from his property off Washington Avenue, I asked Mr. Myron Lamb of this office to look at the land in question. He has reported that the removal of soil would not greatly detract from the value of the property, and would not be likely, if well done, to destroy the residential development possibilities of the site. He suggests taking three feet off only, but this may unduly limit Mr. Vance. I suggest that some clause, such as "after the removal of the material, the land shall be smoothly graded so as not to leave depressions or hummocks which will detract from the development possibilities of this or adjoining land" might be inserted in granting the appeal.

rlc:yda

  
Roger L. Creighton  
Planning Director

cc: Mr. B. I. Shur /  
Corporation Counsel

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

July 27, 1954

Mr. Matthew J. Flaherty  
1654 Washington Avenue  
Portland, Maine

Re: 1654-1704 Washington Avenue  
Portland, Maine

Dear Mr. Flaherty:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, July 30, 1954 at 10:30 a. m. Daylight Saving Time to hear your appeal under the Zoning Ordinance.

Please be present or be represented at this hearing in support of this appeal.

BOARD OF APPEALS

William H. O'Brien

Chairman

K

cc: Mr. John E. Vance  
552 Bridgton Road  
Westbrook, Maine

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

July 20, 1954

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, July 30, 1954 at 10:30 a. m. Daylight Saving Time to hear the appeal of Matthew J. Flaherty requesting an exception to the Zoning Ordinance to authorize the removal of sand, gravel and loam from a portion (area about 360,000 square feet) of the land at the rear of 1654 to 1704 Washington Avenue.

This permit is presently not issuable under the Zoning Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure, according to Section 12A of the Ordinance applying to the Residence A Zone where this property is located.

This appeal is taken under Section 18E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases 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 appropriate use of land and conserving property value. It shall permit no building or use injurious, offensive, or detrimental to a neighborhood, and the Board 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

William H. O'Brien

Chairman

K

On reply refer  
to file

CITY OF PORTLAND, MAINE

Department of Building Inspection

July 9, 1954

FU

GL Rear 1654-1704, Washington Avenue

Mr. John E. Vance  
552 Bridgton Rd.,  
Westbrook, Me.  
Mr. Matthew J. Flaherty  
1654 Washington Ave.

Copies to Corporation Counsel ✓

Roger L. Creighton  
Director of Planning

Gentlemen:

The removal of sand, gravel and loam from a portion (area about 360,00 square feet) of the land owned by Matthew J. Flaherty at the rear of 1654 to 1704 Washington Ave., (this portion representing parts of Assessors' Lot Nos. 348-C-2/2<sup>1</sup>/<sub>2</sub> 350-A1 & A2, as indicated on plan filed in the Building Department on July 2, 1954) is not allowable under the Zoning Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure—according to Section 12A of the Ordinance applying to the Residence A Zone where the property is located.

You have indicated Mr. Flaherty's desire to seek authorization from the Board of Appeals; so, there is enclosed an outline of the appeal procedure. It seems likely that the appeal should be filed by Mr. Flaherty or his authorized agent.

If you desire a decision from the Board at the earliest possible date, the appeal should be filed at the office of Corporation Counsel no later than the close of business on July 14, 1954.

It is noted that you give the reason for removal of this material to be that of cutting the grade for future development. Presumably you mean a residential development, and it is suggested that you consult Planning Director Roger L. Creighton as to the most desirable grade of the land to receive approval of the City for later development, and then ~~submit~~ indicate on your plan here, before the required public hearing, about what the present grade of the ground is and to about what depth the material would be removed. Thus, the Board of Appeals will have full information to consider. It would also be well to explain to the Board at the hearing whether or not the removal of the top surface would leave material which would be likely to blow about in windy weather.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMcD/B

Enclosure to each addressee: Outline of appeal procedure

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INTER-OFFICE CORRESPONDENCE

*Guile Vance  
Appeal*

CITY OF PORTLAND, MAINE  
CITY PLANNING BOARD

TO: Mr. Warren McDonald, Director  
Building Inspection

FROM: Mr. Roger L. Creighton  
Planning Director

DATE: July 14, 1954

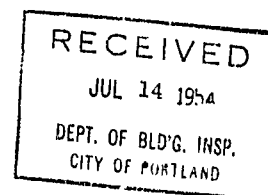
SUBJECT: Removal of soil off  
Washington Avenue

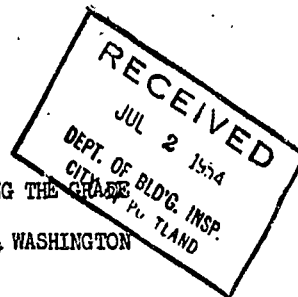
In connection with the forthcoming appeal of John Vance for permission to remove material from his property off Washington Avenue, I asked Mr. Myron Lamb of this office to look at the land in question. He has reported that the removal of soil would not greatly detract from the value of the property, and would not be likely, if well done, to destroy the residential development possibilities of the site. He suggests taking three feet off only, but this may unduly limit Mr. Vance. I suggest that some clause, such as "after the removal of the material, the land shall be smoothly graded so as not to leave depressions or hummocks which will detract from the development possibilities of this or adjoining land" might be inserted in granting the appeal.

rlc:yds

  
Roger L. Creighton  
Planning Director

cc: Mr. B. I. Shur  
Corporation Counsel





WE THE UNDERSIGNED HAVE NO OBJECTION TO JOHN E. VANJE CUTTING THE GRASS  
AND REMOVING THE FILL FROM THE REAR OF PROPERTY 1654 to 1704 WASHINGTON  
AVENUE, OWNED BY MR. MATTHEW J. FLAHERTY:

Robert J. Bennett 1704 Washington Ave  
Mrs Robert Stecher 1708 Washington Ave  
Joseph A Madrogal 1691 Washington Ave  
George L Joyce 1683 Washington Ave  
E. R. MacLean 1679 Washington Ave  
C. M. Wymann 1659 Washington Ave  
Ralph H. Jones 1653 Washington Ave  
Stanley M. Lowell 1637 Washington Ave  
John M. Kelley 1705 Washington Ave  
Mrs. Robert O. Sarban 1699 Washington Ave.  
Edward M. Flaherty 1654 W. Washington Ave

RECEIVED  
JUL 2 1954  
DEPT. OF BLD'G. INSP.  
CITY OF PORTLAND

Westbrook, Me.  
City of Portland July 2 1954  
Building Inspector  
Mr. McDonald

Dear Sir:

I would like permission to  
cut the grade in the rear of  
Washington ave. and to remove  
the fill sand gravel loan from  
area shown on plan. I have  
a signed Petition by all  
Residence with in five  
hundred feet of this Property  
Owned by Mathieu J  
Plalutty of 1654 Washington  
ave. the reason for cutting  
grade is for future ~~Development~~  
Development Thank You  
John E. Vance  
1552 Bridgton Rd.  
Westbrook Me.

July 9, 1954

OL Near 1654-1704 Washington Avenue

Mr. John E. Vance  
552 Eridgton Rd.,  
Westbrook, Mo.  
Mr. Matthew J. Flaherty  
1654 Washington Ave.

Copies to Corporation Counsel

Roger L. Creighton  
Director of Planning

Gentlemen:

The removal of sand, gravel and loam from a portion (area about 350,00 square feet) of the land owned by Matthew J. Flaherty at the rear of 1654 to 1704 Washington Ave., (this portion representing parts of Assessors' Lot Nos. 348-C-2/2, 349-B-2, 350-A1 & A2, as indicated on plan filed in the Building Department on July 2, 1954) is not allowable under the Zoning Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure—according to Section 12A of the Ordinance applying to the Residence A Zone where the property is located.

You have indicated Mr. Flaherty's desire to seek authorization from the Board of Appeals; so, there is enclosed an outline of the appeal procedure. It seems likely that the appeal should be filed by Mr. Flaherty or his authorized agent.

If you desire a decision from the Board at the earliest possible date, the appeal should be filed at the office of Corporation Counsel no later than the close of business on July 14, 1954.

It is noted that you give the reason for removal of this material to be that of cutting the grade for future development. Presumably you mean a residential development, and it is suggested that you consult Planning Director Roger L. Creighton as to the most desirable grade of the land to receive approval of the City for later development, and then indicate on your plan here, before the required public hearing, about what the present grade of the ground is and to about what depth the material would be removed. Thus, the Board of Appeals will have full information to consider. It would also be well to explain to the Board at the hearing whether or not the removal of the top surface would leave material which would be likely to blow about in windy weather.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WHC0/B

Enclosure to each addressee: Outline of appeal procedure

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

July 20, 1954

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, July 30, 1954 at 10:30 a. m. Daylight Saving Time to hear the appeal of Matthew J. Flaherty requesting an exception to the Zoning Ordinance to authorize the removal of sand, gravel and loam from a portion (area about 360,000 square feet) of the land at the rear of 1654 to 1704 Washington Avenue.

This permit is presently not issuable under the Zoning Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure, according to Section 12A of the Ordinance applying to the Residence A Zone where this property is located.

This appeal is taken under Section 13E 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

William H. O'Brien

Chairman

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Barnett I. Shur, Corporation Counsel

DATE: December 28, 1961

FROM: Albert J. Sears, Building Inspection Director

SUBJECT: Complaint in regard to removal of gravel and loam at rear of 1654-1704  
Washington Avenue.

In 1954 the Board of Appeals authorized the removal of sand, gravel and loam from an area about 600 feet square on the Flaherty farm at this location, beginning at a point about 860 feet back from the street line of Washington Avenue, on the condition that, "after removal of the material, the land shall be smoothly graded so as not to leave depressions or hummocks which will detract from the development possibilities of this or adjoining land." There was no stipulation as to the location of any roadway leading from Washington Avenue to the site of operations.

At the time of the appeal the property was located in an R A Residence Zone, where the removal of sand and gravel was a conditional use which the Board of Appeals could authorize under the Zoning Ordinance then in effect. Under the revision of the Ordinance first adopted in 1957 and further revisions made in 1959, the property was placed in an R-3 Residence Zone, in which the removal of sand and gravel is not allowable even as a conditional use. Therefore this operation became a lawful non-conforming use in 1957 and had rights as such. Although Mr. Lawrence in his letter to Mr. Ball states that to the best of his knowledge no material has been hauled from this location for the two years prior to September 1961, Mr. John E. Vance, who made the appeal and who is still in charge of operations, asserts that there has been no period of over two years since the start of operations shortly after granting of the appeal when some material has not been hauled from this site.

During 1958 and 1959 several lots about 150 feet in depth were sold off along the Washington Avenue frontage of this property and dwellings erected on them. Evidently the road leading to the gravel operations crossed one of these lots where a house is now located. Therefore a new entrance has been made on Flaherty land near the Flaherty house. This new road extends in about 150 feet from Washington Avenue and then runs along the backs of the lots on which the new houses are located to connect with the original road. Since there was nothing in the appeal proceedings to spell out a specific location for entrance to the area of excavation, there appears to be nothing unlawful about this change of location.

I have discussed with Mr. Vance the possibility of making a new road to the pit, leading more directly from the new entrance, but he says that it would have to pass through a fairly heavily wooded area which would tend to make it a difficult and expensive job. I suggested that he conduct his operations so as to cause as little aggravation to the neighborhood as possible, which he agreed to do. I also told him that, if we continued to receive complaints, we would have to look further into the legal status of his operations.

If it should be established that rights granted under the appeal have expired because of no operations having been carried on for a period of more than

December 28, 1961

two years, we would then be faced with a decision as to whether or not the Appeal Board would have the power under the present Ordinance to authorize resumption of operations. For this reason it appears that we should have pretty conclusive evidence before holding that non-conforming rights have been lost.

Very truly yours,

AJS/jg

Building Inspection Director

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Albert J. Sears, Building Inspector  
FROM: City Manager's Office  
SUBJECT: Complaint - 1700 Washington Avenue

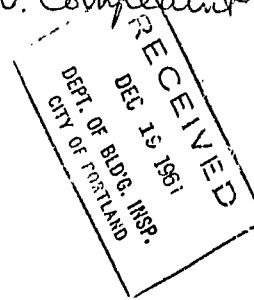
DATE: December 19, 1961

Councilman Ball has received the attached complaint concerning a sand and gravel operation in the vicinity of 1700 Washington Avenue. Will you kindly investigate this matter and take whatever action, if any, that is required, and let this office know so that we may advise Mr. Ball.



Enclosure

12/28/61 - Letter to Corporation Counsel sent. Complaint letter returned with it. - AJS.





Matthew J. Laberty Appeal  
(John E. Vetch)

Reas 1656 to 1704 Washington Ave  
(Part of Assn. Nos 348 C 22, 300 A 1 & 2)

UND 7/9/54

- Street involved
- ✓ Washington Ave
- ✓ Davenport Ave
- ~~Letting some~~
- ~~Tract of~~
- ~~Greenwich Ave~~
- ✓ Loring Ave

and 349 D 22 Assn. Maps

348, 349, 350  
351, 352

Washington Ave { 1610 to 1744 ~~to 1744~~  
No C-d d

Davenport Ave { Assn. Nos 348 A 5, A 6, A 7, A 8;  
349 G 1, G 2, G 3, G 4, G 5, G 6,  
G 7, G 8, G 9, G 10, G 11, G 12, G 13, G 14,  
349 D 6 to D 12 (incl)

Assn. Nos. 348 C 10, C 9, C 8, C 7 to C 1 incl  
349 C 1 back to C 4 incl.

Loring Ave { Assn. Nos. 349 H 4, H 3, H 2, H 1  
349 E 6  
Assn. Nos. 349 G 11 to G 18 incl.  
349 D 13 to D 18 incl

Appeal of Matthew J. Flaherty at  
Peak 1654 to 1704 Washington Ave.

Washington Ave.  
 1598-1642 Charles P. Peggan, 36 1/2 Park Ave  
 1644-1654 Edward M. + Eola M. Flaherty, 1654 Washington Ave  
 1656-1662 Matthew J. Flaherty, 1662 Washington Ave  
 1664-1692 " " "  
 1694-1700 Robert A. Bonner, 25 Bradley St.  
 1702-1704 Robert J. Bennett, 1704 Washington Ave.  
 1706-1712 Robert J. + Margaret D. Stecher, 1708 Washington  
 1714-1732 Lina L. Schenckler, 1728 Washington Ave.  
 1734-1756 " " "

Davenport Ave.  
 348-A-5-6 H. P. Lowd Land Co., Inc. NR, 75 State St. Rm 35  
 Boston, Mass.  
 348-A-7 " " " NR R.F.D. 2 Box 38-F Bangor, Me  
 348-A-1-8 Frances E. Pydes NR R.F.D. 2 Box 38-F Bangor, Me  
 349-G-7 to 9 Dup (Lowd Co)  
 349-G-13-6 Ida L. Furbish, 59 Bell St.  
 349-G-14-5 " " "  
 349-G-4 Charline Ellers, 151 Franklin St.  
 349-G-3-16 Delia May Thurlow, Coolidge Ave.  
 349-G-1-2 " " "  
 349-D-6-19 John + Josephine Perry, Coolidge Ave.  
 348-C-1-13 Dup (Lowd Co)  
 349-C-13 to 21 " " "  
 349-C-11-12 Andrew J. + Flora A. Roman, 4 High St. S. Windham  
 349-G-1-10 Dup (Lowd Co)

Coolidge Ave.  
 349-H-4 to 8-11-13 Dup (Lowd Co)  
 349-H-3 Elsie Carrie Livens NR % Harry Livens  
 349-H-1-2-15-16 Dup (Lowd Co) Kegan Falls, Me  
 349-E-1 to 32 Dup " " "  
 349-G-7 to 12 Dup (Furbish)  
 349-G-5-14 " (Thurlow)  
 349-G-6-13 " (Thurlow)  
 349-G-3-15-16 " "  
 349-G-17-18 " (Perry)  
 349-D-6 to 19 " (Perry)

INQUIRY BLANK

ZONE RA

FIRE DIST. None

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Date April 23, 1954

Verbal  
By Telephone

LOCATION Rear 1664-1692<sup>Ave.</sup> Washington Ave. OWNER Matthew J. Flaherty

MADE BY John E. Vance TEL. 2-6939

ADDRESS 94 Walton Street

PRESENT USE OF BUILDING \_\_\_\_\_ NO. STORIES \_\_\_\_\_

LAST USE OF BUILDING \_\_\_\_\_ CLASS CONSTRUCTION \_\_\_\_\_

REMARKS \_\_\_\_\_

INQUIRY 1- Is it allowable to remove gravel and  
loam from an area on the rear of this property  
located near the railroad tracks. No hole to  
be dug, but knoll to be removed leaving a  
level area?

VS  
MM  
4/23/54

ANSWER 1- Such a use is not allowable in the  
Residence A zone where the property is  
located unless authorized by the Board  
of Appeals. Explained appeal procedure.

DATE OF REPLY 4/21/54 REPLY BY A. J. Sears

July 9, 1954

(N. Near 1654-1704 Washington Avenue

Mr. John E. Vance  
552 Bridgton Rd.,  
Westbrook, Me.  
Mr. Matthew J. Flaherty  
1654 Washington Ave.

Copies to Corporation Counsel  
Roger L. Creighton  
Director of Planning

Gentlemen:

The removal of sand, gravel and loam from a portion (area about 360,00 square feet) of the land owned by Matthew J. Flaherty at the rear of 1654 to 1704 Washington Ave., (this portion representing parts of assessors' Lot Nos. 348-C-2/3 & 350-A1 & A2, as indicated on plan filed in the Building Department on July 2, 1954) is not allowable under the Zoning Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure--according to Section 12A of the Ordinance applying to the Residence A Zone where the property is located.

You have indicated Mr. Flaherty's desire to seek authorization from the Board of Appeals; so, there is enclosed an outline of the appeal procedure. It seems likely that the appeal should be filed by Mr. Flaherty or his authorized agent.

If you desire a decision from the Board at the earliest possible date, the appeal should be filed at the office of Corporation Counsel no later than the close of business on July 14, 1954.

It is noted that you give the reason for removal of this material to be that of cutting the grade for future development. Presumably you mean a residential development, and it is suggested that you consult Planning Director Roger L. Creighton as to the most desirable grade of the land to receive approval of the City for later development, and then indicate on your plan here, before the required public hearing, about what the present grade of the ground is and to about what depth the material would be removed. Thus, the Board of Appeals will have full information to consider. It would also be well to explain to the Board at the hearing whether or not the removal of the top surface would leave material which would be likely to blow about in windy weather.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMCB/13

Enclosure to each addressee: Outline of appeal procedure

9/21/61 - Carle Smith looked this land over today and says that as far as he can see there has never been any excavation made at this location and, if so, it must have been a number of years ago. Therefore any rights granted by appeal have expired - RFD. (over)

11/29/61 - I talked with Mr. Vance who recently started hauling out of here again. He claims that he has hauled material from here within a period of the last two years and had previously hauled fill from here. I told him that a complaint had been received concerning his operations, and suggested that he conduct them so as to aggravate the neighborhood as little as possible. I told him if we continued to receive complaints, we would have to look into the legal status of his operations. - A J