545 AUBURN STREET

### CITY OF PORTLAND, MAINE

Department of Building Inspection

545 Auburn Street

June 12, 1973

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J. L. Morin Company Att: Paul Morin 564 Auburn Street

Dear Mr. Morin:



In reply to your inquiry of removing a plateau of gravel located cff Auburn Street between Longview Drive and Summit Street as per plan submitted here at the office, an inspection of the property reveals that this would be permissible as long as the gravel and rocks are removed only to the surrounding grade level. If you go below the grade level this would constitute opening up the old gravel pit, which is not allowable under the Zoning Ordinance because this use has been discontinued for over two years.



I would also caution you at this time that we are not granting you the right to extend this operation into the banking or cliff surrounding the area shown on the map as plateau of gravel.



If you have any questions on the above please lo not hesitate to call me here at this office in City Hall.

Very truly yours,

A. Allan Soule Assistant Director

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10071 (2001)

From the desk of — A. Allan Soule

4/10/74

545 Anburn St

Bob-

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CITY OF PORTLAND, MAINE MEMORANDUM

Fred Reetter

George A. Flaherty, Assistant City Manager.

FROM:

A. Allan Soule, Assistant Director of Building Inspection

BUBJECT:

J. L. Morin - \$45 Auburn Street

In reply to your memorandum of July 6, regarding Mr. Morin's property located near the above address starting with question No. 1.

No. 1 What can he (Morin) use the property for?

Any use allowed in the R-1 residential zone. See sheet attached.

No. 2 What can he (Morin) use his house for?

A one-family dwelling, church or parish house, non-profit school, and allowable uses under home occupations. These uses are an office for a doctor, lawyer, dentist, architect or engineer. The lodging of not more than two roomers who are providing meals that he considered a home occupation. shall be considered a home occupation. Hairdressing where not more than two hair dryers are used are all allowable for the person living at this dwelling.

No. 3 What can he (Morin) use his garage across the street for?

He could change the use from a garage to a dwelling, provide a non-profit shoool or a church if this building has a proper foundation and could provide the required septic tank system for The garage is now being used for storage of equipment and insulation products. I cannot say for a fact at this time but it seems rather doubtful if we could classify this as a non-conforming use and, therefore, allowable.

No. 4 What can he (Morin) use the land across the street for?

If you are referring to the lot on the other side of Longview Drive, near the dwelling, then he could use it for the different uses on the sheet attached.

No. 5 Zoning restriction, etc.

The property owned by Mr. Morin on both sides of the street can only be used per uses allowed in the R-l residential zone. (See

As per our conversation of July 11, Mr. Morin has assured Mr. Drown and myself that he will not remove any more gravel or dirt from this land. He will before late fall have a bulldozer on his property atwhich time he will level this property so as to make it more desimable so he can

CITY OF PORTLAND, MAINE MEMORANDUM \*

.. Page 2

George A. Flaherty, Assistant City Manager

DATE: 7/12/73

FROM:

A. Allan Soule, Assistant Director of Building Inspection

SUBJECT:

J. L. Morin - 545 Auburn Street

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# CITY OF PORTLAND, MAINE MENORANDUM

Donald Regathlin, Planning Director

FROM: R. Lovell Drown, Director Duilding & Inspection Services

SUBJECT: In rof. to 557-581 Amburn Street or Mongview Drive Garage

Of late there has been many questions as to the use of the two car garage at the above address. I would like to give a little history on this first.

The garage was built at the time the house on the corner of Ruburn Surect was built and therefore the permit which has lated July 20,1943 was that of the unburn Street address. It some the thereafter the land was divided and Dr. Joseph Horin owned the garage of ter having bought it from Dr. Mamlin.

In talking with Mr. Nowin on July 11th he said that he had used the garage for well over 20 years for storage of light framework and some installation materials used in his business of hanging ceilings. At the present time I observed a small amount of installation in the building plus some of the material which he used for his ceiling systems and just outside of the garage is one large van with his name on it which he uses to transport the unterial around with. Other than that on-site inspection the lot was clear and clean and did not devalue the neighborhood in my opinion from external observations.

On that same date I had occasion to have to talk with Mr. Morin about some gravel removable on Auburn Street and at that time he stated that he was presently building a new building for his business in Westbrook and as soon as it was completed hopefully by early fall, the materials from this garage would be transported to that location along with materials from some area down on Commercial Street and he would consolidate all of his work in one big warehouse type building in Westbrook and move completely out of Portland area.

As far as the non-conformity is concerned and violation of the Moning Ordinance, to the best of this offices knowledge Ir. Norin has been in business long before the present Moning Ordinance went into effect and has continued that particular use for a long period of time. I do not feel that I can press him further because I have no other proof but his word that he has been storing materials in this garage for quite some time. In talking to others of knowledge who have been here longer than I the assessors feel that he has been there for quite some time and also I hope this clarifies the sources of the complaints.

R. Lovell Brown, Director

B:n

cc to: George Flaherty, Assistant City Manager

Hr. Joseph Morin 564 Auburn Street Portland, lieine 04103 Dear Mr. Morin: As the result of a complaint that you are storing accoustical materials in your garage and running a business from your home, we find you are also listing your business in the tolerance affine affine affine affine affine affine affine affin in the telephone directory. This is in violation of Section 201 of the Zening Ordinance referring to uses in the R-1 Mesidential zone in which your property is located. In this residential zone, it is unlawful to store contracting materials or contracting materials. equipment. There, you will need to transfer any business operations to a location in a business zone in which these uses are allowable. Now that this matter has been called to your attention it is hoped that we may have your cooperation so that any further action in this matter will not be necessary by this department. Very truly yours, Hugh Irving Inspector HI/c

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# CITY OF PORTLAND, MAINE MEMORANDUM

TO:

George A. Flaherty, Assistant City Manager

DATE:7/12/73

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A. Allan Soule, Assistant Director of Building Inspection

SUBJECT:

J. L. Morin - \$45 Auburn Street

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The property owned by Mr. Morin on both sides of the street can only be used per uses allowed in the R-1 residential zone. (See sheet attached)

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CITY OF PORTLAND, MAINE MEMORANDUM

Page 2

TO:

George A. Plaherty, Assistant City Manager

DATE: 7/12/73

A. Allan Soule, Assistant Director of Building Inspection

EUBLECT: J. L. Morin - 545 Auburn Street

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#### 543-551 Auburn Street

July 18, 1973

Mrs. Catherine Carswell 26 Panorazic View Drive

Dear Mrs. Carswell:

Mr. Irving, the inspector from this department has given me a copy of the potition you have submitted for the action you requested in reference to a gravel pit owned by Mr. Joseph Morin and Mr. Irving requested of me to reply to you in writing as you had requested of him.

Because of your connern and that of others in the area about the dispesition of the gravel area, I personally consulted with Mr. Morin on Wednesday, July lith and placed a stop order at the pit for any further use of removal of gravel. As of this writing there is a red tag suspended from a substantial stick at the edge of the pit, which you may observe indicating that a stop order was placed on any further continuance of removal of gravel from that pit. A short time before this, Mr. Morin had requested that a sertain area of the pit be removed to the extent of (cleaning up a small area and removing it). After personal observation of the area by the Assistant Director of this department, Mr. Allan Soule, we allowed him to remove a little of that portion of the pit, however, the people Mr. Morin hired extended that use into the pit at a deeper elevation than was considered proper by this department and thus, we placed the stop order on the whole operation. It was agreed with Mr. Morin on that date that he would not have sufficient material to remove without violating the intent of our consideration and it was nutually agreed that the operation would cease and he would obtain his gravel necessary for his project in Westbrook from some other source.

No removal of gravel has occurred since the morning of July 11th. In my discussion with Ar. Noriz at that time he expressed that he is building a building in Westbrook for his business and that is why he needed some of the gravel from this old pit, but in observing the condition we agreed that there was not sufficient gravel for his needs without violating the Zoning Ordinance which this office enforces.

For your information in the near future Mr. Morin will be cutting off some of the shrubbery and timber material on his land, which he has that right to do, and will be having a bulldozer come in to level off and fill the but and clear the land for better use at a luter date. I advise you

Mts. Cathorine Carswell

Page 2

July 18, 1973

of this so that you and your neighbors will be aware that the pit is not being used, but being cleaned up.

Enclosed with the petition you submitted there was also another petition associated with traffic safety, streets, etc., this office does not have any control over that and I assume that Mr. Murphy through the Public Works Department will be responding to you on that item.

Very truly yours,

R. Lovell Brown Director

RLBen

CITY OF PORTLAND, MAINE LANNING DEPARTMENT (207) 775-5451



DOMALO E MEGATHLIN, JR PLANNING DIRECTOR

FILE.

545 Augura July 13, 1973

RL BO

Mrs. Catherine Carswell 26 Panoramic View Drive Portland, Maine

Dear Kitty:

I have not finished all the research necessary on the Morin property, but in view of your proper concern, I thought I would bring you up to date on our activities and the list of questions I still have.

# 1. Garage and Scorage of Acoustical Materials

### (a) <u>Nonconforming Use</u>

The Building Department does not feel this use is nonconforming. (See July 13, 1973 memo). However, my view is somewhat different. I think that although he may have used the garage twenty years ago for storage of installation materials, his operation has changed to the point where an expansion of a nonconforming use requires Board of Anneals action my knowledge, no approval was sought. By copy of this letter, I am asking Warren Turner, Assistant Zoning Coordinator, to answer this telephone directory and use of trucks on Longview Drive certainly indicate this use be discontinued, but the use continues. (See attached letters). This contradicts their most recent statement. It is my feeling, based on the initial information I have, that the expansion of this use without the use copy of this letter, I am asking the Corporation Counsel to respond to this particular question.

# (b) Relocation of Use to Westbrook

The above discussion hopefully may be academic since according to the Building Department, Mr. Morin is building a new commercial building in Mr. By copy of this letter, I am requesting Mr. Brown to inquire more precisely as to the date when Mr. Morin will vacate the premises so that neighbors have the reassurance that his use will not continue.

### 2. Sanc Excavation Activities

### (a) Time Period to Level Sandpit

A permit was issued to allow limited grading work, but workers removed more than was authorized. The Building Department issued a Stop Order on this work on July 12, 1973. According to the Building Department, bulldozer will grade this property to a resonably flat and level surface. In view of the safety of children involved, I am requesting

Letter to: Mrs. Carswell July 16, 1973 Page 2

that Mr. Brown inquire why this work cannot be completed before late Fall.

(b) Planning Board Review of Quarries, Sandpits, Etc.

In our Land Development Plan we mention that land is a valuable commodity in the City. This commodity is exploited when quarries, sandpits and other excavation are allowed to be initiated or expanded without proper review. As you know, the Department of Environmental Protection reviews review. As you know, the Department of Environmental Protection reviews quarries and sandpits over five acres. This fact is mentioned on Page 123 of the Land Development Plan. Since the Planning Board has a legitimate interest regarding the proper use of land, I am asking that Mr. Brown outline the procedures used in reviewing and approving such requests and that all future sand pits, quarries etc. be referred to the Planning Board for review and opinions. Board for review and opinions.

I hope this information is helpful to you. I will give you a formal answer when I receive the various responses from the City Departments.

Sincerely,

Donald E. Megathlin, Jr. Planning Director

DEM/1

cc: Charles Lane, Assistant Corporation Counsel R. Lovell Brown, Building Inspector George Flaherty, Assistant City Manager John Bastey, Department of Environmental Protection Warren Turner, Assistant Zoning Coordinator

CHY OF PORTLAND, MAINE MEMORANDUM

JUL 1 3 197,3

FROM:

George A. Flaherty, Assistant City Manager

DATE:7/12/73

BUBJECT:

A. Allan Soule, Assistant Director of Building Inspection

J. L. Morin - 545 Auburn Street

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CITY OF PORTLAND, MAINE MEMORANDUM

Page 2

DATE: 7/12/73

FROM:

George  $\lambda$ . Flaherty, Assistant City Manager

A. Allan Soule, Assistant Director of Building Inspection

J. L. Morin - 545 Auburn Street SUBJECT:

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# CITY OF PORTLAND, MAINE MEMORANDUM

JUL 1 3 1973

Donald Megathlin, Planning Director

FROM: R. Lovell Brown, Director Building & Inspection Services

SUBJECT: In ref. to 557-581 Auburn Street or Longview Drive Garage

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The garage was built at the time the house on the corner of Auburn Street was built and therefore the permit which was dated July 20,1948 was that of the Auburn Street address. At some time thereafter the land was divided and Mr. Joseph Morin owned the garage after having bought it from Mr. Hamlin.

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B:m

R. Lovell Brown, Director

cc to: George Flaherty, Assistant City Kanager

Mr. Joseph Morin 564 Auburn Street Portland, Meine 04103 Dear Mr. Morin: As the result of a complaint that you are storing accoustical materials in your garage and running a business from your home, we find you are also listing your business in the telephone directory. This is in violation of Section 2-A of the Coming Ordinance referring to uses in the R-1 Residential zone in which your property is located. In this residential zone, it is unlawful to store contracting materials or equipment. There, you will need to transfer any business operations to a location in a business zone in which these uses are allowable. Now that this matter has been called to your attention it is hoped that we may have your cooperation so that any further action in this matter will not be necessary by this department. Very truly yours, Hugh Irving Inspector EUZ/c

For 577 Auton Street 602 Tone View Drive

January 8, 1970

Mr. Joseph Horin, 564 Aulum Street

Donn Br. Horani

It has been brought to the attention of this department that you are unity the campo on the property at 577 Autum Street

Our inspector found interval on media and in bases stored book a non-of the incliding to not ellowable.

Your truly young

K.Lovoll Bronn Director

Cotherine Consumed

For safety and environmental reasons, we the following residents of Portland, North Deering area of Valley View Heights, oppose the of Portland, North Deering area of Summit Street and Lengview Drive opening of a large hole in the area of Summit Street and Lengview Drive and Auburn Street, the area near the former gravel pit. We sak you, and Auburn Street, of Portland to take action to have this area remain residential zone, free of commerce and unsightly projected area remain residential zone, free of commerce and unsightly projected we want the area safe for children and adults. Housing has grown by leaps and bounds and traffic is heavy and dangerous.

Many Charlette, Carthern, Catherine Cartherne Carther

To: City of Portland Traffic July 12, 1973 Division-Safety Commission Portland, Maine Att: John Murphy We; the residents of the North Deering area of Port Longview Drive and outer Auburn Street fear for the lives and safety \_\_\_of children and adults. Housing has grown by leaps and bounds and is--still growing. This is considered an R-1 area. The traffic coming out here from Portland and elsewhere and the traffic coming from the Falmouth ... area and the turnpike compound our problems relating to safety. Where Longview Drive meets Auburn Street, the traffic is terrific. Children awaiting school buses are in jeopardy. There are no sidewalks on Auburn Street in this area. In the winter, ice and snow pile up and huge ruts caused from heavy trucks and other vehicles compounds our problems. Front ends of cars are knocked out of line and cars slew trying to reach Auburn St. or Longview from Auburn St. The City Officials answer our calls and eliminate the ice and snow and ruts to the best of their ability and use sand to improve safety to a degree. We appreciate this. However, this is only temporary. We fear for life and saf :y. Heavy semi-trailer trucks on numerous occasions enter Longview Drive and back up to a small garage on the Longview Drive sides It is our opinion that a ban should be placed on heavy commercial vehicles on Longview Drive. We feel that the aforementioned reasons are compelling enough for the City of Portland Traffic Division, Safety Commission to grant our request for relief from these problems. A dangerous curve in Longview Drive forming just before it. meets Auburn Street is another problem which needs immediate attention for improvement of safe entrance and exit to our areas. Please take this matter up at your earliest convenience. Supporters of the request follow.--

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# CITY OF PORTLAND, MAINE MEMORANDUM

TO:

George A. Flaherty, Assistant City Manager

DATE:7/12/73

FROM:

A. Allen Soule, Ascistant Director of Building Inspection

SUBJECT:

J. L. Horin - \$45 Auburn Street

In reply to your penerandum of July 6, regarding Mr. Morin's property located near the above address starting with question No. 1.

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George A. Plaherty, Assistant City Managar

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A. Allan Soule, Assistant Director of Building Inspection

J. L. Morin - 545 Auburn Street

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CITY OF PORTLAND, MAINE MEMORANDUM

TO:

 $\mathbf{R}_{\star}$  Lovel! Brown, Bldg. Inspection Director

DATE: 7/6/73

.FROM#

George A. Flaherty, Assistant City Manager

SNB1ECA!

J. L. Morin - 545 Auburn Street

Would you please answer the following questions regarding the removal of a plateau of gravel located off Auburn Street between Longview Drive and Summit Street - re: letter from A. Allen Soule to J. L. Morin Company dated June 12, 1973, copy of which is attached.

- 1. What can he (Morin) use the property for?
- 2. What can he (" ) use his house for?
- 3. What can he ( " ) use his gavage across the street for?
- 4. What can he ( " ) use the land across the street for?
- 5. Zoning restriction, etc.

Your prompt reply is requested.

George A. Flaherty Assistant City Manager

CAF/jd

attachment

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545 Aubiton Street J. L. Horin Company Att: Baul Horin 504 Auburn Street June 12, 1973 Done Mr. Morin: In reply to your invity of removing a placeau of gravel leaded off Auburn street leaded hours in the plan marketed hour wind before as her plan marketed hour at the this would be previously to preventy reveals that If you do note, the critical and the control of the position of the preventy reveals that If you do note, the critical and the control of the control o not greating you the right to exceed this time that we are the banking or cliff successfully the area shown on the map as plateau of gravel. hesitate to call me here at this effice in Gicy Hell. Very truly yours. n: Ran A. Ailan scule Assistant Director

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Mare Hole

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Very truly yours,

A. Allan Soulo Assistant Director

AASID

#### 545 Auburn Street

June 12, 1973

J. L. Morin Company Att: Paul Morin 564 Auburn Street

Dear Mr. Morin:

In reply to your inquiry of removing a plateau of gravel located off Auburn Street between Longview Driva and Summit Street as per plan submitted here at the office, an inspection of the property reveals that this would be permissible as long as the gravel and rocks are removed only to the surrounding grade level. If you go below the grade level this would constitute opening up the old gravel pit, which is not allowable under the Zoning Ordinance because this use has been discontinued for over two years.

I would also caution you at this time that we are not granting you the right to extend this operation into the banking or cliff surrounding the area shown on the map as plateau of gravel.

If you have any questions on the above please do not hesitate to call me here at this office in City Hall.

Very truly yours,

A. Allan Soule Assistant Director

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569 HUBERN ST. PORTLAND. ME Phone 797-3562

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