

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND BUILDING PERMIT



**This is to certify that**

SOUTHERN MAINE PROPERTIES CO /Daigle  
Construction

**PERMIT ID:** 2013-00202

**Located at**

315 MARGINAL WAY

**CBL:** 023 E002001

has permission to **Amendment to Permit # 2012-10-5293 to add exterior stairway**  
provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

**Fire Prevention Officer**

**Code Enforcement Officer / Plan Reviewer**

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY  
THERE IS A PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 2013-00202	Issue Date:	CBL: 023 E002001
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Location of Construction: 315 MARGINAL WAY (309)	Owner Name: SOUTHERN MAINE PROPERTIES CO	Owner Address: BOX 7525 DTS PORTLAND, ME 04101	Phone:
Business Name:	Contractor Name: Daigle Construction	Contractor Address: 234 Church Rd. Brunswick ME 04011	Phone
Lessee/Buyer's Name Maine Running Company	Phone:	Permit Type: Amendment to Commercial	Zone: B5
Past Use: Retail / Maine Running Company (2012-10-5293)	Proposed Use: Maine Running Company-retail	Permit Fee: \$30.00	Cost of Work: \$1,000.00
Proposed Project Description: Amendment to Permit # 2012-10-5293 to add exterior stairway		FIRE DEPT: 3/21/13 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	INSPECTION: Use Group: II Type: (Mixed) IBC, 2009 (MUGGS) Signature: [Signature] (58)
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	

Permit Taken By: gg	Date Applied For: 01/30/2013	<b>Zoning Approval</b>
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p><b>Special Zone or Reviews</b></p> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Admin. Authorization <input checked="" type="checkbox"/> Site Plan JOB-037 Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Ok w/conditions Date: 2/7/13 ABU	<p><b>Zoning Appeal</b></p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	<p><b>Historic Preservation</b></p> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____
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**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE



# General Building Permit Application

20130020b

Received & entered electronic files

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>309 Marginal Way</u>			
Total Square Footage of Proposed Structure/Area <u>4800 ST</u>		Square Footage of Lot <u>1.55 AC + L</u>	
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot# <u>23            E            2</u>		Applicant * <u>must be owner, Lessee or Buyer</u> * Name <u>Southern Maine Properties Co</u> Address <u>P.O. Box 7525</u> City, State & Zip <u>Portland, ME 04112</u>	Telephone: <u>207 772-6401</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip		Cost Of Work: \$ <u>0</u> C of O Fee: \$ _____ Total Fee: \$ <u>30.00</u>
Current legal use (i.e. single family) <u>RETAIL</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>MAINE RUNNING COMPANY</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>Permit Revision - ADD EXTERIOR STAIRWAY TO CITY'S RUNNING TRAIL</u> <u>NOTE: COST OF THIS STAIR WAS INCLUDED IN ORIGINAL PERMIT APPLICATION</u>			
Contractor's name: <u>N/A Single Construction</u> <u>Amendments to permit # 2012-10-5293</u> Address: _____ City, State & Zip: _____ Telephone: _____ Who should we contact when the permit is ready: <u>BRUCE KISTLER - 772-8286 x207</u> Telephone: _____ Mailing address: <u>P.O. Box 7525 PORTLAND, ME 04117</u>			

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Bruce Kistler Date: 1/30/13

This is not a permit; you may not commence ANY work until the permit is issue

**CBL:** 023 E00200    **Permit ID:** 2013-00202

**Additional Comments:**

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**3/1/2013-JRIOUX/Building:**

Additional Info.: Bruce Kistler and Foreside Architects, i.e. removal of 1 hour fire separation in the renovated area, and addition of secondary egress, see email attachment.

**Jonathan Rioux - RE: Rating Requirements - Interior Walls within the Maine Running Company Tenant Space**

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**From:** Bruce Kistler <bkistler@forerivercompany.com>  
**To:** Jonathan Rioux <JRIOUX@portlandmaine.gov>  
**Date:** 3/1/2013 11:50 AM  
**Subject:** RE: Rating Requirements - Interior Walls within the Maine Running Company Tenant Space  
**CC:** Mark Burnes <mburnes@foresidearchitects.com>, "sfraser@foresidearchitect...  
**Attachments:** 309 SK-1 121212.pdf; 309 SK-2 030113.pdf; 309 MW State Construction Permit 022613.pdf; 309 egress plan 011413.pdf

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Hi Jonathan,

The existing 1 HR Fire-rated exit/corridor will be maintained.

As requested, attached are:

- Drawing EG-1: (copy of plan previously submitted).
- Wall sections:
  - SK-1 - for the existing one hr fire-rated partitions (tenant separation and exit/corridor walls) and
  - SK-2 – for the non-rated partitions in the Maine Running Company tenant space.
- Copy of the Construction Permit from the State Fire Marshall.

Please call with questions or comments.

Sincerely,  
BK

Bruce Kistler  
Fore River Company  
5 Milk Street  
P. O. Bx 7525  
Portland, ME 04112  
fax: (207) 772-9078  
direct line: (207) 772-8286 x207  
[bkistler@forerivercompany.com](mailto:bkistler@forerivercompany.com)

**From:** Jonathan Rioux [mailto:JRIOUX@portlandmaine.gov]  
**Sent:** Friday, March 01, 2013 11:00 AM  
**To:** Bruce Kistler  
**Cc:** MarkBurnes; sfraser@foresidearchitects.com  
**Subject:** RE: Rating Requirements - Interior Walls within the Maine Running Company Tenant Space

Bruce,

Received. Can you provide an updated final construction drawing (See EG-1) with the wall detail for the file? Are you still maintaining the existing 1 hour corridor that separates MPBN, Marvin Windows, & Empire?

Jonathan Rioux  
Code Enforcement Officer/ Plan Reviewer

City of Portland  
Planning and Urban Development Department  
Inspection Services Division  
389 Congress St. Rm 315  
Portland, ME 04101  
Office: 207.874.8702  
Support Staff: 207.874.8703  
[jrioux@portlandmaine.gov](mailto:jrioux@portlandmaine.gov)

>>> Bruce Kistler <[bkistler@forerivercompany.com](mailto:bkistler@forerivercompany.com)> 2/27/2013 5:09 PM >>>  
Hi Jonathan,

Please see below regarding 309 Marginal Way, Maine Running Company. Please call with questions or comments.

Sincerely,  
BK

Bruce Kistler  
Fore River Company  
5 Milk Street  
P. O. Bx 7525  
Portland, ME 04112  
fax: (207) 772-9078  
direct line: (207) 772-8286 x207  
[bkistler@forerivercompany.com](mailto:bkistler@forerivercompany.com)

**From:** Mark Burnes [<mailto:mburnes@foresidearchitects.com>]  
**Sent:** Wednesday, February 27, 2013 2:49 PM  
**To:** Bruce Kistler  
**Cc:** [sfraser@foresidearchitects.com](mailto:sfraser@foresidearchitects.com)  
**Subject:** Rating Requirements - Interior Walls within the Maine Running Company Tenant Space

Hello Bruce,

Both Steve Fraser and myself concur with the following:

Our review of the Maine Running Company space on Marginal Way in Portland concludes the following.

"The spaces occupied by the Maine Running Company have the required 1 hour tenant separation. The facility is protected by a functioning sprinkler system. Two means of egress are provided, the main entrance and the interior egress at the rear of the Tenant Space, the addition of a new rear door and stair to the Bayside Trail is desirable but not essential. Per IBC 508.3 non-separated occupancies, the space occupied by retail store and assembly space shall be considered "Non-Separated" and no internal fire separation is required." Our determination is in agreement with that of the Maine State Fire Marshal as you conveyed to me in our earlier conversation. It is understood that you are to share this email with The City of Portland Code Enforcement Office.

Please let me know if you have any questions.

Thanks,  
Mark

Mark Burnes, NCARB, AIA  
**Forside Architects, LLC**

*A Maine Licensed Architect*  
Licensed in ME, MA, NH, VT and FL

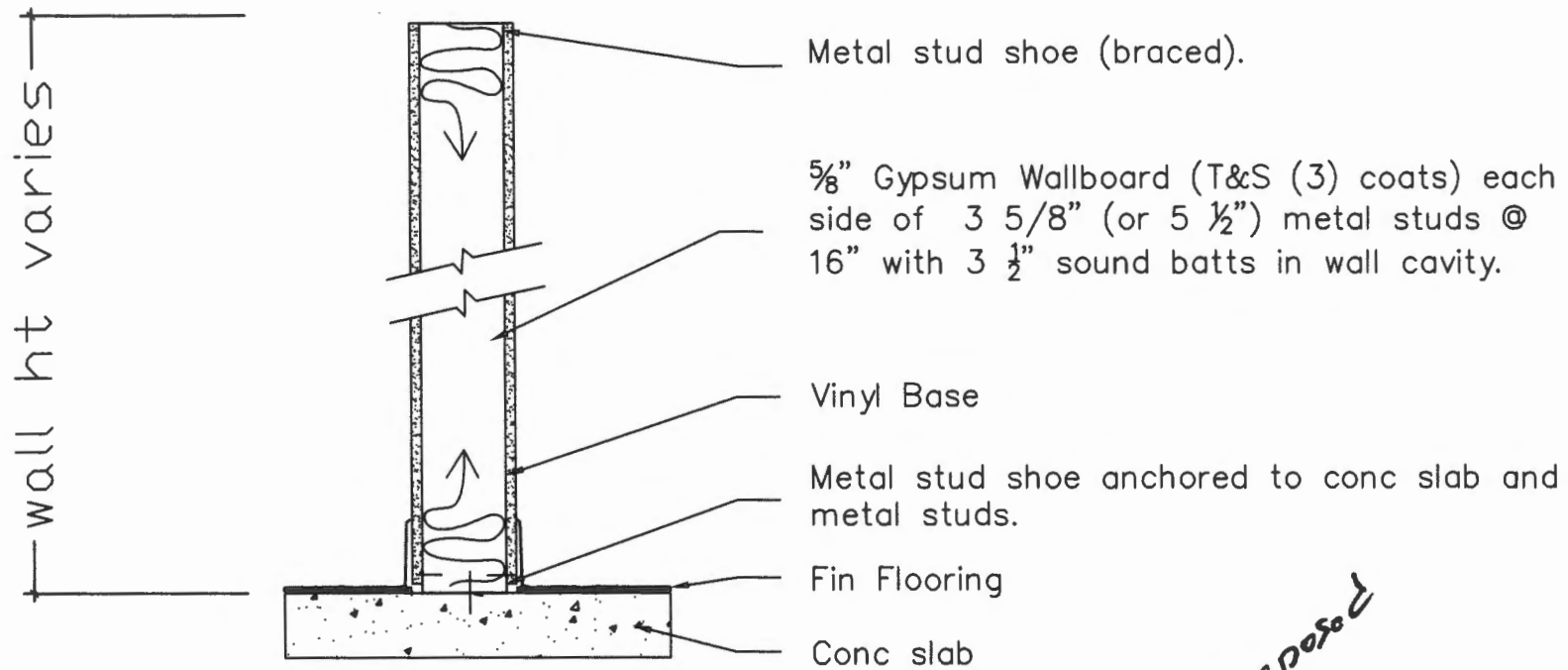
P.O. Box 66736  
Falmouth, ME 04105  
P. (207) 781-3344  
F. (207) 699-5564

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

RECEIVED

MAR 01 2013

Dept. of Building Inspections  
City of Portland Maine



*Proposed*

NTS

Maine Running Company  
309 Marginal Way  
Portland, Maine

Non-Rated Partition Section

Revisions:  
12/12/12

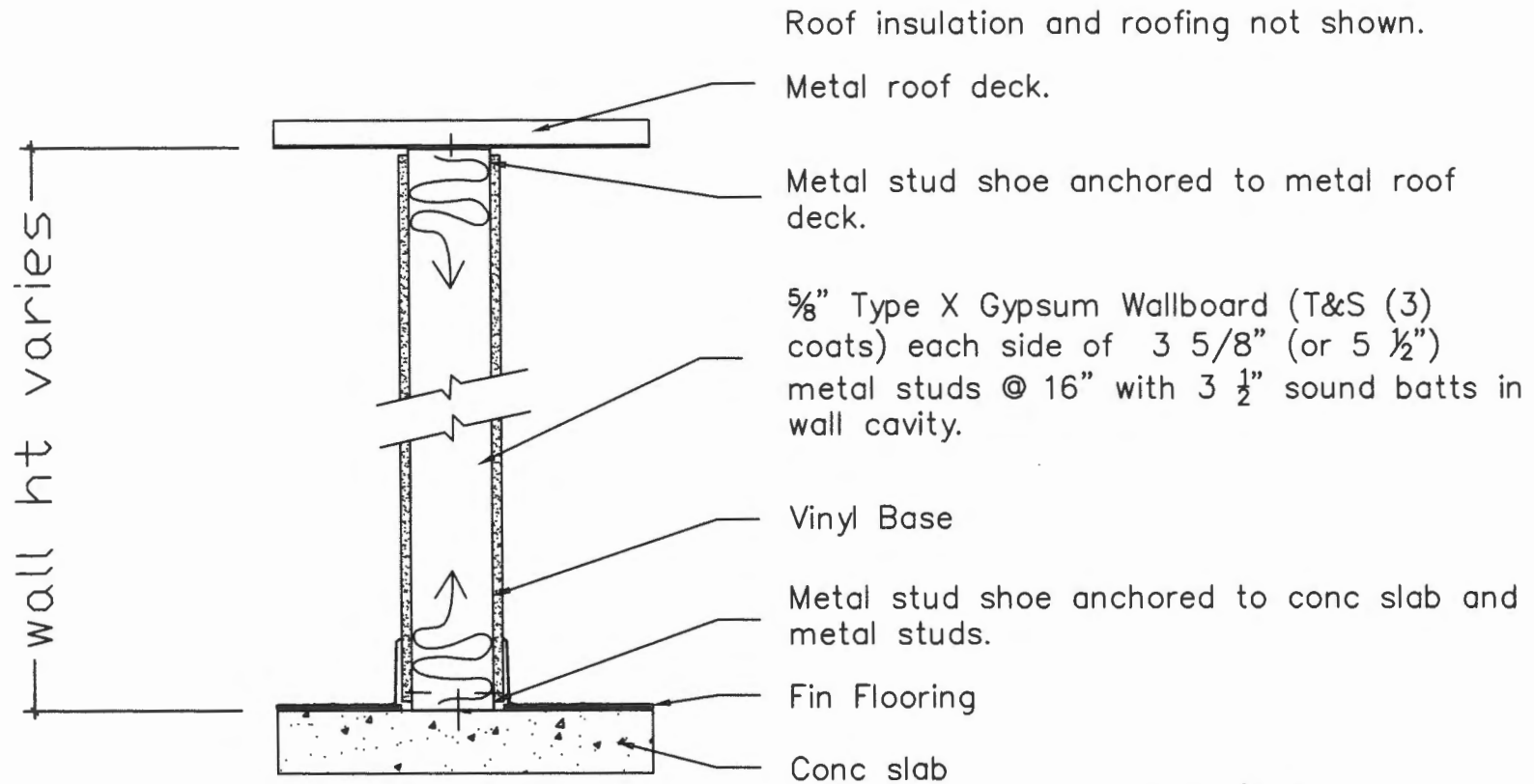
SK-2  
23/1/13



RECEIVED

MAR 01 2013

Dept. of Building Inspections  
City of Portland Maine



NTS

Maine Running Company  
309 Marginal Way  
Portland, Maine

One Hour Fire Rated Partition Section

Revisions:  
12/12/12

SK-1  
12/11/12



STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF STATE FIRE MARSHAL  
45 COMMERCE DR STE 1  
AUGUSTA, ME 04333-0001

## Construction Permit

No.21230

*In accordance with the provisions of M.R.S.A. Title 25, Chapter 317, Sec.317 and Title 5, Section 4594-F, permission is hereby granted to construct or alter the following referenced building according to the plans hitherto filed with the Commissioner and now approved. No departure from application form/plans shall be made without prior approval in writing. Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions.*

**Each permit issued shall be displayed at the site of construction.**

**Building:** MAINE RUNNING COMPANY  
**Location:** 309 MARGINAL WAY, PORTLAND, ME 04101-2543  
**Owner:** SOUTHERN MAINE PROPERTIES COMPANY  
**Owner Address:** PO BOX 7525, PORTLAND, ME 04112-7525

Occupancy Type: Mercantile Class B  
Secondary Use: Assembly Class <300  
Use Layout: Separated Use  
Sprinkler System  
No Fire Alarm System  
Barrier Free  
Construction Mode: Renovation, Occupancy Change  
Unprotected Noncombustable: Type II (000)  
Final Number of Stories: 2

**Permit Date:** 02/26/2013

**Expiration Date:** 08/25/2013

Handwritten signature of John E. Mayo in black ink.

COMMISSIONER OF PUBLIC SAFETY

RECEIVED

MAR 01 2013

Dept. of Building Inspections  
City of Portland Maine

Copy 1 - Owner

REVOCABLE LICENSE

RE: 309-323 Marginal Way

THIS REVOCABLE LICENSE made by and between the CITY OF PORTLAND, a body politic and corporate, located in Cumberland County, State of Maine (hereinafter "CITY") and Southern Maine Properties Company (hereinafter collectively "LICENSEE").

WHEREAS, LICENSEE holds title to certain real property located at 309—323 Marginal Way, Portland, Maine (the "Marginal Way Property"),

WHEREAS, CITY owns a pedestrian trail abutting the Marginal Way Property referred to as the Bayside Trail (hereinafter the "Bayside Trail"); and

WHEREAS, LICENSEE needs to enter onto the Bayside Trail property in order to have CONTRACTOR construct and locate stairs partly on the Marginal Way Property and partly on the Bayside Trail Property as depicted on the plan attached hereto as Exhibit A; and

WHEREAS, CITY is willing to permit LICENSEE to enter onto the Bayside Trail for the purposes of building and locating the stairs on the Marginal Way Property as depicted on Exhibit A;

NOW, THEREFORE, in consideration of the foregoing and the covenants herein contained, CITY hereby grants LICENSEE the following:

1. A revocable license for LICENSEE and/or its agents to enter in, on, under and over the Bayside Trail for the purpose of building and locating the stairs and related improvements for the Marginal Way Property as depicted on Exhibit A. The work to be performed by LICENSEE and/or its agents shall be done so as to not interfere with the public's use of the Bayside Trail.
2. LICENSEE will obtain any and all necessary federal, state or local permits required in connection with the work described herein.
3. The construction of the stairs and related improvements depicted on Exhibit A on the Marginal Way Property shall be accomplished by LICENSEE at its sole cost and expense.
4. LICENSEE shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage arising out of or in any way related

## Administrative Authorization Decision

**Application #:** 2013-037

**Name:** Running Trail - Stairs

**Address:** MARGINAL WAY

**Description:** Add Stairway to City's Running Trail

**Criteria for an Administrative Authorization:**

**Applicant's Assessment**

**Planning Division**

**(See Section 14-523 (4) on page 2 of this application)**

**Yes, No, N/A**

**Use Only**

a) Is the proposal within existing structures?	No	No
b) Are there any new buildings, additions, or demolitions?	Yes	Yes
c) Is the footprint increase less than 500 sq. ft.?	Yes	Yes
d) Are there any new curb cuts, driveways or parking areas?	No	No
e) Are the curbs and sidewalks in sound condition?	Yes	Yes
f) Do the curbs and sidewalks comply with ADA?	Yes	Yes
g) Is there any additional parking?	No	No
h) Is there an increase in traffic?	No	No
i) Are there any known stormwater problems?	No	No
j) Does sufficient property screening exist?	Yes	Yes
k) Are there adequate utilities?	Yes	Yes
l) Are there any zoning violations?	No	No
m) Is an emergency generator located to minimize noise?	N/A	N/A
n) Are there any noise, vibration, glare, fumes or other impacts?	No	No

1. Prior to constructing the stone dust path between the stairs and the trail, applicant shall confirm the footprint of the path in the field as well as the material of the path for review and approval by the Planning Authority.

2. Prior to the tree being transplanted the new tree location shall be approved by the Planning Authority.

The Administrative Authorization for the Running Trail - Stairs was approved by Richard Knowland, Senior Planner on February 4, 2013 with the following condition of approval listed below:

Richard Knowland

Senior Planner

Approval Date: February 4, 2013

TRANSMITTAL NOTICE -by Hand		DATE: 1/16/13
TO: Jonathon Rioux Code Enforcement Officer City of Portland		SUBJECT: 309 Marginal Way permit revisions
NO. OF COPIES:	DESCRIPTION:	
1	Revised drawings: A-1, A-2.1, A-2.2, A=2.3, A3.1, A3.2, A-4 E-1 and EG-1.	
1	New Drawings S-1 and S-2.	
1	Copy of License agreement for constructing the exterior stair.	
1	IBC code review of section 508 calculations and plans.	
1	CD of all the above in digital format.	
REMARKS:		
Hi Jonathon,		
The plan revisions reflect:		
<ul style="list-style-type: none"><li>• The reintroduction of the exterior stairway to the city's running trail. As you may recall, we eliminated this stair shortly after applying for the permit because the agreement for locating and constructing the stair was not in place. Because the agreement to locate and construct the stair is a revocable license, this stair is not a required means of egress.</li><li>• Structural drawings for new beam to be installed in the multipurpose room in place of a portion of a load bearing wall..</li><li>• The elimination of the one hr partition and doors between A-3 occupancy (Multipurpose room) and the remaining M occupancy space. You suggested a review of section 508. The attached review of this section shows that the no separation between the A-3 Occupancy and the M occupancy will be required.</li></ul>		
Please call with questions or comments.		
Sincerely, Bruce Kistler 772-8286 x207		
<b>RECEIVED</b> <b>JAN 17 2013</b> Dept. of Building Inspections City of Portland Maine		