

**City of Portland, Maine – Building or Use Permit Application** 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 11 Exchange St		Owner: Soley, Joseph		Phone:		Permit # 980038	
Owner Address:		Lessee/Buyer's Name:		Phone:		Business Name:	
Contractor Name: Lorane Zannuto c/o Edgar Catlin, Esq.		Address: 8 Cumberland St Brunswick, ME 04011		Phone: 775-0355		<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>PERMIT ISSUED</b>                  Permit Issued:  <b>JAN 22 1998</b>  <b>CITY OF PORTLAND</b> </div>	
Past Use:		Proposed Use:		COST OF WORK: \$ FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied			
Proposed Project Description:  Change Use from Dwelling unit to Dwelling Unit with Art Gallery Unit 3-A				Signature: <i>[Signature]</i> <b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b> Action:           Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied <input type="checkbox"/>		Signature: <i>[Signature]</i> Date:	
Permit Taken By: Mary Gresik		Date Applied For: 15 January 1998				Zoning Approval: Zone:    CBL: 032-F-010 Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
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..

**PERMIT ISSUED WITH REQUIREMENTS**

**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 provisions of the code(s) applicable to such permit

15 January 1998

SIGNATURE OF APPLICANT <i>Via Mail</i>	ADDRESS:	DATE:	PHONE:
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE			PHONE:

**Zoning Appeal**

Variance  
 Miscellaneous  
 Conditional Use  
 Interpretation  
 Approved  
 Denied

**Historic Preservation**

Not in District or Landmark  
 Does Not Require Review  
 Requires Review

**Action:**

Approved  
 Approved with Conditions  
 Denied

Date: *[Signature]*

**CEO DISTRICT** 2

COMMENTS

1/23/98 Requirements sheets for window details  
installation seen generally before application  
for permit. Also building permit for wall previously constructed.  
3/12/98 CGO. ok. Allow

Inspection Record

Type

Date

Foundation: \_\_\_\_\_

Framing: \_\_\_\_\_

Plumbing: \_\_\_\_\_

Final: \_\_\_\_\_

Other: \_\_\_\_\_

LAND USE - ZONING REPORT

ADDRESS: 11 Exchange Street DATE: 1/20/98  
REASON FOR PERMIT: Change of use from Apt to Apt with Art Gallery (unit 3A)  
BUILDING OWNER: Joseph Solano C-B-I: 32-F-10  
PERMIT APPLICANT: Lorene Zammato c/o Edgar Catlin  
APPROVED: with conditions #9 DENIED: \_\_\_\_\_

CONDITION(S) OF APPROVAL

1. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
2. The footprint of the existing \_\_\_\_\_ shall not be increased during maintenance reconstruction.
3. All the conditions placed on the original, previously approved, permit issued on \_\_\_\_\_ are still in effect for this amendment.
4. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will not be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the garage in place and in phases.
5. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
6. Our records indicate that this property has a legal use of \_\_\_\_\_ units. Any change in this approved use shall require a separate permit application for review and approval.
7. Separate permits shall be required for any signage for the Art Gallery
8. Separate permits shall be required for future decks and/or garage.
9. Other requirements of condition \_\_\_\_\_

Marge Schmuckal

Marge Schmuckal, Zoning Administrator,  
Asst. Chief of Code Enforcement

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EDGAR S. CATLIN III  
ATTORNEY AT LAW

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8 CUMBERLAND STREET, BRUNSWICK, MAINE 04011  
(207) 725-0355 • FACSIMILE (207) 725-0340  
EMAIL [ecatlin@awi.net](mailto:ecatlin@awi.net)

January 15, 1998

Ms. Marg Schmuckel  
Department of Urban and Planning Development  
389 Congress Street  
Portland ME 04101

RE: Lorene Zammuto – Apartment 3-A, 11 Exchange Street, Portland, Maine

VIA FACSIMILE and REGULAR US MAIL

Dear Ms. Schmuckel:

Following my telephone conversation with you of January 6, 1998 and my letter to Michael Nugent of January 7, 1998, enclosed is a floor plan of Apartment 3-A at 11 Exchange Street, Portland, Maine, presently occupied by Lorene Zammuto. As we discussed by telephone, Ms. Zammuto has previously been using her residence for the purpose of a residence and also an art gallery based upon her understanding that no permit for such additional use was required by the City of Portland.

Following our telephone conversation, I understand that a change of use permit is required for Ms. Zammuto to utilize the space as a residence/gallery. Both uses are permitted in the P-3 Zone in which the residential apartment is located.

The use intended by Ms. Zammuto as an art gallery is for the display of art to the general public. Based upon her experience with the gallery at this location, only several people at any one time customarily are in the gallery viewing the art. Obviously, the number of people present in the gallery substantially increases on those occasions when Ms. Zammuto holds openings in her gallery. The number of people on any one such occasion will likely not exceed that which would be customarily accommodated for any social gathering in any space of similar size.

The enclosed floor plan depicts the dimensions of the apartment and the locations of doors, windows, and structures within the space. It is clear that the space is substantially less than 5,000 square feet. Ms. Zammuto approximates the space at 2,000 square feet.

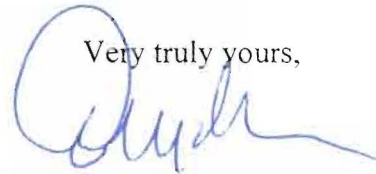
I am forwarding the enclosed plan and letter via facsimile this morning for your review. I plan to be in Portland later today and intend to provide the original letter together with the floor plan and the \$25.00 filing fee for a change of use permit.

Ms. Schmukel  
Page 2  
January 15, 1998

However, I wanted to be certain that the information set forth in the enclosed materials together with this letter was sufficient for the purposes of the application for a change of use permit for a space less than 5,000 square feet. Accordingly, I will plan to discuss this matter with you later this morning prior to hand delivering the original to you today.

Kindly give me a call at your earliest convenience once you have had the opportunity to review these materials.

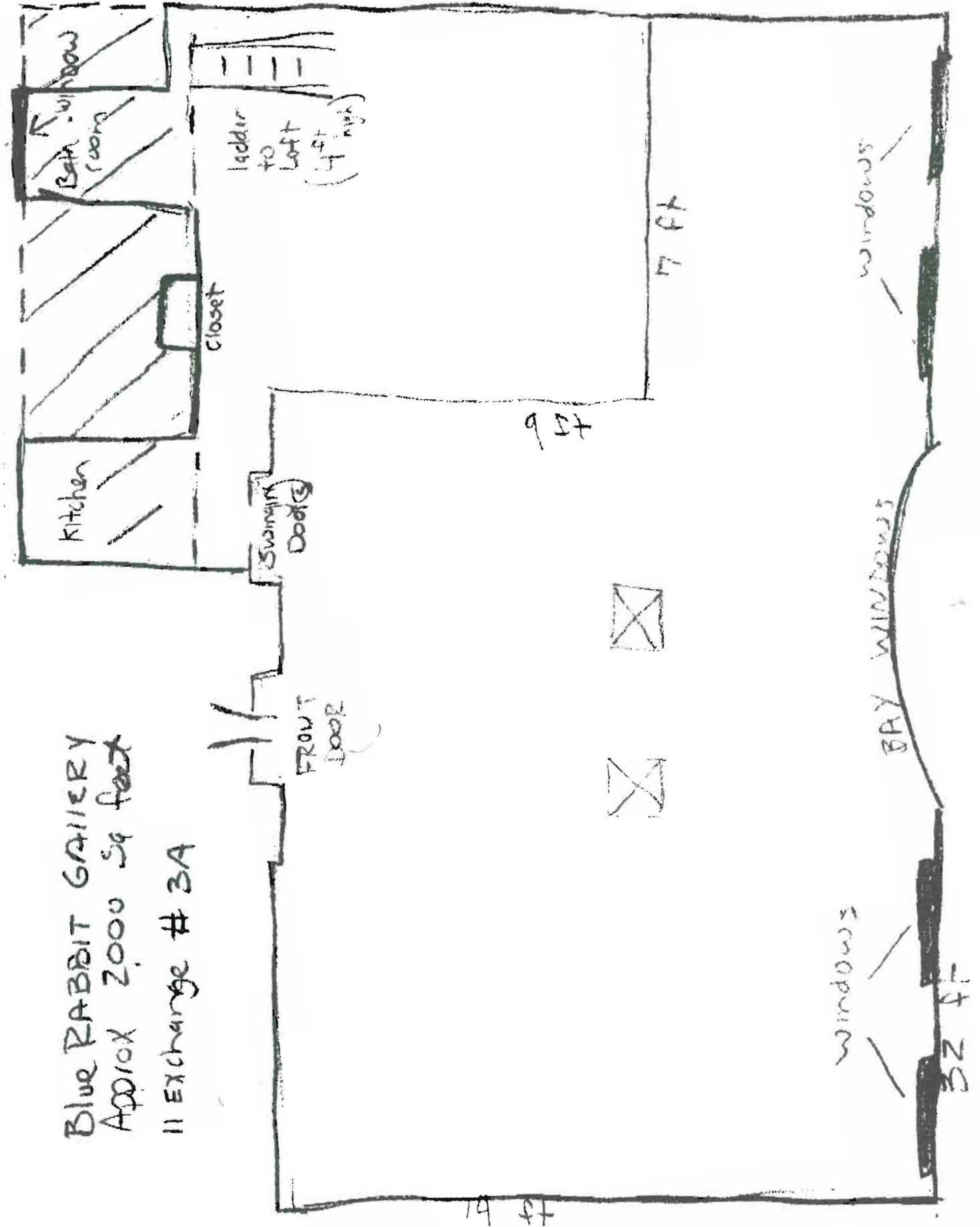
Very truly yours,



Edgar S. Catlin, III

ESC:ew  
Enclosure  
cc: Lorene Zammuto  
Mr. & Mrs. Anthony Zammuto

Blue RABBIT GALLERY  
Approx 2000 Sq feet  
11 Exchange # 3A



19 ft

# BUILDING PERMIT REPORT

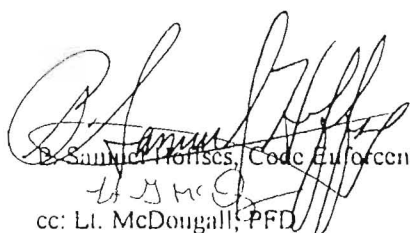
DATE: 1/21/98 ADDRESS: 11 Exchange St  
REASON FOR PERMIT: change choice  
BUILDING OWNER: Joseph Soloy  
CONTRACTOR: \_\_\_\_\_  
PERMIT APPLICANT: Vincent APPROVAL: \*1, \*8, \*9, \*12, \*13, \*16, \*17, \*18, \*30 DENIED  
USE GROUP M/B/R2 BOCA 1996 CONSTRUCTION TYPE 3B

## CONDITION(S) OF APPROVAL

1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
3. Precaution must be taken to protect concrete from freezing.
4. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
5. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of ½ inch gypsum board or the equivalent applied to the garage means of ½ inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)
6. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993).
7. Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.
8. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 34" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".)
9. Headroom in habitable space is a minimum of 7'6".
10. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread, 7" maximum rise.
11. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6' 8")
12. Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft.
13. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
14. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closer's.
15. The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment.
16. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 19, 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
  - In the immediate vicinity of bedrooms
  - In all bedrooms

• In each story within a dwelling unit, including basements  
In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required)

- 17. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type.
- 18. The Fire Alarm System shall be maintained to NFPA #72 Standard.
- 19. The Sprinkler System shall maintained to NFPA #13 Standard.
- 20. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
- 21. **No construction or demolition work shall begin until you have obtained permits for dumpsters or containers. A work Stop Order shall be issued if this requirement is not met.**
- 22. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
- 23. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
- 24. This permit does not excuse the applicant from obtaining any license which may be needed from the City Clerk's office.
- 25. Ventilation shall meet the requirements of Chapter 12 Sections 1210. of the City's Building Code.
- 26. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.
- 27. All requirements must be met before a final Certificate of Occupancy is issued.
- 28. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code. (The BOCA National Building Code/1996).
- 29. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993).
- \*30. ~~Please read and implement attached Land use - Zoning report requirements~~
- \*31. ~~A second means of egress shall be required for this use - section 1010.2 of the City's bldg. Code.~~
- 32. \_\_\_\_\_
- 33. \_\_\_\_\_
- 34. \_\_\_\_\_

  
B. Schmuckal, Code Enforcement  
cc: Lt. McDougall, PFD  
Marge Schmuckal





CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 11 Exchange St 032-F-010

Issued to Soley, Joseph

Date of Issue 13 March 1998

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 960038, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Unit 3-A

APPROVED OCCUPANCY

Dwelling Unit  
w/Art Gallery

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

3/13/98

(Date)

Inspector

Inspector of Buildings

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.

(go to me

Suit to

Lorene Zammito

1/6 Edger Cathlin Esq.

8 Camb. St

Brunswick Ave  
04011