

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

Location of Construction:		Owner:		Phone:		Permit No: <b>941012</b>
Owner Address:		Leasee/Buyer's Name:		Business Name:		
Contractor Name:		Address:		Phone:		Permit Issued: <b>PERMIT ISSUED</b> <b>SEP 23 1994</b>
Past Use:		Proposed Use:		COST OF WORK: \$ 2435 * FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied Signature: _____		
				PERMIT FEE: \$ 30 + 300. + 95. INSPECTION: Use Group: _____ Type: _____ Signature: _____		Zone: <b>QBL</b>
Proposed Project Description: Construct addition: 15' x 5'				PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/> Signature: _____ Date: _____		

1. This permit application doesn't 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..

\* 9-21-94 - Additional 95.00 paid to bring cost of work up to 25,000.



## 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 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

SIGNATURE OF APPLICANT: M. M. B. Y. Inc. ADDRESS: PO # 367 DTS (COMM) DATE: 7/19/94 PHONE: 772 3553

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE: \_\_\_\_\_ PHONE: \_\_\_\_\_

- Zoning Approval:
- Special Zone or Reviews:**
- ☐ Shoreland
  - ☐ Wetland
  - ☐ Flood Zone
  - ☐ Subdivision
  - ☐ Site Plan ☐ maj ☐ minor ☐ mm ☐

- 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: 7/19/94

CEO DISTRICT 2

# COMMENTS

9-22-94 - Started digging - front trench approx. 3'-0" - rear trench approx. 4'-0" in depth →  
 9-22-94 approx. 4:30 p.m. contacted Joe Soley to notify him that they have to be at least 4'-0" in depth.  
 9-29-94 - No new work - trenches still are not at least 4'-0".  
 10-3-94 - Digging trenches deeper. - Trench is not wide enough for drainage / 10-4-94 - Made them dig trenches wider - at least 16" wide @ base - made them vibrate concrete in frostwall by hand.  
 10-14-94 - Not building per plans - made him file amendment - making joists into fascia brd. - placed stop work order  
 10-18-94 - Still haven't added 2nd supports - told him he had to or would place another stop work order 10-31-94 - Roof framed up and end floor walls in place - some 2nd studs supports in place

2-10-95 - Hand delivered stop work order notice + letter to office above Seamus's Club @ Exchange St. - Received by Adam Tompore - Marked being accompanied me. T.M.

## Inspection Record

Type	Date
Foundation: <u>Mechanical Room on Footings</u>	<u>10-4-95</u>
Framing: <u>Insulate / Not Fully Adequate</u>	<u>10-14-94 / 10-18-94</u>
Plumbing: _____	_____
Final: _____	_____
Other: <u>Poured concrete</u>	<u>10-4-94</u>



8. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the building code 919.3.2 (BOCA National Building Code 1993), and NFPA 101 Chapter 18 & 19. (smoke detectors shall be installed and maintained at the following locations):

1. In the immediate vicinity of bedrooms
2. In all bedrooms
3. In each story within a dwelling unit, including basements

9. 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 ;lies 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 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 section 407.0 of the BOCA/1993).

✓ 10. 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 Group 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I1, 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.

✓ 11. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10, section & subsections 1023. & 1024.0 of the City's building code (The BOCA National Building Code/1993).

✓ 12. Stair construction in Use Group ~~R-3, R-4~~ <sup>Retail</sup> is a minimum of 11" tread and 7" maximum rise.

✓ 13. Headroom in habitable space is a minimum of 7'6".

✓ 14. The minimum headroom in all parts of a stairway shall not be less than 80 inches.

✓ 15. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final certificate or occupancy is issued or demolition permit is granted.

16. 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".

✓ 17. 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 of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

P. Samuel Hoffses

P. Samuel Hoffses  
Chief of Inspections

BUILDING PERMIT REPORT

Address 30 Wharf Street Date 9/22/94  
Reason for Permit Construct an addition connecting two buildings  
Approximately 15' x 50' for retail Bldg. Owner: Monopoly, Inc.  
Contractor: owner  
Permit Applicant: Joe Soley  
Approval: with conditions (#1, 3, 4, 6, 10, 11, 12, 13, 14, 15, 17)

CONDITION OF APPROVAL:

- ✓ 1. Before concrete for foundation is placed, approvals from Public Works and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection).
2. Precaution must be taken to protect concrete from freezing.
- ✓ 3. 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.
- ✓ 4. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hr., including fire doors with selfclosers.
5. Each apartment shall have access to (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.
- ✓ 6. The boiler shall be protected by enclosing with one (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An INDICATING shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 square feet per sprinkler.
7. 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 opening without the use of special knowledge or separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than 44 inches (1118 mm) above the floor. All egress or rescue windows from sleeping room must have minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm), and a minimum net clear opening of 5.7 sq.ft.

(over)



Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr  
Director

## CITY OF PORTLAND

February 8, 1995

RE: 38 Wharf Street

Joe Soley  
Monopoly Inc.  
Box 367 DTS  
Portland, ME 04112

Dear Sir:

An inspection was made at the above noted address on February 6, 1995. Alterations to the structure were found to be in progress which deviated from the submitted plans which the permit was issued under. A stop work order is being placed under Article I section 111.2 and 111.3 of the 1993 BOCA building code which states:

**111.2 Compliance with code:** The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code except as specifically stipulated by modification or legally granted variation as described in the application.

**111.3 Compliance with permit:** All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved amendments to the approved application or the approved construction documents.

Therefore, all work must cease and desist immediately. Please contact this office immediately to discuss your intentions for conformation. If I can be of further assistance, I can be reached at 874-8300 Ext. 8706.

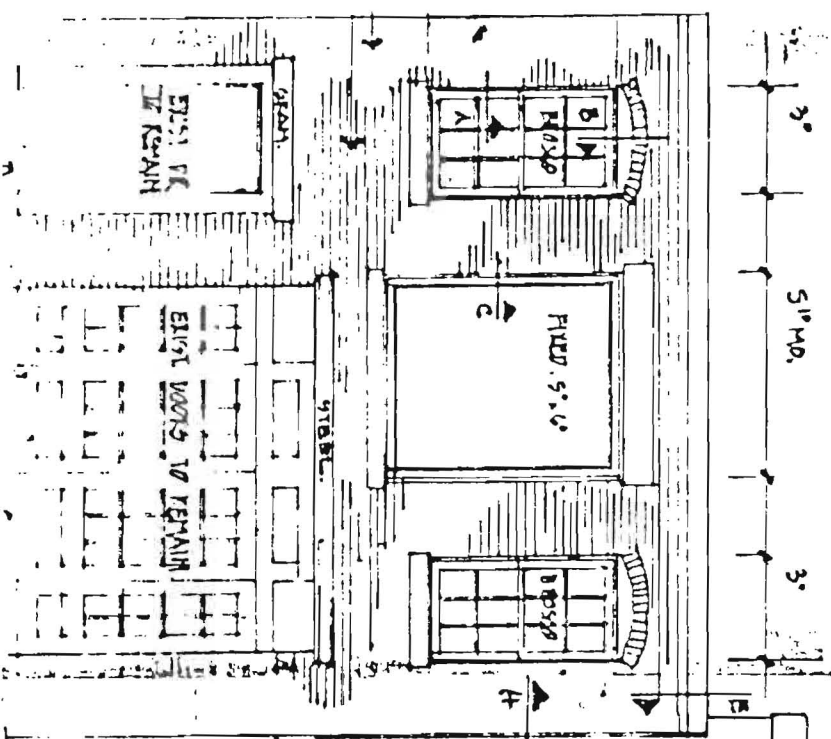
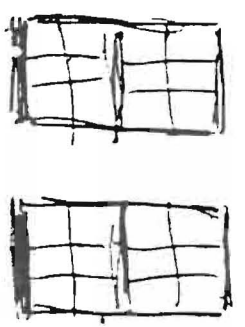
Sincerely,

A handwritten signature in cursive script that reads "Tammy Munson".

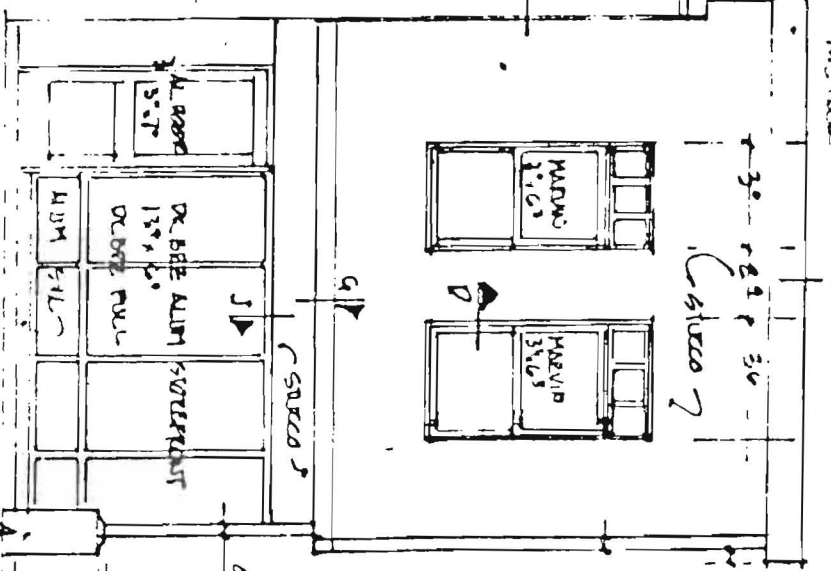
Tammy Munson  
Code Enforcement Officer

/el

SIHIAN  
DESIGN  
AS LEFT  
BUILDING



WINDY ST ELEVATION



4\"/>

STUCCO BASE



1/2

1/2

CITY

STUDIO MISH

WEST COAST

C. BISHOP

WEST FISH

THIS ELEVATION CANNOT BE SEEN FROM IMMEDIATE STREET AREA - FACES SUNSET

THIS ELEVATION  
CANNOT BE SEEN  
FROM IMMEDIATE  
SURFACE AREA -  
FACES SUNSET



CITY OF PORTLAND

November 17, 1994

Joseph Soley  
P.O. Box 367 DTS  
Portland, ME 04112

RE: 38 Wharf Street

Dear Joseph:

On November 16, 1994, the Historic Preservation Committee approved your application for a Certificate of Appropriateness. The approval is for: Window pattern design.

The approval is subject to the following conditions:

1. The new front window to be 6/6.
2. The support column to be wrapped in stucco material.

All improvements shall be carried out as shown on the submitted plans and specifications, except as modified to comply with the conditions of approval described above. Changes to the approved plans and specifications and any additional work which may be undertaken must be reviewed and approved by this office prior to construction, alteration or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph E. Gray, Jr.", written over a circular stamp or seal.

Joseph E. Gray, Jr.  
Director of Planning and Urban Development

cc: Approval Letter File  
Deborah Andrews, Senior Planner  
Gary Hamilton, Historic Preservation Officer



Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

September 23, 1994

Monopoly, Inc.  
P.O. Box 367, DTS  
Portland, Maine 04112

**RE: 38 Wharf Street**

Dear Mr. Soley,

Your application to construct an addition connecting two buildings approximately 15 x 50 for retail has been reviewed and a permit is herewith issued subject to the following requirements: This permit does not preclude the applicant from meeting applicable State and Federal laws.

**No Certificate of Occupancy can be issued until all requirements of this letter are met.**

1. The site plan approval conditions as related in the attached letter dated September 14, 1994 must be met.
2. The subsequent letter from Ownes A. McCullough, PE, who is acting Development Review Coordinator for the City of Portland dated September 19, 1994 is also in effect and all requirements must be met.
3. Means of egress shall have signs w/backup.
4. Means of egress shall be illuminated.
5. Portable fire extinguishers shall be provided in accordance with NFPA 10.
6. At least two separate exists shall be provided on every story.
7. Stair construction for your retail use grip classification requires a minimum tread of 11 inches and a maximum rise of 7 inches.
8. If any of the new building does not have direct access to the attached building and its existing means of egress, you shall supply another means of egress so that two means of egress are existing for each floor.
9. Your plan at present does not indicate full disability access on each level as required under both the Americans w/Disabilities Act. A certificate of occupancy cannot and will not be issued under State Law until they are complied with all other aspects of these laws shall be met.
10. All frost walls and foundations shall be 4' below grade. Any engineered change shall require an amended permit with appropriate plans.
11. Separate permits are required for any exterior signs or awnings.
12. Permits and floor plans shall be required for tenant fit up or change of use. Public assembly use is different from the retail use stated on your permit.

CITY OF PORTLAND

September 14, 1994

Joseph Soley  
P.O. Box 367 DTS  
Portland, ME 04112

Re: 38 Wharf Street

Dear Mr. Soley:

On September 14, 1994 the Portland Planning Authority granted minor site plan approval for your proposed addition at 38 Wharf Street.

The approval is subject to the following conditions:

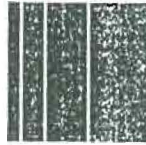
1. Drainage from the proposed building addition shall be collected and conveyed to the City storm drain system on Wharf Street. Plans for storm water collection shall be submitted to Paul Niehoff of the Public Works Department for review and approval.
2. The proposed fence at the rear of the property shall not extend beyond a point 6 feet from the rear wall of the abutting property at 225 Commercial Street, beyond which point you have no legal right to fence.
3. In no event shall an exterior dumpster be allowed on Wharf Street; any plan for a dumpster on site shall be reviewed by Planning Staff for placement, screening, etc.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must as revised by elevation drawings submitted by William Nemmers on August 30, 1994, submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.





## SebagoTechnics

*Engineering & Planning for the Future*

ok to issue permit  
Owner McColl  
Blue file is missing

September 19, 1994

161

Mr. Joseph Soley  
P.O. Box 367 DTS  
Portland, Maine 04112

### 38 Wharf Street

Dear Mr. Soley:

I appreciated the opportunity to meet with you this past Thursday, September 15, 1994 regarding your 38 Wharf Street project. As we discussed the September 14, 1994 site plan approval included a condition of approval which required that drainage from the proposed roof addition be collected and conveyed to the City's storm drain system on Wharf Street. This condition was based upon the premise a storm drain existed immediately adjacent your development.

Based upon my field observations of September 14, 1994 a storm drain does not exist in this section of Wharf Street. As a result, Condition 1 of the site plan approval dated September 14, 1994 is not applicable to your project, as there is no storm drain in this area of Wharf Street.

In a related item the City typically requires that an applicant post a performance guarantee or escrow account to cover the cost of site improvements or work which will occur within the City right-of-way. At the time of my site visit I noted that you have been able to excavate for the building foundation without disturbing the existing cobblestone street and that no site improvements will be required since this is entirely a building addition. In this regard I believe it would be appropriate not to require that you post a performance bond as there will be no site improvements. I would note that if any damage occurs on Wharf Street related to construction, a certificate of occupancy will not be issued until those damaged areas are repaired.

Mr. Solely

-2-

September 19, 1994

If you have any questions, please feel free to contact me.

Sincerely,

SEBAGO TECHNICS, INC

A handwritten signature in dark ink, appearing to read "Owens A. McCullough", is written over the printed name.

Owens A. McCullough, P.E.  
Acting Development Review Coordinator  
City of Portland

OAM:dlf

cc: Alex Jaegerman  
Debbie Andrews



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

Location of Construction: 38 Wharf St		Owner: Joseph Soley		Phone: 773-3333		Permit No:	
Owner Address: P.O. Box 367 DTS Portland, ME 04112		Leasee/Buyer's Name:		Phone:		Business Name:	
Contractor Name:		Address:		Phone:		Permit Issued:	
Past Use:  Retail		Proposed Use:  Retail w/addition		COST OF WORK: \$  FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied  Signature:		PERMIT FEE: \$400.  INSPECTION: Use Group: Type:  Signature:	
Proposed Project Description:  Minor Site Plan				PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>  Signature: Date:		Zone: CBL: 032-V-005  Zoning Approval:	

1. This permit application doesn't 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 duplicated - see attached*

- Special Zone or Reviews:**
- ☐ Shoreland
  - ☐ Wetland
  - ☐ Flood Zone
  - ☐ Subdivision
  - ☐ Site Plan ☐ major ☐ minor ☐ mm ☐

**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: \_\_\_\_\_

**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 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

*Bill Nemmers* 424 FORE ST. 28 June 1994 774-3683  
SIGNATURE OF APPLICANT ADDRESS: DATE: PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

CEO DISTRICT



Permit # 761-4444

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

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_ Address of Proposed Site \_\_\_\_\_

Proposed Use of Site \_\_\_\_\_ Site Identifier(s) from Assessors Maps \_\_\_\_\_

Acreage of Site / Ground Floor Coverage \_\_\_\_\_ Zoning of Proposed Site \_\_\_\_\_

Site Location Review (DEP) Required: ( ) Yes ( ) No Proposed Number of Floors \_\_\_\_\_

Board of Appeals Action Required: ( ) Yes ( ) No Total Floor Area \_\_\_\_\_

Planning Board Action Required: ( ) Yes ( ) No

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

Date Dept. Review Due: \_\_\_\_\_

**PLANNING DEPARTMENT REVIEW**

(Date Received) \_\_\_\_\_

- ☐ Major Development — Requires Planning Board Approval: Review Initiated
- ☒ Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING <i>duplex</i>	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN	
APPROVED	✓	✓			✓		✓	✓	✓	✓	✓	✓	
APPROVED CONDITIONALLY			✓			✓							CONDITIONS SPECIFIED BELOW
DISAPPROVED													REASONS SPECIFIED BELOW

REASONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Separate Sheet if Necessary)

9/14/94

*John G. Andrews*

\_\_\_\_\_  
SIGNATURE OF REVIEWING STAFF/DATE





## CITY OF PORTLAND

September 14, 1994

Joseph Soley  
P.O. Box 367 DTS  
Portland, ME 04112

Re: 38 Wharf Street

Dear Mr. Soley:

On September 14, 1994 the Portland Planning Authority granted minor site plan approval for your proposed addition at 38 Wharf Street.

The approval is subject to the following conditions:

1. Drainage from the proposed building addition shall be collected and conveyed to the City storm drain system on Wharf Street. Plans for storm water collection shall be submitted to Paul Niehoff of the Public Works Department for review and approval.
2. The proposed fence at the rear of the property shall not extend beyond a point 6 feet from the rear wall of the abutting property at 225 Commercial Street, beyond which point you have no legal right to fence.
3. In no event shall an exterior dumpster be allowed on Wharf Street; any plan for a dumpster on site shall be reviewed by Planning Staff for placement, screening, etc.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must as revised by elevation drawings submitted by William Nemmers on August 30, 1994, submit a revised site plan for staff review and approval.

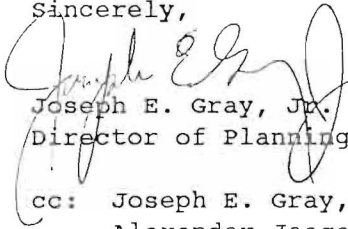
Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.

2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before a building permit can be issued.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

If there are any questions, please contact the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.  
Director of Planning and Urban Development

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
Deborah Andrews, Senior Planner  
P. Samuel Hoffses, Chief of Building Inspections  
William Giroux, Zoning Administrator  
George Flaherty, Director of Parks and Public Works  
Kathy Staples, Project Engineer, Parks and Public Works  
William Bray, Deputy Director of Parks and Public Works  
Jeff Tarling, City Arborist  
Paul Niehoff, Materials Engineer  
Natalie Burns, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Mary Gresik, Building Permit Secretary  
Approval Letter File  
William Nemmers



WILLIAM NEMMERS ASSOCIATES ARCHITECTS  
424 FORE ST. PORTLAND, ME 04101 774-3683.

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## 38 WHARF STREET WRITTEN STATEMENT for MINOR SITE PLAN REVIEW

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June 14, 1994

- 1) OWNER: Monopoly, Inc. Joseph Soley, 1 Exchange Street, Portland, Me. 04101
- 2) DESCRIPTION OF USE: The existing building is now vacant. The addition and the original will be leased to a commercial tenant or tenants.
- 3) TOTAL AREA OF SITE: 4,041 square feet
- 4) TOTAL AREA OF BUILDING GROUND COVER: 1,110sf (existing)  
1,881(proposed)
- 5) EASEMENTS: There exists an easement for pedestrian access and for underground utilities. This easement is 8 feet wide and extends along the northeast and southeast boundaries of the site.
- 6) SOLID WASTE GENERATION: The quantity and type of solid waste generated will be dependent on the specific business or businesses that eventually lease the space, however the loads are expected to fall within the normal parameters for businesses of this sort.
- 7) EVIDENCE OF SEWER AND WATER ACCESS: There are existing sewer and water services to the building
- 8) CONSTRUCTION SCHEDULE: Construction will commence upon reception of the permit and will take approximately 2 months
- 9) COMMENTS REGARDING FEDERAL OR STATE PERMITS: To the best of our knowledge, here are no Federal or State Permits required for this development.
- 10) EVIDENCE OF THE APPLICANTS TITLE: The transfer of this property to the Applicant was recorded in deed book 11345, page 235 on March 25, 1994.

38 Wharf St



# CITY OF PORTLAND, MAINE

## SITE PLAN REVIEW

### Processing Form

Joseph Soley, Monopoly Inc.

28 June 1994

Applicant

P.O. Box 367 DTS Ptld, ME 04112

Mailing Address

Retail

Proposed Use of Site

4,041 sq ft / 1,881 sq ft proposed

Acreage of Site / Ground Floor Coverage

1,110 existing

Site Location Review (DEP) Required: ( ) Yes ( ) No

Proposed Number of Floors 2

Board of Appeals Action Required: ( ) Yes ( ) No

Total Floor Area 3,762 sq ft

Planning Board Action Required: ( ) Yes ( ) No

Other Comments: 14 x 50 Addition Bill Nemmers 774-3683

Date Dept. Review Due:

## BUILDING DEPARTMENT SITE PLAN REVIEW

(Does not include review of construction plans)

- ☐ Use does NOT comply with Zoning Ordinance
- ☐ Requires Board of Appeals Action
- ☐ Requires Planning Board/City Council Action

Explanation

- ☒ Use complies with Zoning Ordinance — Staff Review Below

Zoning:  
SPACE & BULK,  
as applicable

COMPLIES

COMPLIES  
CONDITIONALLY

DOES NOT  
COMPLY

DATE	ZONE LOCATION	INTERIOR OR CORNER LOT	40 FT. SETBACK AREA (SEC. 21)	USE	SEWAGE DISPOSAL	REAR YARDS	SIDE YARDS	FRONT YARDS	PROJECTIONS	HEIGHT	LOT AREA	BUILDING AREA	AREA PER FAMILY	WIDTH OF LOT	LOT FRONTAGE	OFF-STREET PARKING	LOADING BAYS

CONDITIONS  
SPECIFIED  
BELOW

REASONS  
SPECIFIED  
BELOW

REASONS:

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT—ORIGINAL

# CITY OF PORTLAND, MAINE

## SITE PLAN REVIEW

### Processing Form

Joseph Soley, Monopoly Inc.

28 June 1994

Applicant

P.O. Box 367 UTS Portland, ME 04112

38 Wharf St

Date

Mailing Address

Address of Proposed Site

Proposed Use of Site

2,041 sq ft / 1,581 sq ft proposed

Site Identifier(s) from Assessors Maps

Acreage of Site / Ground Floor Coverage

1,110 existing

Zoning of Proposed Site

Site Location Review (DEP) Required: ( ) Yes ( ) No

Proposed Number of Floors

Board of Appeals Action Required: ( ) Yes ( ) No

Total Floor Area

Planning Board Action Required: ( ) Yes ( ) No

Other Comments:

14 x 50 Addition

Bill Venners

774-3683

Date Dept. Review Due:

## FIRE DEPARTMENT REVIEW

6/28/94

(Date Received)

	ACCESS TO SITE	ACCESS TO STRUCTURES	SUFFICIENT VEHICLE TURNING ROOM	SAFETY HAZARDS	HYDRANTS	SIAMSE CONNECTIONS	SUFFICIENCY OF WATER SUPPLY	OTHER	
APPROVED									
APPROVED CONDITIONALLY								X	CONDITIONS SPECIFIED BELOW
DISAPPROVED									REASONS SPECIFIED BELOW

REASONS:

38 Wharf St is a different building

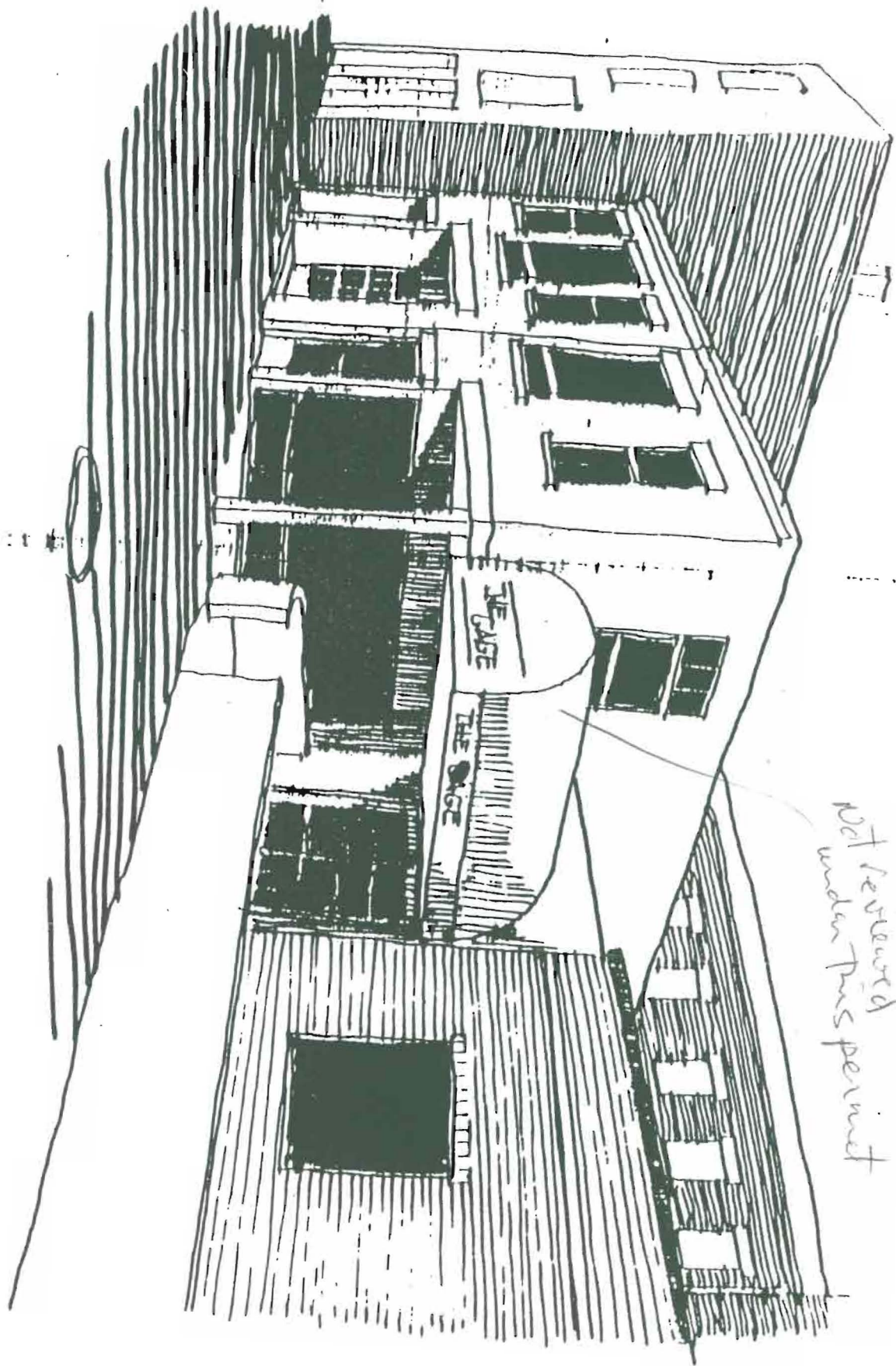
(Attach Separate Sheet if Necessary)

*H. M. G.*

SIGNATURE OF REVIEWING STAFF/DATE

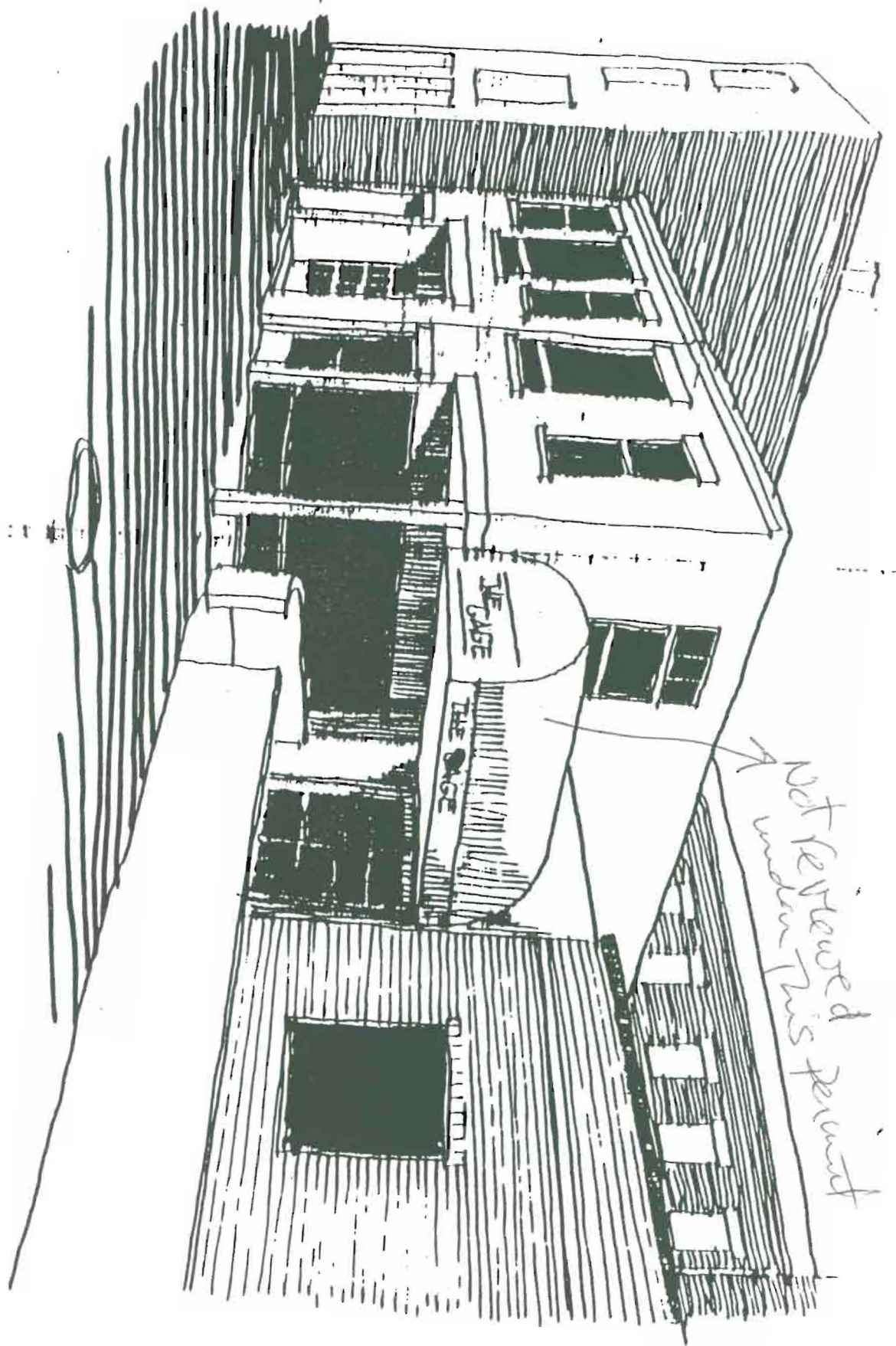
FIRE DEPARTMENT COPY





Not restored  
under this period



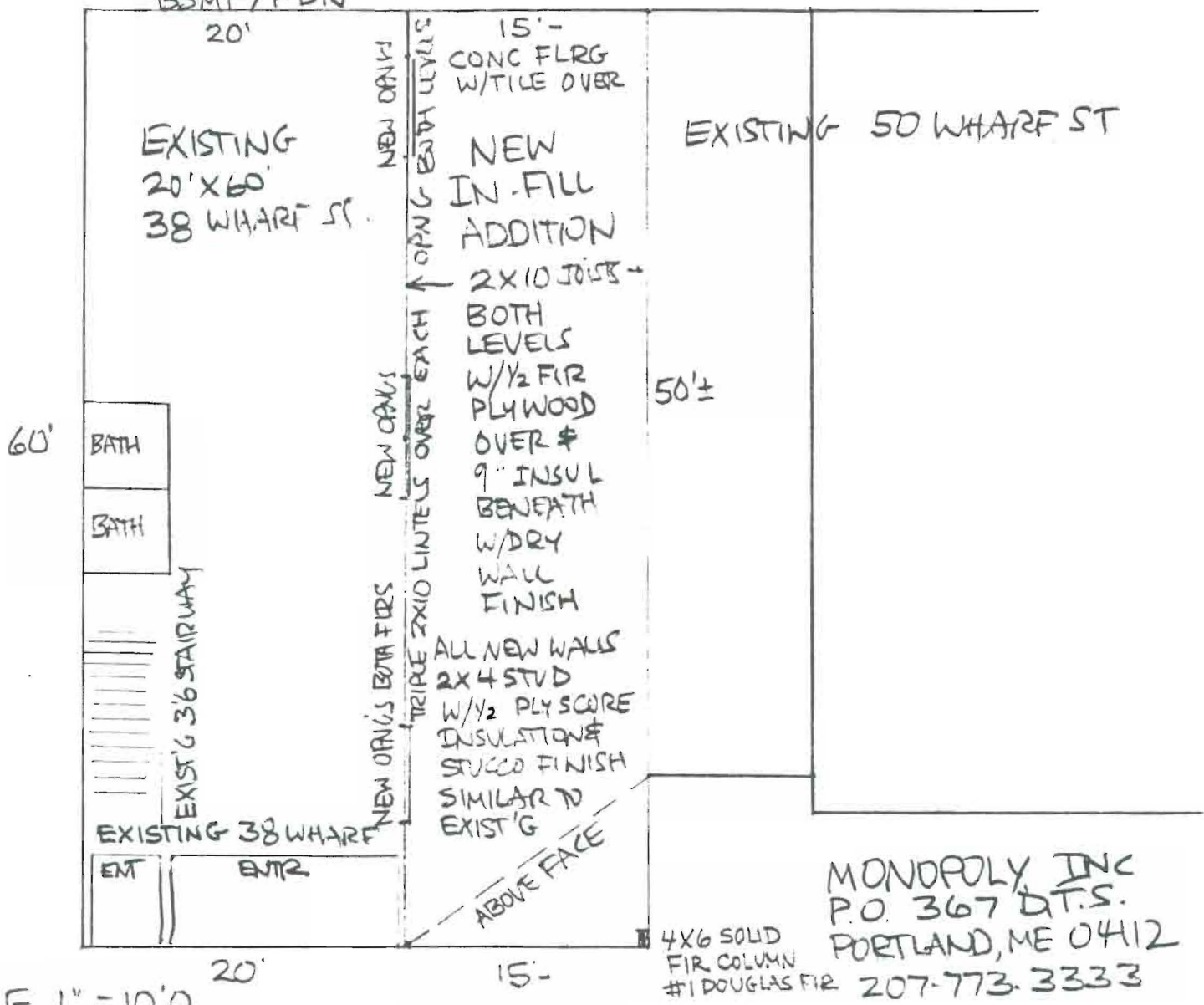


Not featured  
A modern this present

7/1/94



SOLID CONCRETE BSMT / FDN



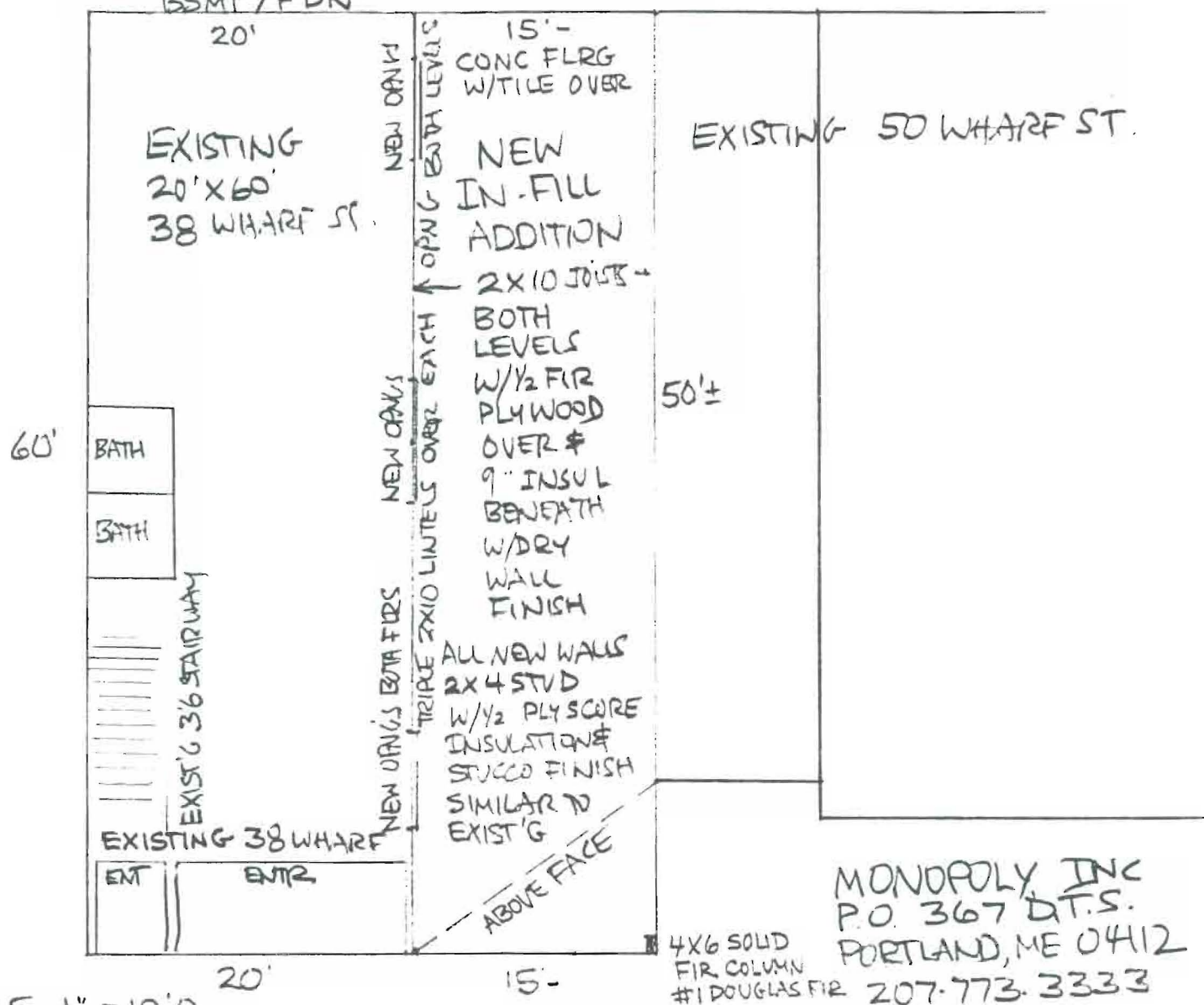
SCALE 1" = 10'0"



7/1/94



SOLID CONCRETE BSMT/FDN

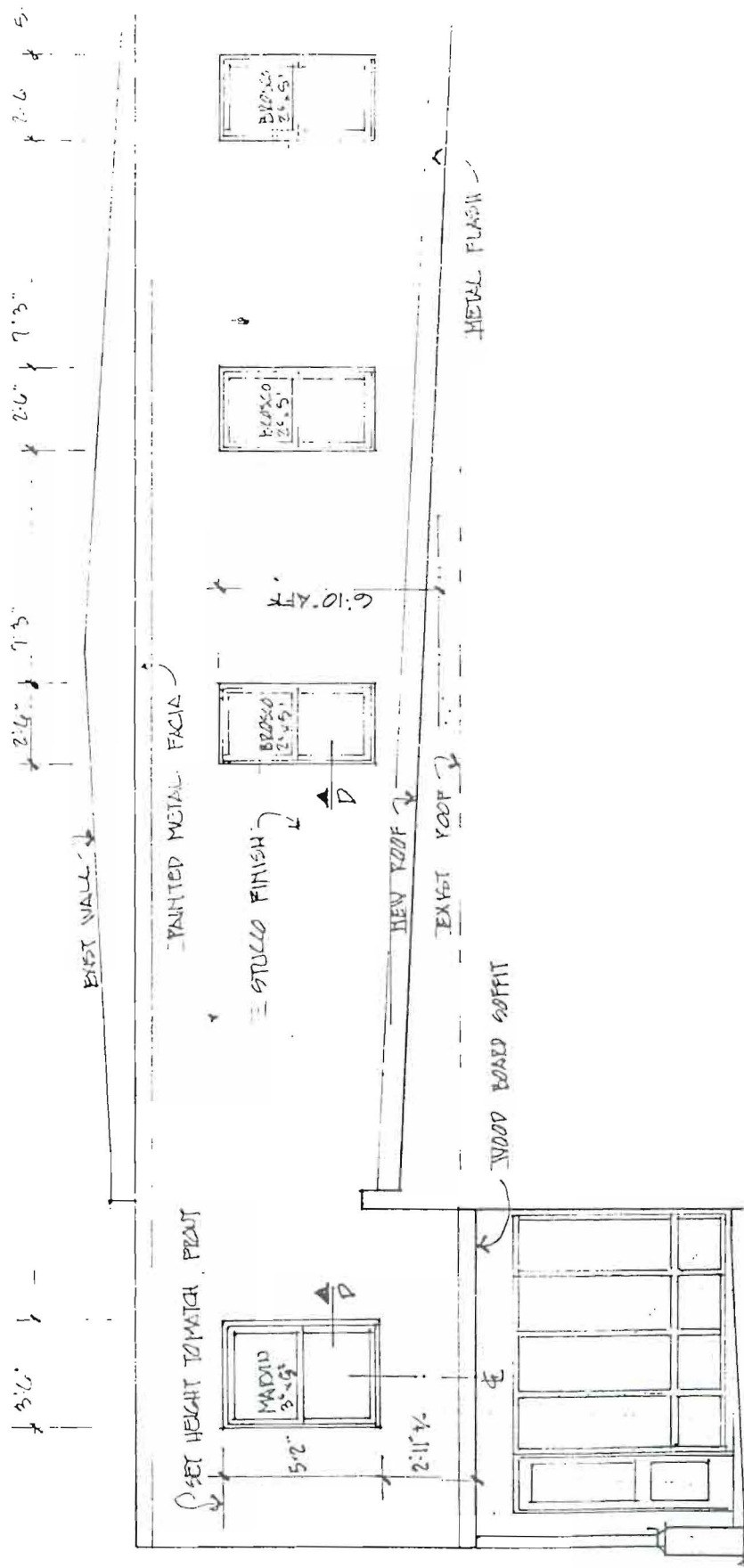


MONOPOLY INC  
P.O. 367 D.T.S.  
PORTLAND, ME 04112  
207-773-3333

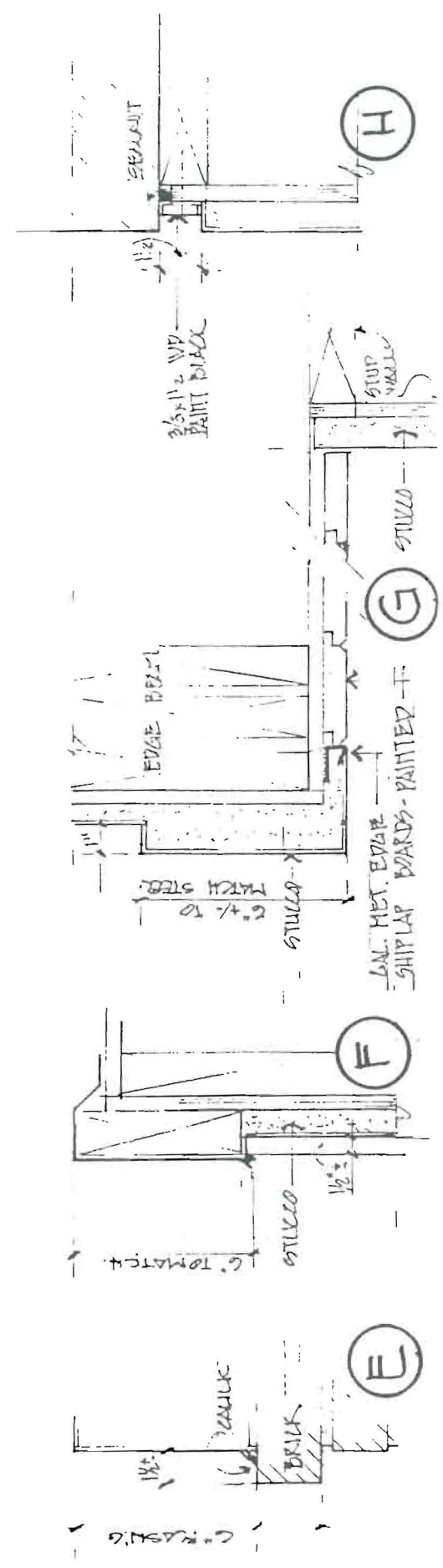
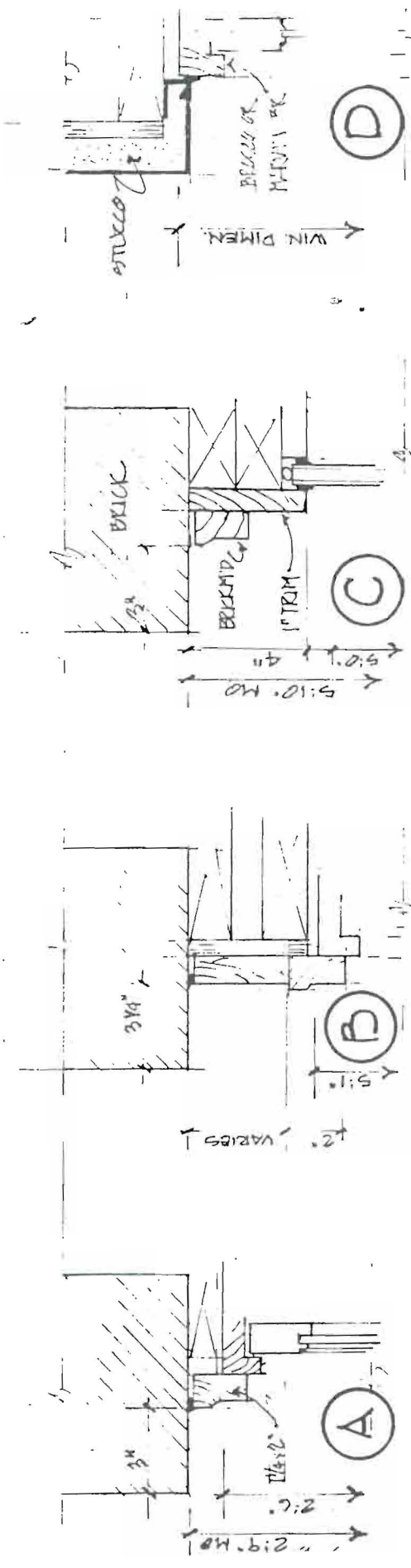
SCALE 1" = 10'0"







SOUTH ELEVATION





941131



## APPLICATION FOR AMENDMENT TO PERMIT

PERMIT ISSUED

Amendment No. \_\_\_\_\_

Portland, Maine, \_\_\_\_\_

14 OCT 94

OCT 18 1994

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 94/1012 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location 38-42 Wharf St Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_Owner's name and address Monopoly, Inc. Telephone \_\_\_\_\_Lessee's name and address P.O. Box 367 DTS 04112 Telephone \_\_\_\_\_

Contractor's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Architect \_\_\_\_\_ Plans filed \_\_\_\_\_ No. of sheets \_\_\_\_\_

Proposed use of building \_\_\_\_\_ No. families \_\_\_\_\_

Last use \_\_\_\_\_ No. families \_\_\_\_\_

Increased cost of work -0- Additional fee 25.00

## Description of Proposed Work

*Amend permit as per plans*

*Historic Preservation*  
*10/17/94*  
*B-3*  
*[Signature]*

## Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_

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 \_\_\_\_\_

Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_

Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_

No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_

Framing lumber — Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_

Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ Girt or ledger board? \_\_\_\_\_ Size \_\_\_\_\_

Girders \_\_\_\_\_ Size \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_

Studs (outside walls and carrying partitions) 2x4-16" O.C. Bridging in every floor and flat roof span over 8 feet.

Joints and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

Approved: \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Approved: \_\_\_\_\_

INSPECTION COPY — WHITE  
APPLICANT'S COPY — YELLOWFILE COPY — PINK  
ASSESSOR'S COPY — GOLDEN

Inspector of Buildings

*[Signature]*  
*11/18/94*  
*11/18/94*

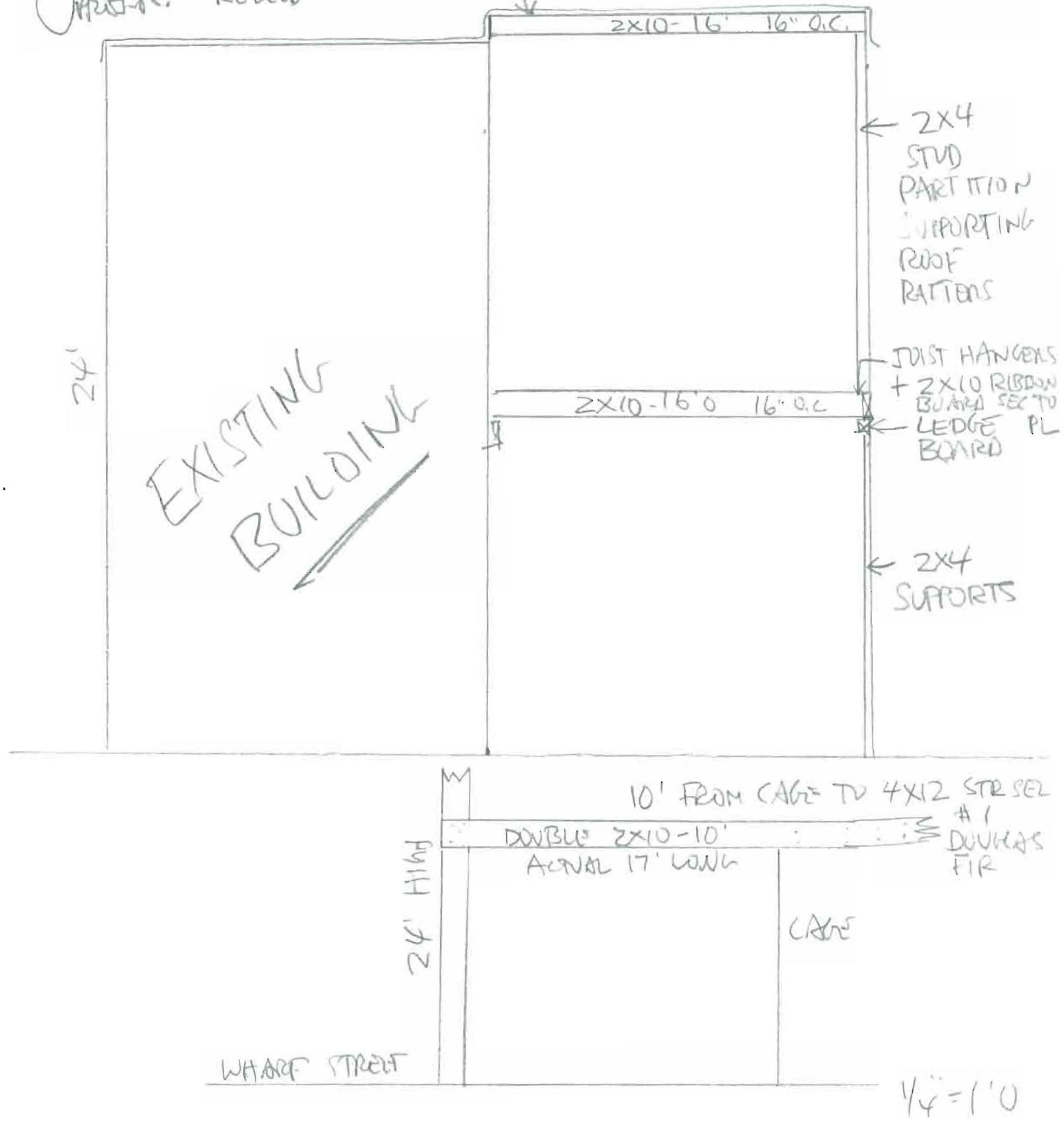
4 94-1012 PERMIT #

207-723-3333

1st AMENDMENT TO 38-42 WHARF STREET

MONOPOLY, INC. PO 367 PORTLAND ME 04112

JOHN. "ROLLED RFG" NEW RWTING OCTOBER 14, 1994







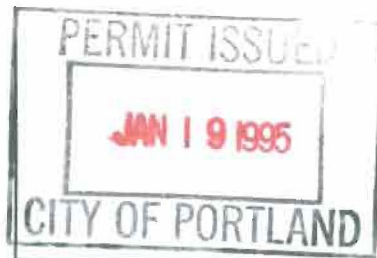




# APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. **950037**

Portland, Maine, \_\_\_\_\_



To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

04 January 1995

The undersigned hereby applies for amendment to Permit No. 94/1012 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location 38 Wharf St Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
Owner's name and address J. Soley P.O. Box 367 Ptld, ME 04112 Telephone \_\_\_\_\_  
Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Contractor's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
Architect \_\_\_\_\_ Plans filed \_\_\_\_\_ No. of sheets \_\_\_\_\_  
Proposed use of building \_\_\_\_\_ No. families \_\_\_\_\_  
Last use \_\_\_\_\_ No. families \_\_\_\_\_  
Increased cost of work 500.00 Additional fee ~~155.00~~ 30.00

## Description of Proposed Work

- I. Floor plan shown "open space" on original permit.  
See enclosed revised floorplan/2nd floor

## Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
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 \_\_\_\_\_  
Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_  
Framing lumber — Kind \_\_\_\_\_ Dressed or full size? \_\_\_\_\_  
Corner posts \_\_\_\_\_ Sills \_\_\_\_\_ Girt or ledger board? \_\_\_\_\_ Size \_\_\_\_\_  
Girders \_\_\_\_\_ Size \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
Studs (outside walls and carrying partitions) 2x4-16" O.C. Bridging in every floor and flat roof span over 8 feet.  
Joints and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_

Approved: \_\_\_\_\_

Signature of Owner \_\_\_\_\_

Approved: \_\_\_\_\_

INSPECTION COPY — WHITE  
APPLICANT'S COPY — YELLOW

FILE COPY — PINK  
ASSESSOR'S COPY — GOLDEN

Inspector of Buildings



Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

January 18, 1995

Mr. J. Soley  
P. O. Box 367  
Portland, ME 04112

re: 38 Wharf St.

Dear Sir:

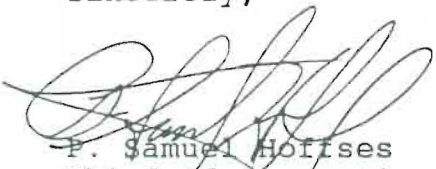
Your application to make an amendment to permit #94/1012 has been reviewed, and a permit is herewith issued subject to the following requirements: This permit doesn't preclude the applicant from meeting applicable State and Federal laws.

No Certificate of Occupancy can be issued until all requirements of this letter are met.

1. Approved single-station or multiple-station smoke detectors continuously powered from the building's electrical system shall be installed in every living unit and in every sleeping room.
2. The dwelling unit shall be separated from the mercantile occupancy with a fire rating of no less than two hours.
3. Please read and implement items 7, 9, 11, 13, 14 and 15 of the attached Building Permit Report.

If you have any questions regarding these requirements, please do not hesitate to contact this office.

Sincerely,



P. Samuel Hoffses  
Chief of Inspection Services

cc: Lt. Gaylen McDougall, Fire Prevention

lec



BUILDING PERMIT REPORT

DATE: 18/Jan/95 Address 38 Wharf ST.  
REASON FOR PERMIT: To Amend permit 94/1012 (First Floor  
Retail 2nd Floor Apt. BLDG. OWNER: J. Soley  
CONTRACTOR: J Soley APPROVED:  
PERMIT APPLICATE: \*7 \*9 \*11 \*13 \*14 \*15 DENIED:

CONDITION OF APPROVAL OR DENIAL:

1. Before concrete for foundation is placed, approvals from Public Works and Inspection Service must be obtained. ( a 24 hour notice is required prior to inspection).
2. Precaution must be taken to protect concrete from freezing.
3. It is strongly recommended that a register land surveyor check all foundation forms before concrete is placed.
4. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hr., including fire doors with selfclosers.
5. Each apartment shall have access to (2) separate, remote and approved means of egress. A single exit is acceptable when its exits directly from the apartment to the building exterior with no communications to other apartment units.
6. The boiler shall be protected by enclosing with one (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An indication shut-off valve shall be installed in an accessible locations between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 sq. ft. per sprinkler.
- X 7. 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 opening without the use of special knowledge or separated tools. Where windows are provided as a 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 room must have minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm) and a minimum net clear opening of 5.7 sq.ft.
8. This permit does not preclude the applicant from obtaining any license needed from the City Clerk's office.

February 7, 1995

Re: 38 Wharf St.

Joe Solezy  
Monopoly Inc.  
Box 367 DTS  
Portland, Me. 04112

Dear Sir:

An inspection was made at the above noted address on February 6, 1995. Alterations to the structure were found to be in progress ~~which~~ <sup>submitted</sup> ~~which does not comply with the submitted~~ ~~plans~~ deviate from the <sup>submitted</sup> plans which the permit was issued under. A stop work order is being placed under Article I section 111.2 and 111.3 of the 1993 BOCA building code which states:

**111.2 Compliance with code:** The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.

**111.3 Compliance with permit:** All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved amendments to the approved application or the approved construction documents.

Therefore, all work must cease and desist ~~immediately~~ immediately. Please contact this office immediately to discuss your intentions for conformation. If I can be of further assistance, I can be reached @

Sincerely

Tammy Mason CEO

874-8300 x8706



Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

February 8, 1995

RE: 38 Wharf Street

*Sent 1 certified  
1 hand delivery  
1 regular mail*

Joe Soley  
Monopoly Inc.  
Box 367 DTS  
Portland, ME 04112

Dear Sir:

An inspection was made at the above noted address on February 6, 1995. Alterations to the structure were found to be in progress which deviated from the submitted plans which the permit was issued under. A stop work order is being placed under Article I section 111.2 and 111.3 of the 1993 BOCA building code which states:

**111.2 Compliance with code:** The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code except as specifically stipulated by modification or legally granted variation as described in the application.

**111.3 Compliance with permit:** All work shall conform to the approved application and the approved construction documents for which the permit has been issued and any approved amendments to the approved application or the approved construction documents.

Therefore, all work must cease and desist immediately. Please contact this office immediately to discuss your intentions for conformation. If I can be of further assistance, I can be reached at 874-8300 Ext. 8706.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Munson".

Tammy Munson  
Code Enforcement Officer

/el



# LEGAL NOTICE

Date 2-7-95

WHEREAS, Violations of { Article I of the Zoning Ordinance } have been found  
Article III.2 of the Building Code  
Article III.3 of the Code

on these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

## STOP WORK

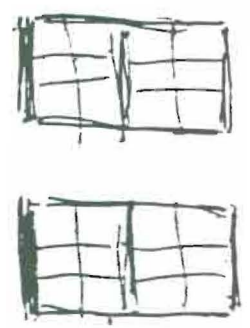
at once pertaining to construction, alterations or repairs on these premises

known as 38 WHARF ST.

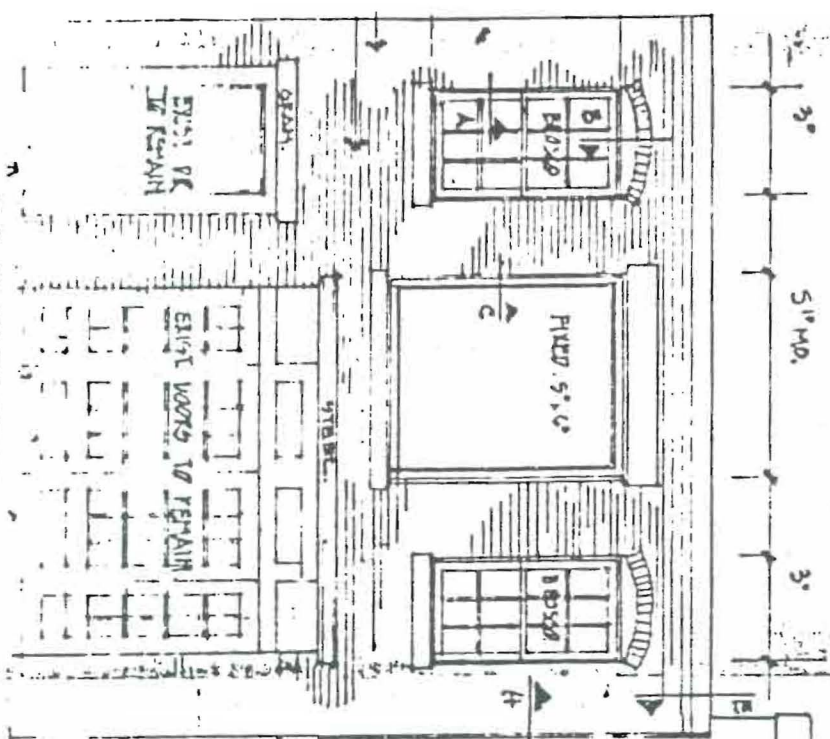
ALL PERSONS ACTING CONTRARY TO THIS ORDER OR REMOVING OR MUTILATION THIS NOTICE ARE LIABLE TO ARREST  
UNLESS SUCH ACTION IS AUTHORIZED BY THE CITY OF PORTLAND DIVISION OF INSPECTION SERVICES

TAMMY MUNSON

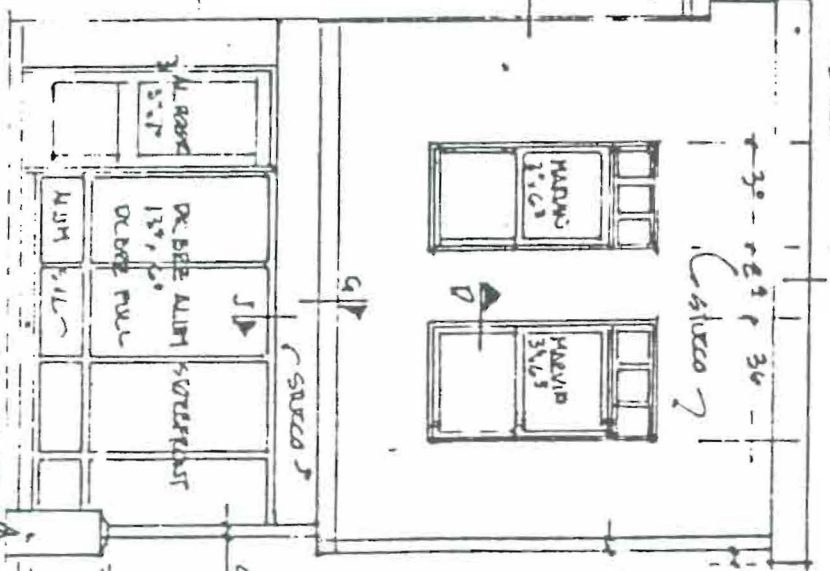
CODE ENFORCEMENT OFFICER



SIHUA  
DESIGN  
AS LEFT  
BUILDING

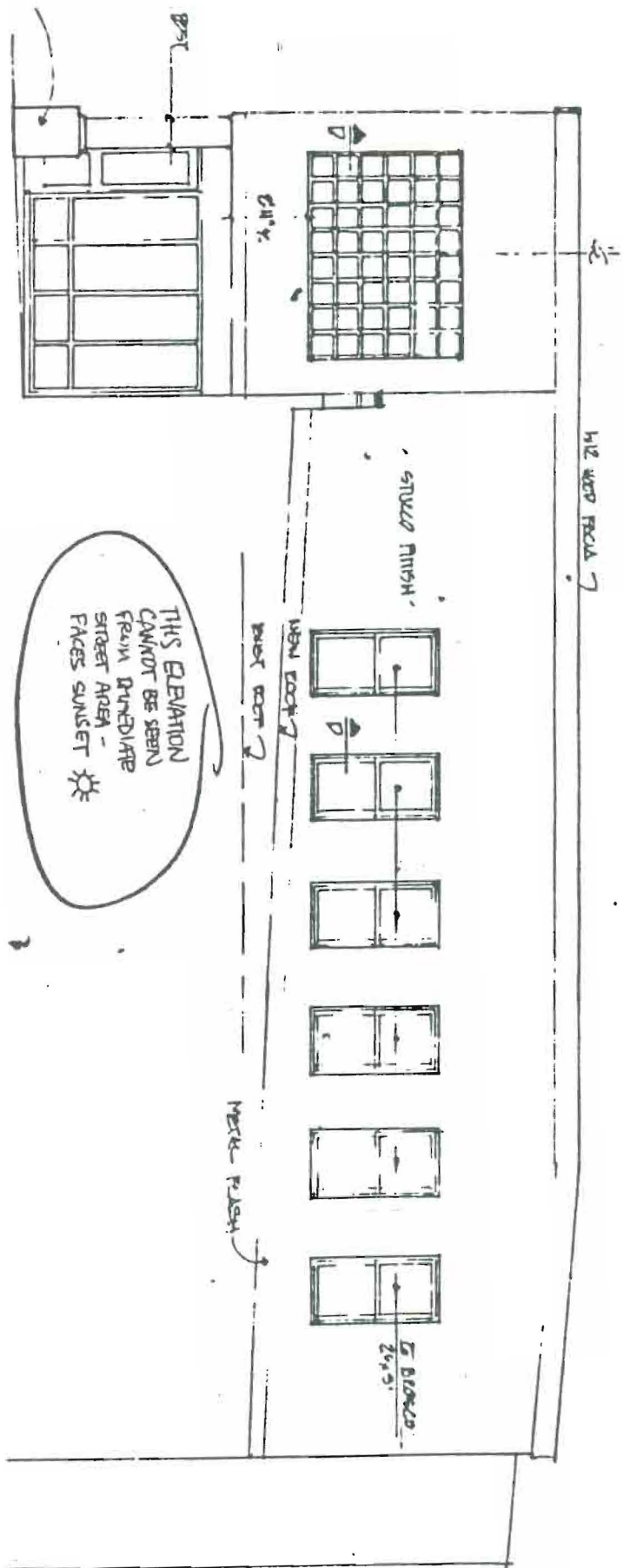


WINDY ST. ELEVATION.



4 1/2" PLATE FINISH  
STUCCO UNPAINTED  
4" x 12" COLUMN  
STUCCO BASE  
2 1/2" DECK BASE

SOUTH ELEVATION







CITY OF PORTLAND

November 17, 1994

Joseph Soley  
P.O. Box 367 DTS  
Portland, ME 04112

RE: 38 Wharf Street

Dear Joseph:

On November 16, 1994, the Historic Preservation Committee approved your application for a Certificate of Appropriateness. The approval is for: Window pattern design.

The approval is subject to the following conditions:

1. The new front window to be 6/6.
2. The support column to be wrapped in stucco material.

All improvements shall be carried out as shown on the submitted plans and specifications, except as modified to comply with the conditions of approval described above. Changes to the approved plans and specifications and any additional work which may be undertaken must be reviewed and approved by this office prior to construction, alteration or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joseph E. Gray, Jr.", written over a circular stamp.

Joseph E. Gray, Jr.  
Director of Planning and Urban Development

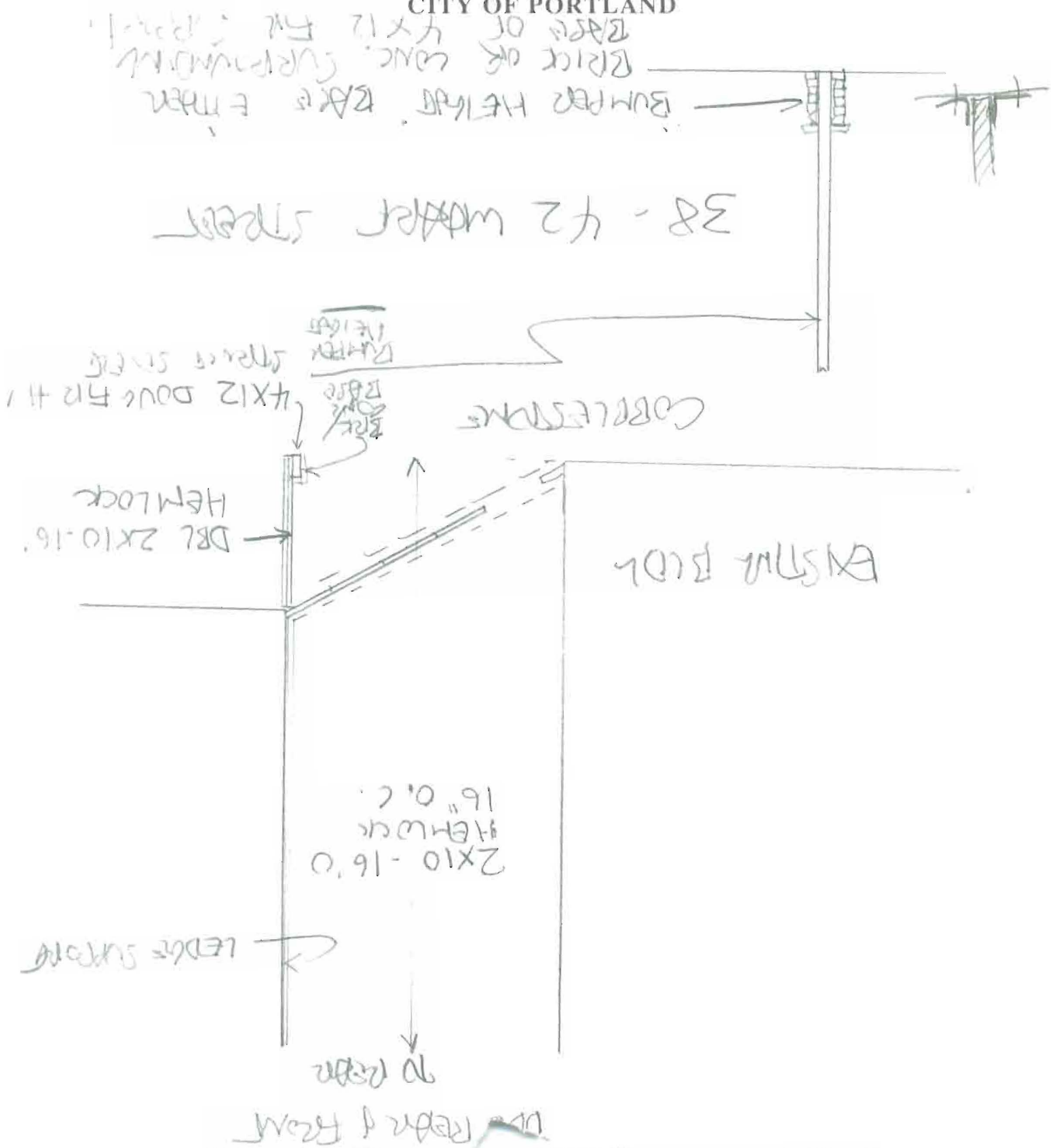
cc: Approval Letter File  
Deborah Andrews, Senior Planner  
Gary Hamilton, Historic Preservation Officer

Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

CITY OF PORTLAND



- X 9. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the building code 919.3.2 (BOCA National Building Code 1993), and NFPA 101 Chapter 18 & 19. (smoke detectors shall be installed and maintained at the following locations):
1. In the immediate vicinity of bedrooms;
  2. In all bedrooms;
  3. In each story within a dwelling unit, including basements.
- X 10. 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 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 section 407.0 of the BOCA/1993)
- X 11. 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 Group 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I1, 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.
12. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10, section & subsections 1023. & 1024.0 of the City's building code. (The BOCA National Building Code/1993)
- X 13. Stair construction in Use Group R-3 & R-4 is a minimum of 9" tread and 8-1/4" maximum rise.
- X 14. Headroom in habitable space is a minimum of 7'6".
- X 15. The minimum headroom in all parts of a stairway shall not be less than 80 inches.
16. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final Certificate of Occupancy is issued or demolition permit is granted.
17. 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".
18. 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 of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

  
P. Samuel Polises  
Chief of Inspections

/dmm 01/14/94(redo w/additions)



Mary -

Please consider  
38 Wharf St. Blue  
Form signed off on -  
(I can't find it downstairs)  
I have spoken to Owen;  
he has approved; no  
performance guarantee  
will be required in this  
instance.

## Conditions on C of O:

1. Can't block R/W for Commercial St. building for egress. The easement is 8' wide and extends along the northeast and south east boundaries of the site.