

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

Location of Construction: 75 W. Commercial St		Owner: J.S. Brown & Sons		Phone: 774-5908		Permit No: 990202 PERMIT ISSUED MAR 11 1999 CITY OF PORTLAND Zone: CBL: 058-C-001	
Owner Address: ARRENDMENT 401 Congress 04117		Lessee/Buyer's Name:		Phone:			Permit Issued: MAR 11 1999 CITY OF PORTLAND
Contractor Name: SAA/Steve Reynolds		Address:		Phone:			
Past Use: Min Use		Proposed Use: Same		COST OF WORK: \$ 30,000.00 PERMIT FEE: \$ 120.00 FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied INSPECTION: Use Group: Type: Signature: Signature:			
Proposed Project Description: Tenant improvements to shell space Third Floor - AFLAC				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/> Signature: Date:		Zoning Approval: 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"/>	
Permit Taken By: UB		Date Applied For: 09 March 1999				Zoning Appeal <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	

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..

Call Steve Reynolds for Pick-up 774-5908

**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

SIGNATURE OF APPLICANT ADDRESS: DATE: PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

CEO DISTRICT

**THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE
PERMIT IS ISSUED**

**Building or Use Permit Pre-Application
Attached Single Family Dwellings/Two-Family Dwelling
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

NOTEIf 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 (include Portion of Building): <i>75 W. COMMERCIAL STREET</i>			
Total Square Footage of Proposed Structure <i>1854 SF</i>		Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Number Chart# <i>5B</i> Block# <i>C</i> Lot# <i>001</i>		Owner: <i>J.B. BROWN & SONS</i>	Telephone#: <i>774-5908</i>
Owner's Address: <i>J.B. BROWN 482 CONGRESS ST. PORTLAND, ME 04112</i>		Lessee/Buyer's Name (If Applicable)	Cost Of Work: <i>\$ 30,000</i> Fee <i>\$ 120</i>
Proposed Project Description: (Please be as specific as possible) <i>TENANT IMPROVEMENTS TO A SHELL SPACE INTERIOR WALLS 7745908 Tenant Fit Up 3rd floor (bid interior wall) *call STEVE Reynolds when ready</i>			
Contractor's Name, Address & Telephone <i>J.B. BROWN & SONS *STEVE REYNOLDS 774-5908</i> Rec'd By <i>call p/u</i>			
Current Use: <i>VACANT MIXED USE</i>		Proposed Use: <i>OFFICE SPACE mixed use</i>	

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

4) Building Plans

Unless exempted by State Law, construction documents must be designed by a registered design professional.

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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/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 of applicant: <i>Steve Reynolds</i>	Date: <i>3/9/99</i>
---	---------------------

Building Permit Fee: \$25.00 for the 1st \$1000. cost plus \$5.00 per \$1,000.00 construction cost thereafter.

Additional Site review and related fees are attached on a separate addendum



775-2892

BUILDING PERMIT REPORT

DATE: 10 March 99 ADDRESS: 75 W. Commercial ST. CBL 058-C-001
 REASON FOR PERMIT: Tenant improvement to shell space 3rd.
 BUILDING OWNER: J. B. Brown
 CONTRACTOR: 1
 PERMIT APPLICANT: 1
 USE GROUP B/m BOCA 1996 CONSTRUCTION TYPE 3 B

CONDITION(S) OF APPROVAL

This Permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1 *8 *10 *14 17, 19, *20 *24 *26 *29 *30.

- ~~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)
- 2.5 Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- 2.6 Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' o.c. between bolts. (Section 2305.17)
3. Precaution must be taken to protect concrete from freezing. Section 1908.0
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 1/2 inch gypsum board or the equivalent applied to the garage means of 1/2 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). Chapter 12 & NFPA 211
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".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0) - Handrails shall be on both sides of stairway. (Section 1014.7)
9. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- ~~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. (Section 1014.0)
11. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
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

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. (Section 1018.6)

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. Section 1010.1

~~X~~ 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. (Over 3 stories in height requirements for fire rating is two (2) hours.) Section 710.0

15. The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. Table 302.1.1

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 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) Section 920.3.2

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. Section 921.0

18. The Fire Alarm System shall be maintained to NFPA #72 Standard.

19. The Sprinkler System shall maintained to NFPA #13 Standard.

~~X~~ 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. 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".

22. 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.

23. Ventilation shall meet the requirements of Chapter 12 Sections 1210. Of the City's Building Code. (crawl spaces & attics)

~~X~~ 24. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.

25. All requirements must be met before a final Certificate of Occupancy is issued.

~~X~~ 26. 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).

27. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993). (Chapter M-16)

28. Please read and implement the attached Land Use-Zoning report requirements.

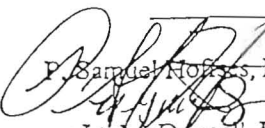
~~X~~ 29. Boring, cutting and notching shall be done in accordance with Sections 2305.4.4, 2305.5.1 and 2305.3. of the City's building code.

~~X~~ 30. Glass and glazing shall meet the requirements of Chapter 24 of the building code.

31. _____

32. _____

33. _____

 P. Samuel Hoff, Building Inspector

cc: Lt. McDougall, PFD

Marge Schmuckal, Zoning Administrator

Van Dam & Renner

Architects

See 5/4/99
Mike -
See me about
this
Mark

Mr. Mark Adelson
City of Portland
Director of Housing and Neighborhood Services
389 Congress Street
Portland, Maine 04101

3 May 1999

Dear Mark,

Thank you for considering our request to allow the stair at AFLAC to remain as built. I will be in and out of the office today, but I wanted to offer the following for your further consideration.

I spoke with a BOCA engineer last Friday regarding the situation and the stair. He was sympathetic but said the code was well defined and discussed with me the reasons the code was written as it is. He did, however, feel it was reasonable to make a request for you to exercise your ability to make a local judgement. We discussed many issues that we both feel validate our request. I have outlined those issues as follows:

1. The typical occupancy of this space will be three people. Once a month there will be training classes going on that will increase the population to twenty three. This is not considered a large group by any means. The stair in question is the second means of egress from the space, the primary stair is in full compliance.

The exception for residential Use Groups allows for a maximum rise of 7 3/4". Our stair is 7 1/2". I feel that it is reasonable to assume that on many occasions one could have at least twenty three people in their house, if the stair is safe for this application it is safe and reasonable for this application as well.

2. On the whole, I feel the stair is a very comfortable stair to negotiate. It provides for a very natural gait. As the code is written, it would be allowed to have an egress stair that has a 7" rise and a 36" (we can look at any dimension over 11") tread. This could easily be argued to be an unsafe stair, very unnatural and dangerous, but code compliant. Our stair is reasonable.
3. Existing stairs are allowed to remain even if they don't

66 West Street
Portland, Maine 04101
207-775-0243

meet this criteria.

4. As I have said before, this is a mistake. It wasn't built this way to cut corners or cheapen construction. To modify this stair is a substantial undertaking. There are major headers that need to be moved and finish walls that need to be torn down. Believe me, the lesson is learned. The additional financial burden will not bring any more understanding to the situation.
5. With the written word of the code set aside for a moment, I feel we all agree that this stair is reasonable and safe. It does not pose any threat to life safety. That is, after all, the most important point. If I felt we had a stair that wasn't safe, I wouldn't be discussing this with you. We would fix the problem.

Thank you again for taking the time to listen to my point on this matter. I hope we can arrive at the most reasonable resolution. If you would like to meet with myself, the applicant or Sam Van Dam we will be at your disposal.

Sincerely,



Paul C. Attardo

Mr. Sam Hoffses
City of Portland
Department of Planning & Urban Development
Inspections Room 315
389 Congress Street
Portland, Maine 04101

25 May, 1999

Dear Sam,

I am sending you this letter to ask for a local variance regarding the new egress stair at 65/85 West Commercial Street. The final run to the exterior has a total floor to floor height of 12'-8". We are already moving two steel beams in order to get the stair in and would have to move a major, third steel beam in order to accommodate the 44" intermediate landing required to break up the run. The risers will be 6 7/8" and the treads will be 11" and there will be a 44" landing at the bottom of the stair in front of the exit door.

It is my understanding that you had given a verbal approval to Brad Finley, the project manager for the contractor, in a phone conversation you had with him on Friday. This letter is to follow up on that conversation. Please sign and return a copy of this letter to me to signify your acceptance of this variance.

Thank you for your assistance regarding this situation and please call me if you have any questions.

Sincerely,



Paul C. Attardo

Accepted by: _____

Date: _____

CBL 58-C-1

Inspection Services
Michael J. Nugent
Manager



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

June 4, 1999

J.B.Brown & Sons
482 Congress St.
Portland, ME 04112

Paul C. Attardo
66 West St.
Portland, ME 04102

Re: 75 W.Commercial St. (058 C001)

Dear Paul,

Attached is a copy of Section 1014.6 of the 1996 BOCA Code. As can be seen, the maximum riser for an office use group is 7 inches. The risers constructed pursuant to permit Number 990202, at the above location, are 7 1/2 inches. This is in violation of that Section of the Code. The area cannot be occupied until such time as the stairs are brought into compliance with the Code.

This is a notice of violation pursuant to Section 116.2 of the Code. The stairs must be brought into conformity within 30 days. A reinspection of the premises will occur on 7/6/99 at which time compliance is required.

This constitutes an appealable decision pursuant to Section 121.5 of the Code. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. ss 4452.

Sincerely,

Tom Reinsborough
Code Enforcement Officer

COMMENTS

4-29-99 Visited site with Mack. Rear Stairs are $7\frac{1}{2}$ " on the rise with $3\frac{1}{4}$ " nosing on the treads. We returned to the office and spoke with Sam who received a call from Paul Latta (Vandana + Ritter) who called and said they were given 7 and 11 stairs and they will change them. I call 85 have a P on Second means of Egress when they renovate the stairs well to the outside. (IR)

Inspection Record

Type

Foundation: _____

Framing: _____

Plumbing: _____

Final: _____

Other: _____

Date