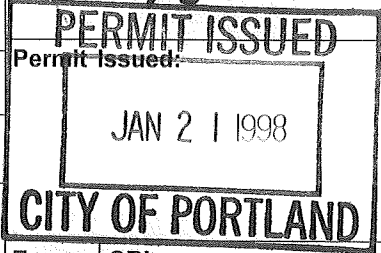


City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 12 Gilman St		Owner: Robert Hains		Phone: 773-2523		Permit No: 980034	
Owner Address: 14 Taylor St		Lessee/Buyer's Name:		Phone:		BusinessName:	
Contractor Name: K & D Carpentry		Address: P.O. Box 132 w. Muxton 40493		Phone: 727-6274		Permit Issued: JAN 21 1998	
Past Use: multi-family		Proposed Use: multi-family		COST OF WORK: \$ 3000		PERMIT FEE: \$ 35.00	
Proposed Project Description: Rebuilding porches, walkways and stairs (per plans)				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
				Signature: <i>[Signature]</i>		Signature:	
Permit Taken By: Sherry Piaard				Date Applied For: January 8, 1998			



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..

Mail to Robert Hains
14 Taylor St
Portland ME 04202

SCANNED 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 <i>[Signature]</i> Robert Hains		ADDRESS:		DATE: January 8, 1998		PHONE:	
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: _____

CEO DISTRICT 3

COMMENTS

20 Jan 98 - This permit was issued after the fact - This was a replacement therefore some code requirement could not be met. 21/Jan/98 Check stair - Handrail grip too large - openings between stair tread and guard too large.

26 Jan 98 - Check area, work stopped - Mr. Hains looking for waivers on guards & handrails.

27 Jan 98 - Mr. Hains came to this office for info on guards and handrails. I gave him copies of code - # 10 - Feb - 98 inspected stairway (fire escape) work about 98% completed. Needs handrails - (Lt. McDougal P.F.D. myself).

23 - Mar 98 Check area with Lt. McDougal; Two areas need railing. Top of run - and first 5 steps. 6 MAY 98 work completed to point of acceptance. (meets intent of code) #1

3/5/07

Closed.

A Rowe

Inspection Record

Type	Date
Foundation: _____	_____
Framing: _____	_____
Plumbing: _____	_____
Final: _____	_____
Other: _____	_____

LAND USE - ZONING REPORT

ADDRESS: 12 Gilman St DATE: 1/15/98

REASON FOR PERMIT: rebuild porch, walkways & stairs

BUILDING OWNER: Robert Hains C-B-L: 64-E-20

PERMIT APPLICANT: L.D. Carpentry

APPROVED: with conditions DENIED: _____

4.2.16

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 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 ^{porch, walkways} 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 6. Our records indicate that this property has a legal use of eight 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.
- 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

BUILDING PERMIT REPORT

DATE: _____ ADDRESS: _____

REASON FOR PERMIT: _____

BUILDING OWNER: _____

CONTRACTOR: _____

PERMIT APPLICANT: _____ APPROVAL: _____ DENIED _____

USE GROUP _____ BOCA 1996 CONSTRUCTION TYPE _____

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

BUILDING PERMIT REPORT

DATE: 1/26/98 ADDRESS: 12 Gilman St
REASON FOR PERMIT: rebuild porch
BUILDING OWNER: Robert Harris
CONTRACTOR: K+D Carpentry
PERMIT APPLICANT: Robert Harris APPROVAL: *8, *10, *13, *14, *15, *30, *31 **DENIED**
USE GROUP R-2 BOCA 1996 CONSTRUCTION TYPE 5B

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. w/ smoke protection.
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. Handrails shall be graspable and 1 1/2" to 2" in diameter
31. Please read and implement attached Land use - Zoning report.
32. _____
33. _____
34. _____



P Samuel Hoffses, Code Enforcement

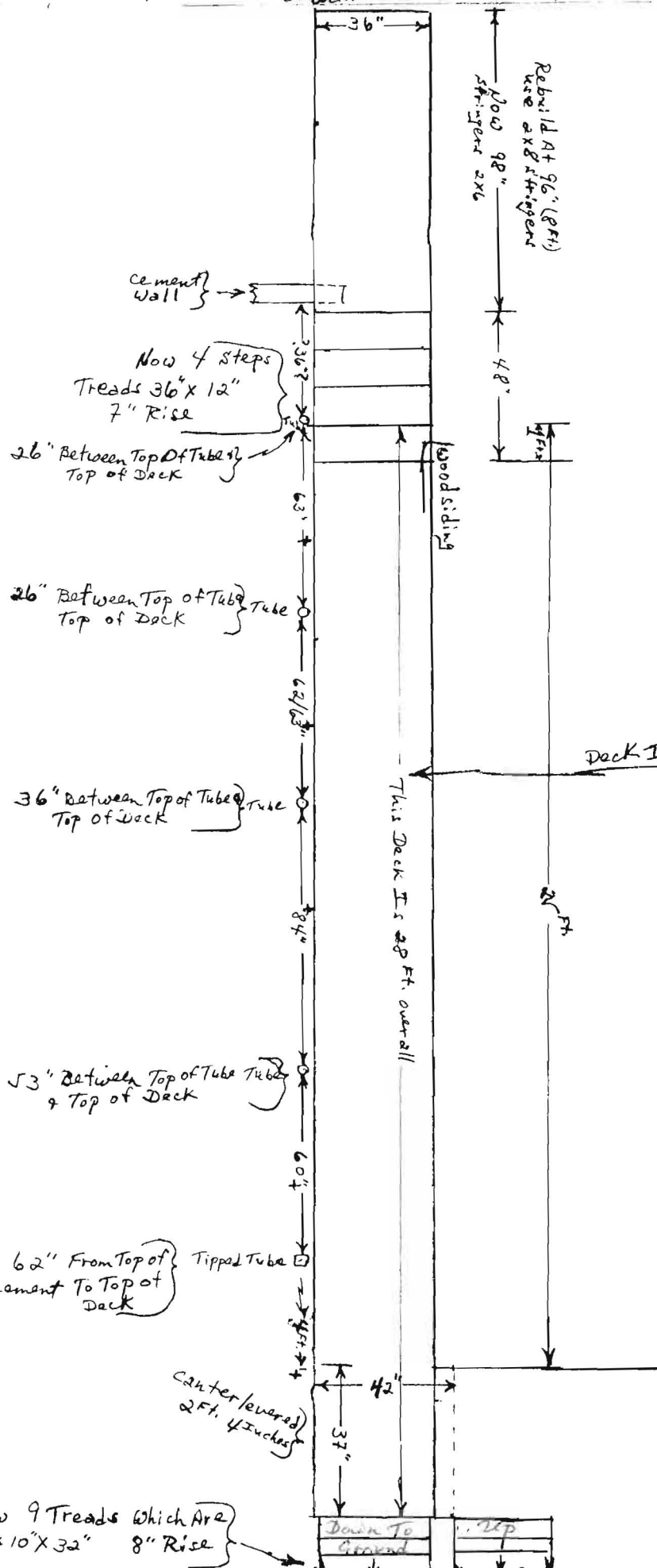
cc: Lt. McDougall, PFD
Marge Schmuckal

1/4 Scale

Sidewalk

Robert C. Hainz
12 Gilman Street Walkways + Decks
Sheet #1

All Tubes Are Drawn In An Incorrect Position They Are All Actually 45" In This Direction



Cement Wall

Now 4 steps
Treads 36" x 12"
7" Rise

26" Between Top of Tubes & Top of Deck

26" Between Top of Tube & Top of Deck

26" Between Top of Tubes & Top of Deck

53" Between Top of Tube & Top of Deck

62" From Top of cement To Top of Deck
Tipped Tube

Center (leveled)
2 Ft. 4 inches

Now 9 Treads Which Are
3" x 10" x 32" 8" Rise

Rebuild At 96" (8 Ft.)
use 2x8 stringers 2x6

Wood siding

Deck Is 1/4 over 2x6 stringers
(3-14 Ft. + 3-16 Ft.)

This Deck Is 28 Ft. over all

All Deck Railings Shall Be
2"x4" construction 42" Above
The Deck - Railing Walls Shall
Be 1/2" or 5/8" Exterior Plywood

All stair Railings Shall Be
2"x4" construction 36" To 38"
Inches Above The Stairs.
Railing Walls Shall Be
1/2" or 5/8" Exterior Plywood

Bottom of Railings Shall Be
6" To 8" Above Deck or Stair
Tread Tip. (Snow Removal)

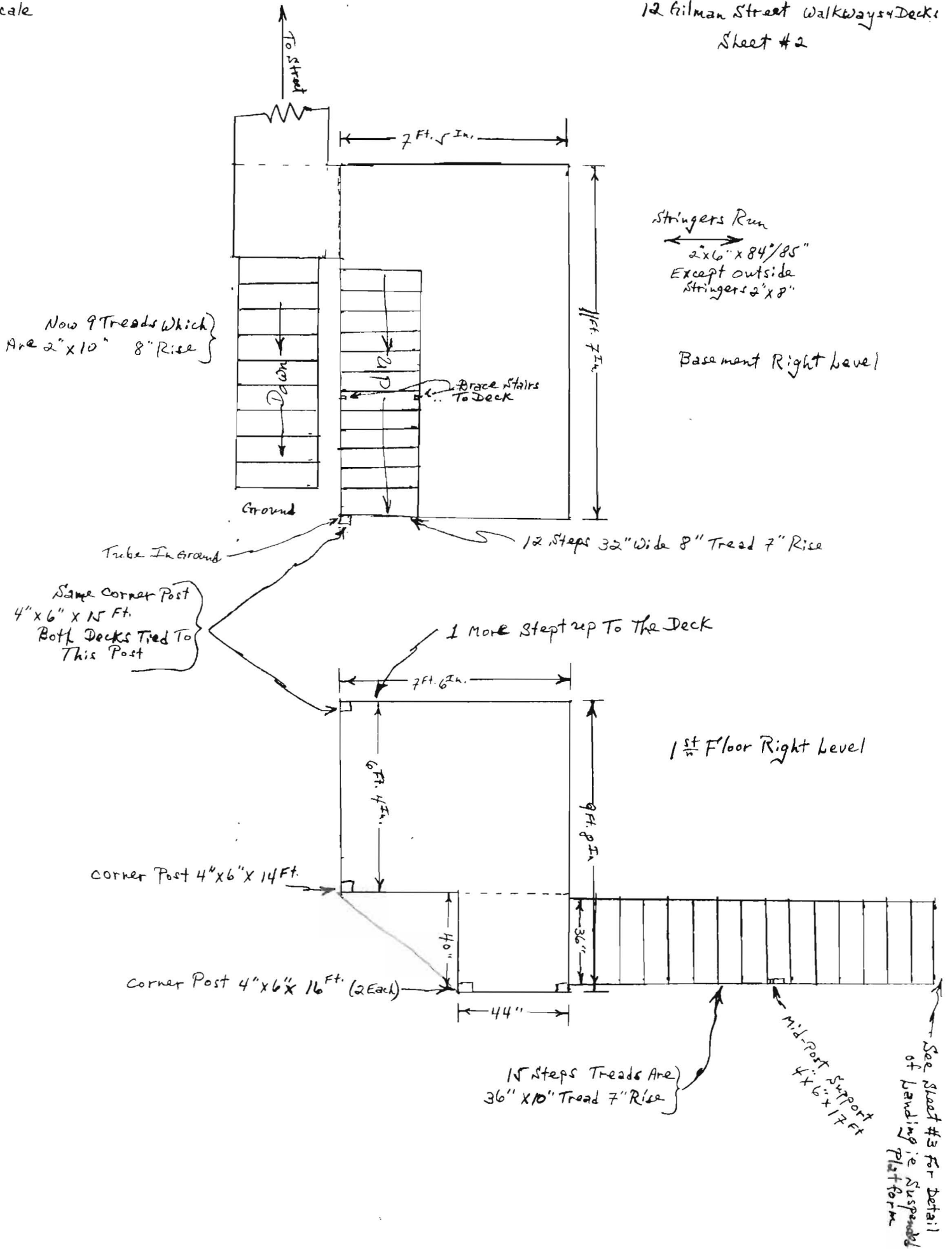
For Detail See Sheet #2

1/4 Scale

Robert C. Hains

12 Gilman Street Walkways & Decks

Sheet #2



Now 9 Treads Which Are 2" x 10" 8" Rise

Stringers Run 2x6" x 84/85" Except outside stringers 2" x 8"

Basement Right Level

Tube In Ground

12 Steps 32" Wide 8" Tread 7" Rise

Same Corner Post 4" x 6" x 15 Ft. Both Decks Tied To This Post

1 More Step up To The Deck

1st Floor Right Level

Corner Post 4" x 6" x 14 Ft.

Corner Post 4" x 6" x 16 Ft. (2 Each)

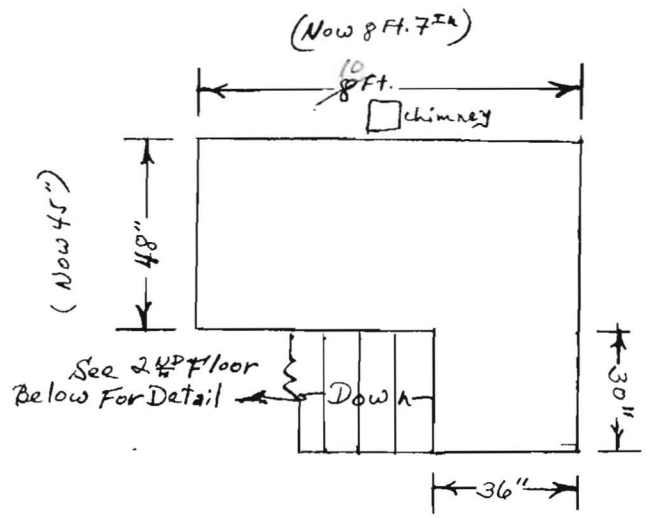
15 Steps Treads Are 36" x 10" Tread 7" Rise

Mid-Post Support 4" x 6" x 17 Ft

See sheet #3 for detail of landing ie suspended platform

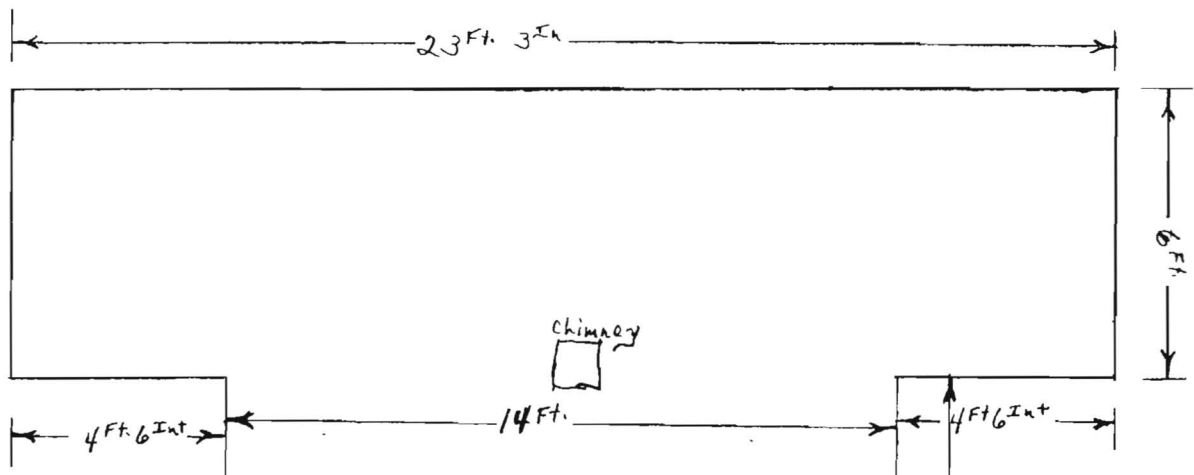
1/4 Scale

Framing
 2" X 6"



3RD Floor or
 Top Deck

Supports 10 Each
 4" X 4" X 8 Ft.



2ND Floor Decks

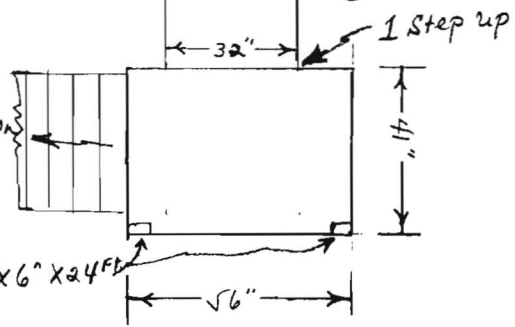
2" X 6" Framing
 (Some Near Building)
 2" X 4"

May Need
 To Adjust
 Space

Stairs - 9 Steps 32" wide x 9" Tread
 8 1/2" Rise

Stairs Down
 See Sheet #2
 For Details

Corner Posts 4" X 6" X 24 Ft.
 (2 Each)



14 Taylor Street
Portland, Maine 04102
(207) 772-2522
January 22, 1998

Mr. Joseph E. Gray, Jr.
Director of Planning and Urban Development
4th Floor, City Hall
389 Congress Street
Portland, Maine 04101

Dear Mr. *Joe* Gray:

I am writing to you regarding the new walkways, porches and stairs; collectively known as the fire escape or second means of egress; for a portion of the building at 12 Gilman Street, Portland, Maine.

When I was first formally notified by the "City" of the conditions of the walks, porches etc. in October, 1997, I went to the property, took measurements of what existed and made a set of drawings to scale. On several occasions I showed these drawings to Sam Hoffses and asked if **rebuilding-in-kind** was acceptable. The answer was a general yes with several exceptions (see following). This conversation was repeated several times, and I even discussed an alternate design with Sam. OK

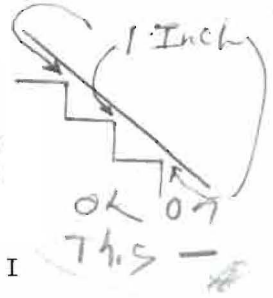
The exceptions on the City's part were: that the bottom of the walls (railings) needed to be within four inches of the deck or stairs; that the walls (railings) needed to be raised to forty-one inches [a sheet of paper explaining these dimensions was supplied by Sam at the beginning of the process of my doing the drawings]; and that though none of the sets of stairs might meet code as to tread depth and rise because of existing space constraints - that each set of stairs would have to be consistent unto itself as to tread depth and rise. No mention was ever made of size or shape or style of the railings; nor does the original handout mention this feature of the railings.

The exceptions to rebuilding "in kind" on my part were that the sidewalls or railings would be solid 1/2 inch plywood rather than the existing lattice work nailed to the 2 X 4 framing; that the deck on the roof would either be rubber walk pads or a moveable 2 X 4 framed deck laid directly on the roof; and lastly, that all framing would be pressure treated lumber.

As you are aware there are two issues that have come to light since the construction began (now nearly completed). Item one) the opening size or space at the bottom of the rails on the stairs. The code [which is a code for new construction] states that no opening may be so large that a four inch sphere can pass through that opening. The laws of physics and geometry do not allow, on older rehabilitation, for a maximum four-inch opening. Most older stair tread/rise would leave a five or six inch

Stairs built before permit was issued. Adit review of final plans of proposed stairs until issuing permit. ACTUAL look at already built stairs. 12/18/97

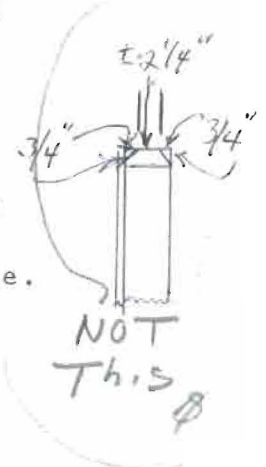
opening. It is my understanding from our conversation last evening that if the stair sidewalls (rails) are lowered to within one inch of the outside or projecting point of each tread - it will be acceptable to you, and therefore the City.



Item two) The hand rails: It has been suggested that I request of you a variance to waive the "1 1/4 to 2 inch round graspable hand rail" in favor of continuing to use the 2 X 4 style of rail that previously existed; see BOCA Code S1022.2.4 as to hand rail requirements. As you are aware this is an outside walk, exposed to the weather; be it sunshine, rain or snow. I suspect that this means of egress has existed since the 1920's. The main stairway ends 16 feet in the air and begins approximately 24 feet in the air and hangs - exposed - off the side of the building. I would think the more solid the better.

The word here is Handrail grip size.

A couple of suggestions have been made to resolve the hand rail issue. One is to drop the plywood one inch below the top 2 X 4. The second is to mitre the 2 X 4 and plywood at a 45 degree angle by approximately 3/4's of an inch on each of the top sides. This would be my preference.



Thanking you for your prompt attention to these matters.

Sincerely,

Robert C. Hains

Memo

City of
Portland

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

From: P. Samuel Hoffses, Chief Building Inspections

Date: January 26, 1998

Re: Mr Robert Haines (Stairway request)

Mr. Haines is requesting two waivers on his walkways, porches and stairs:

1. Opening limitations on guards, section 1021.3 of the city's building code.
2. Handrail grip size, section 1022.2.4 of the city's building code.

Waiver No. 1 Sec. 1021.3

Does have an exceptions which states.

"The triangular openings formed by the riser, tread and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere 6 inches in diameter cannot pass through the opening". . . I feel that this can be accomplished by dropping the guard. Therefore would not be needed

Waiver No. 2 Sec. 1022.2.4

Handrail grip size section 1022.2.4 states:

"All stairway handrails shall have a circular cross section with an outside diameter of at least 1 1/4 inches and not greater than 2 inches".

This also has an exceptions.

1. "Any other shape with a perimeter dimension of at least 4 inches but not greater than 6 1/4 inches with the largest cross-sectional dimension not exceeding 2 1/4 inches."
2. "Approved rails of equivalent graspability."

In all respects to Mr. Haines this stairway has a long history going back a number of years, not just since October, 1997. Yes, Mr. Haines has spoken to me a number of times regarding his proposal, and I did give him a number of handouts on stairway construction.

The problem here is that Mr. Haines was having problems getting a contractor and before the permit application was reviewed or approved the stairway was built. During my inspection after the permit was issued I found the violations.

In conclusion.

Request #1 I feel will meet the intent of the code.

Request #2 I feel that Mr. Haines can meet this requirement and should meet this requirement.