

PORTLAND FIRE DEPARTMENT  
SITE REVIEW  
FIRE DEPARTMENT CHECKLIST



1. Name, address, telephone number of applicant.  
Silver Beach, LLC and Elizabeth D. Brown  
c/o Barton Mortgage - 130 Middle Street  
Portland, Maine 04103
2. Name address, telephone number of architect  
Reid Tozier, 207-838-0927
3. Proposed uses of any structures [NFPA and IBC classification]  
Residential Home with Auxiliary Dwelling Unit
4. Square footage of all structures [total and per story]  
First Floor = 1,728 sq. ft.  
Seco<sup>nd</sup> Floor = 1,104 sq. ft.  
Total Square Footage = 2,832 sq. ft.
5. Elevation of all structures  
See Plan Documents on accompanying CD.
6. Proposed fire protection of all structures • **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**  
See – E-mail chain (March 27 2014 to April 2 2014), attached.
7. Hydrant locations  
Corner of Kineo Street and Wellwood Road – see attached map.  
A copy of the Plan Documents are included with this cover sheet.

Respectfully Submitted,

Print Name and Title:

DERON W BARTON 

For : Silver Beach, LLC and Elizabeth D. Brown Date: May 13, 2014  
*sole member*

## William Mann

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**From:** Deron Barton <[dbarton@bmcfirst.com](mailto:dbarton@bmcfirst.com)>  
**Sent:** Wednesday, April 02, 2014 1:16 PM  
**To:** [wmann@bmcfirst.com](mailto:wmann@bmcfirst.com)  
**Subject:** Fwd: City of Portland

Sent from my iPhone

Begin forwarded message:

**From:** "Susan McLaughlin" <[smclaughlin@mclaughlintitle.com](mailto:smclaughlin@mclaughlintitle.com)>  
**Date:** April 2, 2014 at 12:40:01 PM EDT  
**To:** "Deron Barton" <[dbarton@bmcfirst.com](mailto:dbarton@bmcfirst.com)>  
**Subject:** FW: FW: City of Portland

### Susan

Susan McLaughlin  
C.H. McLaughlin Title Co., LLC  
*In the Historic Staples School Building -- Parking available*  
70 Center Street, Suite 401B  
Portland, ME 04101  
207-874-0500  
fax 207-874-0505

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**From:** Jill Gerrish  
**Sent:** Wednesday, April 02, 2014 12:38 PM  
**To:** Susan McLaughlin; Mclaughlin  
**Subject:** FW: FW: City of Portland

*Jill Gerrish*  
C.H. McLaughlin Title Co., LLC  
70 Center Street Suite 401B  
Portland, ME 04101  
Phone: (207)874-0500  
Fax: (207)874-0505

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**From:** Jennifer Thompson [<mailto:JLT@portlandmaine.gov>]  
**Sent:** Wednesday, April 02, 2014 12:32 PM

**To:** Jill Gerrish  
**Cc:** Chris Pirone  
**Subject:** Fwd: FW: City of Portland

Hi Jill - After looking at the statute and talking with Chris Pirone of the Fire Department, we agree that new modular homes are exempted from the sprinkler requirement.

Please feel free to forward this email along to whichever City staff person your client is working with on their applications. If that person has questions or wants to talk further, please do urge them to be in touch with me.

Best,  
Jen

Jennifer L. Thompson  
Associate Corporation Counsel  
City of Portland, Maine  
(207)874-8480

>>> Lawrence Walden 3/28/2014 9:52 AM >>>  
Jenn,  
This is a codes/permitting issue...  
Larry

>>> "Jill Gerrish" <jgerrish@mclaughlintitle.com> 3/27/2014 4:38 pm >>>  
Good afternoon, Mr. Walden. I have been asked by our Attorney, Chuck McLaughlin to forward this to you.

Chuck will be giving you a call shortly, if you have any questions.

Thank you and have a great day.

*Jill Gerrish*  
*C.H. McLaughlin Title Co., LLC*  
*70 Center Street Suite 401B*  
*Portland, ME 04101*  
*Phone: (207)874-0500*  
*Fax: (207)874-0505*

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**From:** Deron Barton[SMTP:DBARTON@BMCFIRST.COM]  
**Sent:** Thursday, March 27, 2014 3:38:10 PM  
**To:** Chuck McLaughlin  
**Subject:** City of Portland  
**Auto forwarded by a Rule**

Chuck

As discussed, Liz and I are finally in the process of submitting our building permit to the City of Portland for our house on Wellwood Road. One of the items on the application is the requirement for new single family homes to be equipped with a sprinkler system. Per state law, which I have referenced below, new modular

homes are exempt from this requirement so long as they comply with the MRSA Title 10, Part 11, Chapter 951, subchapter 3, §9402, ¶ 3 Exemption.

To avoid delays in the permit process we have met with the City to review our package and they refuse to accept that we are not required to have the home sprinkled. The building department has pushed us off to the fire department and they also refuse to acknowledge this exemption under the law. We also contacted and spoke extensively with the Executive Director of the State Of Maine Manufacturing Housing Board in Augusta and were told that the City of Portland building and fire department officials should know and understand this statute and that our home qualifies for this exemption. He also said he was happy to get involved if necessary, however we do not want to have our building permit unnecessarily delayed for this issue because we were told by the building department that once our permit package was submitted, it would be 3 weeks before they could look at it and if we did not include the sprinkler design in our plans it would be kicked out and we would have to begin all over and wait another three weeks. Needless to say we are feeling a little bullied by the City into spending \$12,000 on a sprinkler system that is not required.

**Ironically, if you read the statute it states clearly that. A building permit or certificate of occupancy may not be delayed, denied or withheld on account of any alleged failure of new manufactured housing to comply with any code, standard, rule or regulation from which the new manufactured housing is exempt under this subsection.**

Liz and I were hoping you would contact Larry Walden at the City and ask him if he would be able to help with this. He was so easy to work with when he represented the city on the land swap and right of way I granted to the city. By the way, you can tell him that the neighbors on Wellwood Road are tickled with us and the City and have been very gracious and appreciative of the ROW we created together for them to access Canco Woods!

Thanks Deron

RE: Question of Requirement for Fire Suppression System as part of permitting approval for home to be built on lot located at: 83 Wellwood Road in Portland, Maine

We have researched the question, and cite both the legal authority and the exemption from the City of Portland's Code requirement that new single modular family homes must be sprinkled in accordance with the National Fire Protection Association (NFPA) – Code 13D (NFPA 101 2009 ed.).

## Authority

### “Maine Revised Statutes

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#### §9041§9043

#### Title 10: COMMERCE AND TRADE

#### Part 11: HOUSING

#### Chapter 951: MANUFACTURED HOUSING ACT

#### Subchapter 3: STATE CERTIFIED MANUFACTURED HOUSING

#### **§9042. Standards**

**1. Standards.** The board shall, by rule, adopt standards in conformance with nationally recognized standards for the construction and the installation of manufactured housing.

[ 1993, c. 642, §27 (AMD) .]

**2. Approval.** The board shall approve for sale or installation all manufactured housing that complies with the rules and standards authorized by this chapter or shall delegate the authority to inspect and approve the manufactured housing by inspection agencies authorized by the board.

[ 1993, c. 642, §27 (AMD) .]

**3. Exemption.** Notwithstanding the provisions of Title 25, section 2357-A and Title 30-A, section 4358, new manufactured housing that is manufactured, brokered, distributed, sold, installed or serviced in compliance with this chapter is exempt from all state or other political subdivision codes, standards, rules or regulations that regulate the same matters. A building permit or certificate of occupancy may not be delayed, denied or withheld on account of any alleged failure of new manufactured housing to comply with any code, standard, rule or regulation from which the new manufactured housing is exempt under this subsection.

[ 2011, c. 633, §4 (AMD) .]”

**Source:** <http://www.mainelegislature.org/legis/statutes/10/title10sec9042.html>

## **Exemption**

Excerpt from:

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**"02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**  
**385 MANUFACTURED HOUSING BOARD**  
**Chapter 110: STATE CERTIFICATION OF MODULAR HOMES**

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**SUMMARY:** This chapter sets forth construction standards, compliance assurance, inspection requirements, grounds for violation, and licensee appeal procedures relating to State-certified modular homes."

Reference page 1

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### **"SUBCHAPTER 2 CODES AND STANDARDS**

#### **Compliance With Codes and Standards; Incorporation by Reference**

State-certified modular homes manufactured in accordance with the inspection agency approval method set forth in Subchapter 3 must comply with the following codes and standards, which the board hereby incorporates into this chapter by reference. Copies of these codes and standards are on file with the Secretary of State and may also be obtained from their publishers as set forth in subsection 10.

1. **2009 IRC**

2009 International Residential Code for One- and Two-Family Dwellings (IRC) (International Code Council, Inc., March 2009), **with the following exceptions:**

**Section R313 Automatic Fire Sprinkler Systems;"**

Reference page 6

**Source: <http://www.maine.gov/sos/cec/rules/02/chaps02.htm#385>**

This understanding and the interpretation as set forth herein were confirmed by Mr. Robert V. LeClair, Executive Director, of the State of Maine Manufactured Housing Board in a phone conversation with my client's consultant, Mr. William Mann, at 2:15 P.M. on Tuesday, March 25, 2014.

Mr. LeClair's contact information is as follows:  
Mr. Robert V. LeClair, Executive Director  
State of Maine - Manufactured Housing Board  
35 State House Station  
Augusta, ME 04333-0035

Phone: (207) 624-8612

***Other Sourcing References***

[http://www.maine.gov/pfr/professionallicensing/professions/manufactured\\_housing/laws.html](http://www.maine.gov/pfr/professionallicensing/professions/manufactured_housing/laws.html)

<http://www.maine.gov/pfr/professionallicensing/index.shtml>

Deron W. Barton, CMPS  
**President**  
Barton Mortgage Corporation  
130 Middle Street  
Portland, ME 04101  
Phone: 207.775.2620  
Fax: 207.775.2622  
[dbarton@bmcfirst.com](mailto:dbarton@bmcfirst.com)  
NMLS 5483

***Strategic Mortgage and Real Estate Equity Planning***

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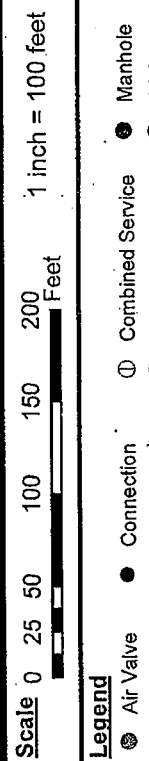




Disclaimer: This map is suitable for preliminary study and analysis and is based on PWD record information. PWD is not liable for any damages whatsoever resulting from inaccurate data or from errors made in the location and marking of its infrastructure.



**Infrastructure Map**  
 Drawn By: BSJ  
 Scale: As Noted  
 Date: June 24, 2013



- Legend**
- Air Valve
  - Blow Off
  - By Pass
  - Distribution
  - Transmission
  - Connection
  - Attribute Change
  - Reducer
  - Hydrant
  - Hydrant Control
  - Combined Service
  - Domestic Service
  - Fire Service
  - Private Hydrants
  - Meter Pits
  - Manhole
  - CSO
  - ↑ Gravity
  - ↑ Force

**Wellwood Road**

**Portland**

**PORTLAND WATER DISTRICT**  
 225 Douglass Street  
 Portland, ME 04104

