

**PERMIT ISSUED**

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

Permit No: 01-0566 MAY 18 2001  
CEB#: 405A F013001

Location of Construction: 91 Penn Ave	Owner Name: Bonnin Richard A & Roma A Jts	Phone: 207-772-1941
Business Name: n/a	Contractor Name: Deck Specialties	Phone: 2078396442
Lessee/Buyer's Name: n/a	Phone: n/a	Zone: 2-3

Past Use:  
Single Family

Proposed Use:  
Same: Add 215 SqFt to Existing Deck. Per Plans. Call Roma Bonnin at 878-2964 when ready.

Proposed Project Description:  
Add 215 SqFt to Existing Deck; Per Plans.

Permit Taken By: cjh  
Date Applied For: 05/10/2001

Permit Fee: \$42.00  
Cost of Work: \$2,780.00  
CEO District: 2

FIRE DEPT:  Approved  Denied

INSPECTION:  Approved  Denied  
Use Group: PEDESTRIAN PERMIT ISSUED 5/14 WITH REQUIREMENTS

Signature: PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)  
Signature: [Handwritten Signature]

Action:  Approved  Approved w/Conditions  Denied

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Zoning Approval**

Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>min 25' FEET setback</i> <input type="checkbox"/> Subdivision <i>setback req</i> <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> <i>OK with conditions</i> Date: <i>5/17/01</i>	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	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
---	---	--

Date: \_\_\_\_\_

**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 provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT \_\_\_\_\_ ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

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

DATE: 11 May 2001 ADDRESS: 91 Penn Ave. CBL: 408A-F-913

REASON FOR PERMIT: To Construct a 215 sq. ft. addition to deck

BUILDING OWNER: Richard & Roma Conner

PERMIT APPLICANT: Udeed / CONTRACTOR Deck Specialties

USE GROUP: A-3 CONSTRUCTION TYPE: 53 CONSTRUCTION COST: 2,780 PERMIT FEES: 42.00

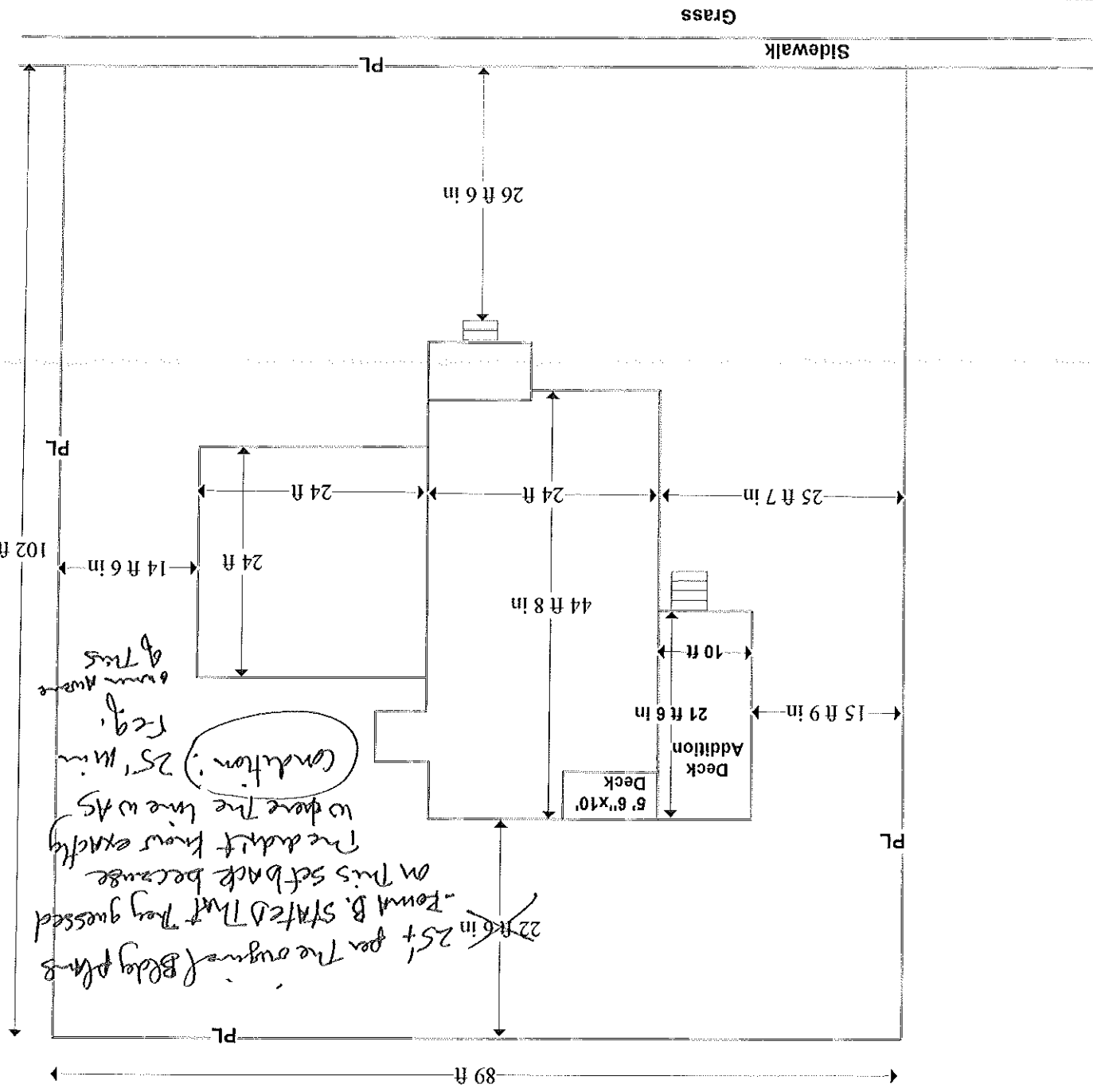
The City's Adopted Building Code (The BOCA National Building Code/1989 with City Amendments)  
The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: x1, x2, x11, x13  
x30, x31, x33, x36, x38

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) **"ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."**
3. 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
4. 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 2305.1.7
5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8.10/ Masonry Sections 2111.3-2111.4.
7. 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.
8. 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/1999)
9. 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
10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
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 Groups 42". In occupancies in Use Group A, B, H-4, I-1, I-2, M, R, 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". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). 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)
12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/2" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
15. The Minimum required width of a corridor shall be determined by the most restrictive of the criteria under section 1011.3 but not less than 36".
16. 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. All 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. The minimum egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). (Section 1010.4) net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
17. 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)
18. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
19. 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)





1" = 16'  
 PL = Property Line

REAR: 25' req - 25' shown  
 Front: 25' req - 26' shown  
 side: 8' req - 15' 9" shown

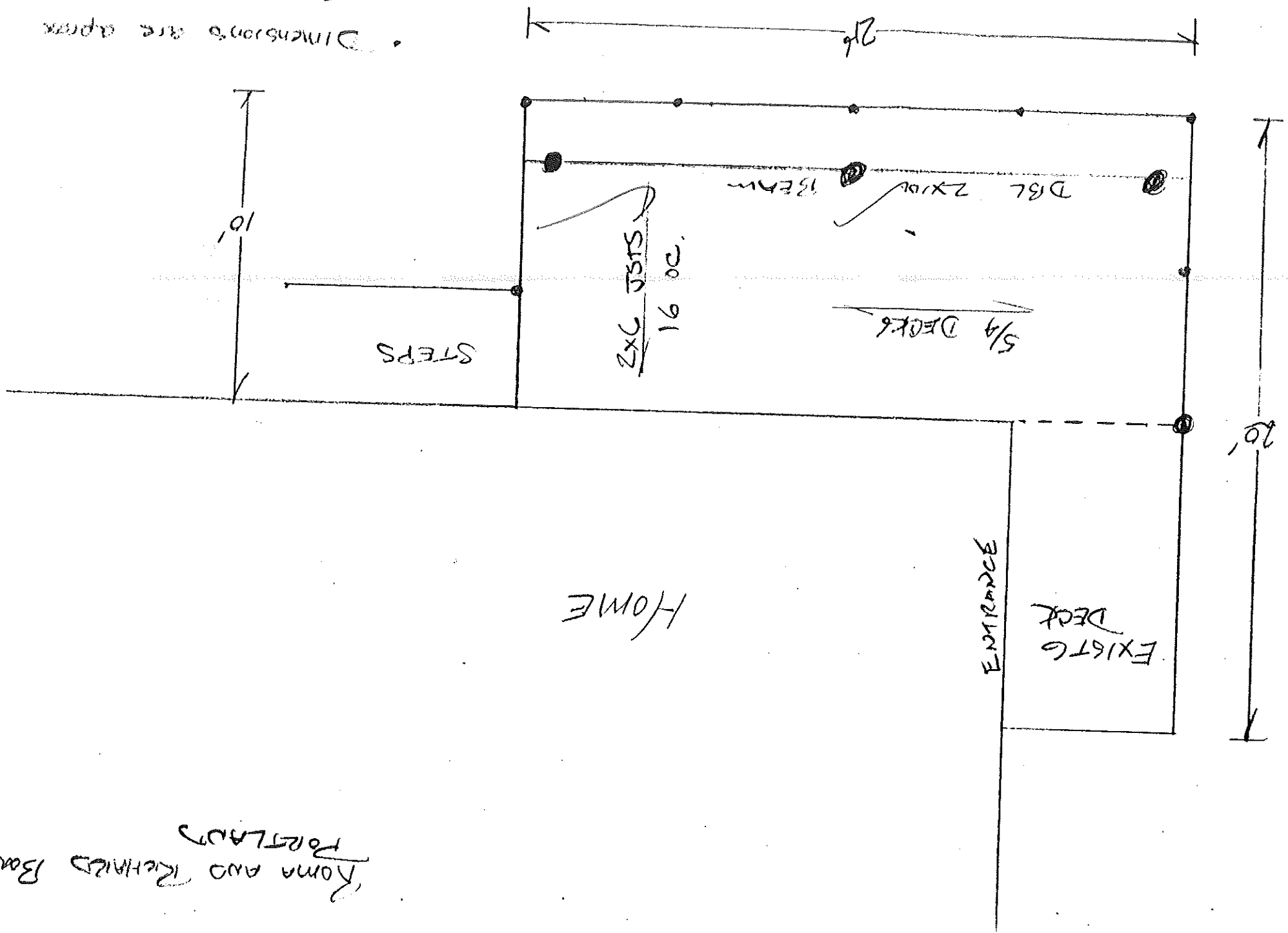
**P-3**

condition: 25' min  
 we don't know exactly  
 where the line was  
 on this setback because  
 the architect knows exactly  
 - Found B. STATED THAT they guessed  
 25' per the original body plans  
 22 ft 6 in

8 mm above  
 of this

Roma and Richard Bau  
Portland

- Dimensions are approx
- Footings
- Posts



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

01-0508

# All Purpose Building Permit Application

If 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: <b>91 PENN AVENUE; PORTLAND</b>	
Total Square Footage of Proposed Structure <b>215 sq ft.</b>	Square Footage of Lot <b>9078 sq ft.</b>
Tax Assessor's Chart, Block & Lot Number <b>405 Block# A-F Lot# 13</b>	Owner: <b>ROMA &amp; RICHARD BONNIN</b> Telephone#: <b>ROMA - 772-1981 (WORK) 898-2964 (HOME)</b>

Lessee/Buyer's Name (If Applicable) <b>---</b>	Owner's/Purchaser/Lessee Address: <b>91 Penn St., Portland, ME</b>	Cost Of Work: Fee: <b>42.00</b> <b>\$ 2580.00</b>
---	---	---

Current use: **LAWN**

If the location is currently vacant, what was prior use:  
Approximately how long has it been vacant:

Proposed use: **Open deck 8' x 10'**

Project description:  
**Addition to existing deck**

Contractor's Name, Address & Telephone: **Deck Specialists / Norman Hoigne, Jr., Resident One Waterhouse Road Scarborough, ME 04038**  
Tel: **898-6442**

Applicants Name, Address & Telephone: **ROMA BONNIN 91 Penn Ave., Portland, ME**  
Who should we contact when the permit is ready: **ROMA BONNIN**  
Telephone: **WORK - 772-1981 HOME - 898-2964**

If you would like the permit mailed, what mailing address should we use:  
**91 Penn Avenue Portland, ME 04103**

Rec'd By: **CH** S/10

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

**PLOT PLAN INCLUDES THE FOLLOWING:**

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches; a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and North arrow; Zoning District & Setbacks
- First Floor sill elevation ( based on mean sea level datum);
- Location and dimensions of parking areas and driveways;
- Location and size of both existing utilities in the street and the proposed utilities serving the building;
- Location of areas on the site that will be used to dispose of surface water.
- Existing and proposed grade contours

**A COMPLETE SET OF CONSTRUCTION DRAWINGS INCLUDES THE FOLLOWING:**

- 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 damp proofing
- 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.

**SEPARATE PERMITS ARE REQUIRED FOR INTERNAL & EXTERNAL PLUMBING, HVAC AND ELECTRICAL INSTALLATIONS**

- All construction must be conducted in compliance with the 1999 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 1999 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.

Minor/Minor Site Review Fee for New Single Family homes: \$300.00/Building Permit Fee: \$30.00 for the 1st \$1000.cost plus \$6.00 per \$1,000.00 construction cost thereafter.

**ONE SET OF SUBMISSIONS INCLUDING CONSTRUCTION AND SITE PLAN DRAWINGS MUST BE SUBMITTED ON PAPER NO LARGER THAN 11" x 17" BEFORE ANY BUILDING PERMIT WILL BE ISSUED**

**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: *Roma A. Benmin*

Date: *5/11/01*



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 91 Penn Avenue CBL: 405A-F-013  
Date of Issue 10/28/99

Issued to Mulkerin Associates

**This is to certify** that the building, premises, or part thereof, at the above location, built -- altered -- changed as to use under Building Permit No. 990558, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Single family dwelling w/ garage

APPROVED OCCUPANCY

Use Group R-3  
Type 5B  
BOCA 96

**Limiting Conditions:**

As per memo from Steve Bushey

This certificate supersedes certificate issued

Approved: 10/28/99

(Date)

*Jonathan J. Reed*  
Inspector

*D. Lawrence J. Goff*  
Inspector of Buildings

# For M.C.

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.





*One Waterhouse Rd, Gorham, Me. 04038 E-Mail [nagagne@juno.com](mailto:nagagne@juno.com) Tel. 839-6442*

## PROPOSAL

March 12, 2000

Richard and Roma Bonin  
91 Penn Ave.  
Portland, Maine 04103  
Tel. 878-2964  
Job location: Same

Job Description: Removal and replacement of one deck.

- \* Construct new deck connected to existing deck with aprox. dimensions as per drawing consisting of:
- \* 8" concrete footings below frost line and existing footings.
- \* 4x4 posts.
- \* Double 2x10 beam.
- \* 2x8 outside rim joists and headers.
- \* 2x6 floor joists 16" o.c.
- \* 5/4x6 radius edged decking, #1 premium p. t.
- \* Re-work and install existing steps.
- \* Balister type rail systems with 4" spacing.
- \* All lumber to be pressure treated southern yellow pine.
- \* All fasteners to be galvanized.
- \* Deck headers to be flashed and lagged to home.
- \* Decking to be attached with galvanized ring shank nails.
- \* Construction of deck to match existing deck as closely as possible.

TOTAL LABOR AND MATERIALS ..... \$2,780.00

Miscellaneous

Customer responsible for any and all permits  
Customer to provide utilities necessary for project  
Contractor responsible for trash removal at end of project

Terms of Payment

\$900.00 down with signed contract, \$1,880.00 at completion

**NOTE:** This proposal may be withdrawn by us if not accepted within 30 days.

**WARRANTY:** In addition to any additional warranties agreed to by the parties, Deck Specialties warrants that the work will be free from faulty materials; constructed according to the standards of the building code applicable for the location; and constructed in a skillful manner and fit for habitation. The warranty rights and remedies set forth in the Maine Uniform Commercial Code apply to this contract.

**RESOLUTION OF DISPUTES:** If a dispute arises concerning the provisions of this contract or the performance by the parties, then the parties agree to settle this dispute by jointly paying for one of the following (check only one):

- Binding arbitration as regulated by the Maine Uniform Arbitration Act, with the parties agreeing to accept as final the arbitrator's decision.
- Nonbinding arbitration, with the parties free to not accept the arbitrator's decision and to seek satisfaction through other means, including a lawsuit.
- Mediation, with the parties agreeing to enter into good faith negotiations through a neutral mediator in order to attempt to resolve their differences.

By agreeing to the above, Deck Specialties is not waiving its rights to a mechanic's lien and, should it prevail in a lawsuit filed to enforce its claim under a lien or this contract, it shall also be entitled to all of its attorney's fees and costs.

If Deck Specialties is delayed at anytime in the progress of the work by an act or neglect of the owner, his agents or employees, or by changes ordered in the work, or by labor disputes, unusual delay in deliveries, subservice conditions, unavoidable casualties or other causes beyond the control of Deck Specialties then the completion date shall be extended by change order for a reasonable time and the contract price shall be increased by change order for extra costs.

**CHANGE ORDERS:** Any alteration or deviation from the above contractual specifications that involve extra cost will be executed only upon the parties entering into a written change order.

**ACCEPTANCE OF CONTRACT BY BOTH PARTIES**

DATED: 4/23/01

BY:   
Norman A. Gagne

DATED: 5/1/01

BY:   
Homeowner

I acknowledge receipt of a copy of this executed contract.

0079955

BK15146PG034

99-935BC

Warranty Deed  
Corporate Grantor

***Know all Men by these Presents,***

***That The Pines of Portland, Inc.***

A Corporation organized and existing under the laws of the State of  
and having a place of business at in the County of Cumberland and State of 426 Forest Ave. Maine,  
in consideration of one dollar and other valuable considerations paid by Richard A. Bonnin and Roma A. Bonnin whose  
mailing address is 12 Kenneth Rd. South Portland Maine ME  
the receipt whereof it does hereby acknowledge, does hereby ***give, grant, bargain, sell and convey***  
unto the said Richard A. Bonnin and Roma A. Bonnin, as joint tenants  
his/her/their heirs and assigns forever,

See Exhibit A attached hereto and made a part hereof

To have and to hold the aforegranted and bargained premises, with all the privileges and  
appurtenances thereof, to the said Richard A. Bonnin and Roma A. Bonnin, as joint tenants, his/her/their heirs and  
assigns,

to them and their use and behoof forever,

***And*** the said Grantor Corporation does hereby ***covenant*** with the said Grantees, their  
heirs and assigns, that it is lawfully seized in fee of the premises, that they are free of all  
encumbrances except as aforesaid:

that it has good right to sell and convey the same to the said Grantees to hold as aforesaid; and that it and  
its successors, shall and will ***warrant and defend*** the same to the Grantees, their heirs and assigns  
forever, against the lawful claims and demands of all persons.

***In Witness Whereof*** the said The Pines of Portland, Inc. has caused this instrument to be  
sealed with its corporate seal and signed in its corporate name by

*Amy Melkerin* , its *Vice President*

thereunto duly authorized, this 1st day of November, 1999 .

***Signed, Sealed, and Delivered***

*The Pines of Portland, Inc.*

## EXHIBIT A

Beginning at a no. 5 rebar set on the southerly sideline of Penn Avenue; said rebar is located north 73° - 55' - 12" east, 370 feet along the southerly sideline of Penn Avenue from the easterly sideline of Virginia Avenue; said rebar marks the northeast corner of land now or formerly Buckley as described in deed Book 14928, Page 252 Cumberland County Registry of Deeds ; thence north 73° - 55' - 12" east along the southerly sideline of Penn Avenue and lots 949, 948, 947, and 946 as shown on plan of the "The Pines" as recorded in plan Book 17, Page 6 Cumberland County Registry of Deeds, 120 feet to a no. 5 rebar at other lands now or formerly McCormack & Mulkerin as described in deed book 13774, page 12, Cumberland County Registry of Deeds; thence south 16° - 04' - 48" east along other land now or formerly McCormack & Mulkerin and the easterly sideline of lot 946 as shown on plan of "The Pines", 100 feet to a no. 5 rebar at land now or formerly Barton as described in deed book 3183, page 206, Cumberland County Registry of Deed and along the southerly lot lines of lot 946, 947, 948 and 949 as shown on said plan, 130 feet to a no.5 rebar marking the southeasterly corner of land now or formerly Buckley; thence north 16° - 04' - 48" west along the easterly sideline of land now or formerly Buckley and the westerly sideline of lot 949 as shown on said plan, 100 feet to the point of beginning. Said parcel contains 12,000 sq. Ft. Bearings are magnetic of the year 1999. Said parcel is subject to easement and/or right-of-ways of record.

Meaning and intending to convey the same premises described in a deed from Amy K Mulkerin and Gregory T. McCormack to the Grantors to be recorded herewith in the Cumberland County Registry of Deeds.

RECEIVED  
RECORDED REGISTRY OF DEEDS

1999 NOV -2 AM 11:37

CUMBERLAND COUNTY

*John B O'Brien*



# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

February 28, 2008

Ayyub Atayev  
91 Penn Avenue  
Portland, ME 04103

**RE: Site Plan Review Required for Retaining Wall at 91 Penn Avenue, Portland, Maine, CBL #405A F 013001,**

Dear Mr. Atayev:

On August 17, 2007 and again on January 11, 2008, City staff inspected the property at 91 Penn Avenue to investigate the placement of fill within 25 feet of a wetland, without site plan approval. This site work requires site plan review and approval by the City and also requires approval from the Maine Department of Environmental Protection (DEP).

An application for a fill permit was submitted on August 17, 2007, and subsequently denied on October 24, 2007 for not having gained approval through the DEP. At that time you were instructed to remove the fill material from the area adjacent to the wetland and allow the natural vegetation to re-grow in the area that was cut.

Recently I was notified by the DEP that approval was granted to remove the fill and place it behind a 1 foot high retaining wall that is planned for construction in an area that is 26 feet from the stream. In order to come into compliance with city code, please submit your plans to the Planning Office for review by Friday March 28, 2008.

We are seeking your timely cooperation with the City's site plan submission, review and approval requirements. Failure to comply will result in the issuance of a Notice of Violation, and 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.

Please contact me at 874-8632 with any questions.

Sincerely,

Philip DiPierro  
Development Review Coordinator

cc: Lee Urban, Planning and Development Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jeanie Bourke, Inspection Services Manager  
Penny Littell, Corporation Counsel

