

ADDENDUM #3

26 May 1957

OPEN PARKING STRUCTURE

for

PREBLE INC

SECTION V MASONRY Par. 7: Requirement for stucco railing band on outside railings is eliminated.

SECTION VI MISCELLANEOUS IRON WORK Par. 2 d: The requirement for a sub-way grating for the theater balcony exit is eliminated. Concrete slab, similar to balance of structure, will be substituted. Grating from existing drain will be used to provide ventilation.

SECTION VI MISCELLANEOUS IRON WORK Par. 3 b: The requirement for pipe wheel-guards is eliminated. Concrete wheel guards will be substituted on ramps. Other wheel guard requirements will be an addition to the contract when determined.

Rec'd 6/18/57  
mm

**PHILIP P. SNOW**  
**CONSULTING ENGINEER**

477 CONGRESS STREET  
PORTLAND, MAINE  
TEL. 5-0436

19 June 1957

Building Inspector  
City of Portland  
City Hall  
Portland, Maine

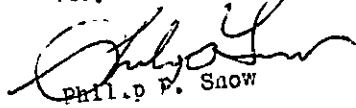
Re: Open Parking Structure  
49-68 Brown Street  
Preble Inc

Gentlemen:

In accordance with verbal agreement with Mr. McDonald of yesterday and referring to your letter of 13 June 1957 (Extra Par. 1) please cancel contents of Par 8 of my letter of 18 June 1957 and substitute as follows:

Par. 8: It is our intent to install a new door of the same size on the back stage door. This door will be recessed so that there will be no projection in the passageway.

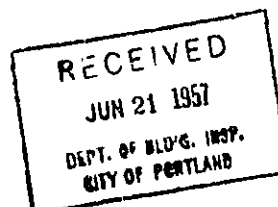
Very truly yours,



Philip P. Snow

PPS:r

Copy to Preble Inc



THIS AGREEMENT made and entered into this 26th day of June A. D. 1957 by and between the CITY OF PORTLAND, as party of the First Part, and PREBLE, INC., as party of the second part.

WITNESSETH

WHEREAS, Preble, Inc. has asked permission from the City of Portland for the construction and maintenance of concrete footings to extend not more than two feet six inches into public ways of the City of Portland known as Brown Street and Cumberland Avenue and to be at least four feet beneath the grade of said public ways, said construction being necessary to support steel columns supporting a three-level parking structure located at 49-60 Brown Street, all as shown on a plan and specifications on file in the office of the Building Inspector of the City of Portland.

NOW, THEREFORE, the said City of Portland does hereby give the said Preble, Inc. the right to construct and maintain these footings under the public ways of Brown Street and Cumberland Avenue in said Portland subject to the following conditions:

1. The work shall be performed under the City's building permit to comply with Building Code requirements therefor in accordance with the plan on file in the office of the Building Inspector of the City of Portland, and to the approval of the Commissioner of Public Works of the City of Portland.
2. The usual permits for occupancy of the public sidewalk and street during the period of construction shall be procured from the Commissioner of Public Works before the work is started.
3. Said footings shall be constructed and maintained by and at the expense of Preble, Inc., its tenants, successors or assigns, in a manner satisfactory to the Building Inspector and the Commissioner of Public Works.

4. Preble, Inc. binds itself, its successors and assigns to completely remove said footings thus installed beneath said public ways upon order to do so by the City Council of the City of Portland, and the City of Portland shall in no way be liable for any damages to the structure caused by the removal of said footings. Preble, Inc. further binds itself, its successors and assigns to restore the surfaces of the excavations caused by said removal to correspond with the surfaces of the remainder of said public ways.

5. Preble, Inc. binds itself, its successors, and assigns to indemnify and save harmless the said City of Portland

(a) for any loss of damage to City property which may arise from the construction, maintenance, repair, replacement or removal of said footings, said indemnification to be made without requiring proof of legal liability against said Preble, Inc.

(b) For any injuries or death to City employees which may arise from the construction, maintenance, repair, replacement, or removal of said footings, said indemnification to be made without requiring proof of legal liability against said Preble, Inc.

(c) against any claim, liability, or damage to any persons firm, or corporation which may arise from the construction, maintenance, repair, replacement or removal of said footings.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in presence of

/s/ Patricia E. Meally

/s/ Joseph A. Grondin

CITY OF PORTLAND

By/s/ Julian H. Orr

CITY Manager (Seal)  
PREBLE, INC.

By/s/ Frank L. Palmer  
Treasurer

(Seal)



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 32

Portland, Maine, January 9, 1958

PERMIT ISSUED

JAN 24 1958

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No 571/906 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 49-53 Brown St., corner of Cumberland Ave. Within Fire Limits? Dist. No.
Owner's name and address Preble, Inc., 477 Congress St. Telephone
Lessee's name and address Telephone
Contractor's name and address Camillo Profenno Co., 127 Marginal Way Telephone
Architect Plans filed? No. of sheets
Proposed use of building Parking Structure No. families
Last use No. families
Increased cost of work 18,000. Additional fee .50

Description of Proposed Work

- To provide roof over exit ramp from parking structure.
To re-locate stairs at rear of parking structure near entrance to Arcade.
To construct elevator shaftway at rear of parking structure near Arcade entrance.

Details of New Work Preble, Inc.

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.
Joists and rafters: 1st floor, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof

Approved:

Preble, Inc.

Signature of Owner [Handwritten Signature]

Approved: Inspector of Buildings

FILE COPY

Feb. 21, 1958

BP - 49-69 Brown Street

corner of Cumberland Avenue certificate of occupancy for open parking structure

Preble, Inc.  
487 Congress Street  
Att: Mr. Grondin

cc to: Mr. Elmer F. Clark, Treas.  
Casco Bank & Trust Co.  
Mr. Philip P. Snow, Structural Engt.  
Camillo Profenna Co.  
Fire Chief

Gentlemen:

Issued to you herewith is the certificate of occupancy for the new open parking structure at 49-69 Brown Street, corner of Cumberland Avenue. The certificate contains some limitations appropriate to the situation. Among them is the temporary one concerning provision for keeping always accessible the stairway toward Cumberland Avenue at all three levels above the ground level, by way of making sure that cars may not be parked in such a way as to obstruct the opening to this stairway. It is understood that the owners will experiment with this situation and temporarily will use portable "cones" to care for the situation. As soon as the various aspects of the operation of the structure are better known, it is expected that permanent arrangements will be made to make sure that access to this stairway cannot be obstructed, and that we will be notified so that we can discharge this matter from our records.

On this date there are a few features still uncompleted, namely: the partial roof over the upper level; the passenger elevator; and the fire doors in the exit doorways from the theater.

Perhaps it is not necessary to remind all concerned of the need of fully safeguarding the patrons of the structure and others in regard to the roof construction and the elevator construction until these items are finished; but it can do no harm, and it is especially important for the contractors, particularly, to see to it that the exit passageways for the theater are always kept free and unobstructed and well lighted at all times when the theater is open to the public, and that the changeout of the doorways and fire doors in the exit doorways will be made at such times and in such manner as will under no circumstances jeopardize the safety of the people in the theater.

When these items are all finished, please notify this office for final inspection so that all may be cleared from our records.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMcD:M

(COPY)

CITY OF PORTLAND, MAINE  
Department of Building Inspection



# Certificate of Occupancy

LOCATION 49-69 Brown St., corner of Cumberland Ave.

Issued to Proble, Inc.

Date of Issue Oct. 21, 1958

This is to certify that the building, premises, or part thereof, at the above location, built—~~erected~~—~~changed as to use~~ under Building Permit No. 57/906, 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

Entire

APPROVED OCCUPANCY

Open parking structure for parking or storage of passenger motor vehicles only, not exceeding nine persons per vehicle, capacity

Limiting Conditions: 1. Permanent barriers to be provided near stairway to Cumberland Avenue at all levels above ground level to prevent vehicles obstructing access to stairway but temporarily this situation to be cared for by the owner by means of temporary markers.  
~~See reverse side for further limitations~~ (See reverse side for further limitations)

Approved:  
2/21/58  
(Date)

*A. Allen*  
Inspector

*[Signature]*  
Inspector of Buildings

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.

January 13, 1958

B - 57/906 - 49-63 San Francisco

Philip P. Snow  
477 Congress Street

cc: Problo, Inc.  
477 Congress Street  
Castillo Refractory Company  
127 Franklin Ave

Dear Mr. Snow:

Check of plans filed with application for permit amendment for construction of roof over exit ramp from parking structure, to re-locate stairway at rear of existing structure and to construct elevator shaftway near entrance to Arcade encloses the following questions as to compliance with Building Code requirements:-

1. Partition in existing building separating machinery room from toilet room area is required to be of such construction as to provide a two-hour fire partition extending to underside of roof sheathing with a "Class 'B'" labelled fire door equipped with either automatic or self-closing hardware on the opening located in it.
2. Roof of that part of the existing one-story building which is to be used for the machinery room, roof framing which we understand is of wood frame construction, is required to be changed to non-combustible construction.
3. Presumably doors to elevator shaftway are to be fire doors of such construction as to comply with the fire resistive rating of the walls in which they are located. Is this what you plan?
4. Since shaft is to extend above neighboring roof surfaces, it appears to be the intention of the Code that it shall be vented by windows of plain glass in the side walls or a skylight in the roof as indicated in Section 703-a thereof. What are your plans in this regard?
5. Support of platforms of stairway is required to be by means of three piece brackets fastened to the masonry by at least three-quarter inch diameter bolts extending through the wall of the building, instead of the braces shown on plan.

We shall be unable to issue the amendment until information by revised plans indicating compliance is furnished for checking and approval. Details of proposed roof and enclosure for exit ramp appear to meet Code requirements.

Very truly yours,

Robert J. Carr - Deputy Inspector of Buildings

cc: PH



# APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 2

Portland, Maine, January 9, 1958

**PERMIT 1336**

JAN 24 1958

**CITY of PORTLAND**

INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 57/906 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: <u>19-63 Brown St., corner of Cumberland Ave.</u>	Within Fire Limits?	Dist. No. . . .
Owner's name and address: <u>Preble, Inc., 477 Congress St.</u>		Telephone . . . .
Lessee's name and address		Telephone . . . .
Contractor's name and address: <u>Camillo Profenno Co., 127 Marginal Way</u>		Telephone . . . .
Architect . . . . .		Plans filed <input checked="" type="checkbox"/> No. of sheets <u>5</u>
Proposed use of building: <u>Parking Structure</u>		No. families . . . .
Last use: <u>"</u>		No. families . . . .
Increased cost of work <u>18,000.</u>		Additional fee <u>.50</u>

### Description of Proposed Work

- To provide roof over exit ramp from parking structure.
- To re-locate stairs at rear of parking structure near entrance to Arcade.
- To construct elevator shaftway at rear of parking structure near Arcade entrance.

### Details of New Work Preble, Inc.

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 girder	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.

Joists and rafters:	1st floor	, 2nd	, 3rd	, roof	
On centers:	1st floor	, 2nd	, 3rd	, roof	
Maximum span:	1st floor	, 2nd	, 3rd	, roof	

Approved: Albert J. Sears

Signature of Owner By: Philip E. Sears

Approved: 1/14/58 W. W. W.  
Inspector of Buildings

June 28, 1957

AP 49-69 Brown St., corner of Cumberland Ave.  
Proposed open parking structure

Mr. Philip P. Snow, Structural Engineer  
Preble, Inc.  
Att. Mr. Grondin  
Camillo Profenno Co.

Copy to Mr. Elmer F. Clark  
Treas. Casco Bank  
& Trust Co.

Gentlemen:-

Building permit for construction of a proposed open parking structure for Preble, Inc. at the above location, limited and subject to the conditions as indicated herein, is issued to Mr. Snow, herewith, at his request on the application. If these limitations and conditions are not understood, or, if you are unable or unwilling to comply with them, it is important that the work shall not be started but that additional information be furnished to show compliance with the law:

1. On the curved ramps (descending) connecting the various parking levels, the plans do not show the guard curbs on both sides of each ramp and 3 feet in from the edge of the ramp as required by Section 211g5 of the Code. These curved ramps scale to be intended 14 or 15 feet wide over all. To take 6 feet out of this width of the curved ramps would leave a narrow driveway not more than 9 feet wide which does not seem wide enough for safety. If this is the way the ramps are finally built, the City must be absolved from responsibility.

Because of this unfortunate situation at this late date after the many negotiations and several provisions of the Building Code in an effort to fairly take care of the situation, the permit now issued excludes all work above the foundations until this matter has been satisfactorily adjusted; and <sup>94107A</sup> required approval before any concrete is placed in the foundation forms (the contractor is required to notify this office when the forms are ready and receive approval before any concrete is placed in the forms), it will be necessary for the owners to assure us as to what will be done in event the requirements are not adjusted to care for the situation and provide a reasonably safe driveway on the ramps.

On June 19th Mr. Snow requested the Board of Standards & Review to consider recommendations for further revision of the Code so that the law would require guard curbs on both sides of such ramps but only 12 inches from the outside of the ramp. Besides this request he asked consideration for another change which would allow the perimeter barrier to be used as a bumper guard under certain conditions, thus eliminating the guard curb now required at least 3 feet from the perimeter barrier on all open exterior sides of the parking area at each level. Whether or not a quorum of the Board will be able to meet in time for consideration of these requests, which will do any good at this time of year, is not yet known; but an attempt will be made.

2. A number of other discrepancies were found in the plans which were called to the attention of owner and designer on June 13th. They are listed and the status of them indicated below, bearing in mind that it is of great importance that owner, contractor and this department have the same understanding of the job if difficulties are not to arise later:

F. Snow, Struct. Engr. - - - - #2  
Attn: Mr. Cronin  
Profenno Co.

June 28, 1957

—the 2-hour fireproofing required for steel columns and beams involved with support of the masonry walls in and around the stairway enclosure at Brown St. have been described in general in Mr. Snow's letter of June 18th. A letter is not competent to show the materials, thicknesses and arrangement of fireproofing of structural steel nor have we been able to check the adequacy of it and will not be able to do so without details on the plan. It is necessary that the designer furnish revised plans or supplementary plans showing clearly what steel he proposes to fireproof with all of the details together with application for an amendment of the building permit now issued in sufficient time so the amendment and the methods may be approved before the go-ahead is given for erection of any structural steel.

—the spacing of metal masonry ties on plans and specifications is not correct, and Mr. Snow writes that the spacing will be 12 inches horizontally and the vertical spacing 16 inches.

—the intermediate rail or the railing around edges of parking areas is not located correctly on the plans, and Mr. Snow writes that this intermediate rail will be located 2 feet above the floor of the parking area as required instead of as shown on the plans.

—the three features next above are to be the subject of written instructions to the contractor after the adjustment of cost is agreed upon, and a copy of the instructions is to be filed here together with the application for amendment relating to fireproofing steel. No need to explain to us any cost differential.

—with Mr. Snow's letter of June 18th, we received Addendum #3 of the specification in which Section VI eliminates the pipe wheel-guards and substitutes concrete guards; and contains the statement: "Other wheel-guard requirements will be an addition to the contract when determined." When the difficulty about the guard curbs, referred to above, is cleared up, revised plans should be filed and specific authorization from owner to contractor to make the changes with application for amendment to the permit now issued to cover these changes.

3. All doors involving the stairway enclosure near Brown St. are required to be at least labelled Class C fire doors and self-closing by means of liquid door closers. All doors involved in any means of egress, whether required or not, are required to swing toward the direction of exit and to be equipped with nothing less than vestibule latches (the type whereby any person on the inside can quickly open the door at any time merely by turning the usual knob or pressing on the usual thumb piece without requiring a key or any special knowledge). The specifications call for certain doors to have anti-panic hardware. If all doors are single doors and at least 3 feet wide, it is doubtful if anti-panic hardware is required, but of course it is allowable. If special aluminum doors are to be used at any location it is to be borne in mind that the door hardware usually comes built into the door, and it is expensive to make a change if the correct hardware is not built in at the factory. We have had many difficulties at this point.

4. While exit signs and exit lights may not be specifically required by the Building Code, it is obvious that they are necessary and should be directional, if necessary, to safeguard the patrons of this structure of very large area. If these are not fully indicated on the plans, please let us have copies of the plans which do so indicate these exit designations.

5. Mr. Snow advises that the owners prefer not to erect any permanent barriers near the exit stairway leading to Cumberland Ave. and at each parking level,

To prevent cars parking in such a way as to obstruct the sidewalk, this because they  
want to conform with the best location for these vehicles. They will install the  
back and use what is, now called, "rubber mats" at least until the case is more sure  
about the operation of the structure. The building code requires a practically a permanent  
barrier to prevent obstruction of this sidewalk.

6. The exit passageway is above the entrance of the Globe Theatre at 140 Street  
has been under consideration. The exit door from the Theatre, into entrance and  
sidewalk are to be adjacent, and are being provided if necessary, so that when the  
doors are closed they will not project more than a distance from the exit passageway.  
The exit door from entrance of the Theatre represents another problem, and it was  
agreed long ago that this door would be adjacent so that no part of the door would  
project into the exit passageway. There was some consideration given this door  
by them in the letter of June 1932 address that a new door will be installed back-  
ing sufficiently recessed so that there will be no projection into the exit passageway.  
This door would be required to admit only emergency egress of course all  
of the adjacent exit doors, and all doors are to have exit lights over them. The exit  
passageway is Amberlind Ave., which will serve the Theatre, and a separately  
lighted exit with lights and these exit lights must be so placed as to show when  
that they will be unobstructed in the theatre as well as in the parking structure and  
all be lighted whenever the theatre is occupied.

It is desired if this door were in connection with the Globe Theatre is  
at present in the general interest of the sidewalk. If the general contractor is  
not to do this work, the owner and designer should see. It takes the one to do the  
work has a copy of these requirements that all may be found in order in the Theatre  
House in my Department.

7. The completion of this job and the way other jobs coming into this  
office have prevented us from making any check on the structural steel design or  
what may be called the "stiffness". Therefore we are compelled to rely entirely on  
the statement of design filed by the designer, and it is our intention that the  
structural design has been checked by an independent designer. It is noted that this  
important structure is supported generally upon foundations placed isolated from one  
another without opportunity of tying the bases of the columns together as would be  
the case if this were a conventional building. Presumably this lack has been compensated  
for by sufficient lateral bracing of the several levels where there is ample  
opportunity to tie across the structure.

Contractor should note that all working both in the shop and in the field  
is required to be performed only by workers who are certified from this  
Department effective within one year prior to the time of doing the working.

8. Please note that this permit is only issued because of certain grants  
by the Municipal Officers of the City, as follows:

- Building Code appeal granted 1/25/37 to allow the drive-in back building  
to be incorporated in the structure, and to allow the structure to extend  
closer than 10 feet to another building without fire-retardant  
walls of its own, and on the condition that any existing window or door  
openings above the level of the first parking level above the ground  
in an existing wall closer than 10 feet to the proposed parking structure  
in cases where the structure does not have a protective wall of its  
own, shall be permanently closed with masonry at least 8 inches in thick-  
ness, and no new window openings shall be made or intrusions in such situa-  
tions.
- Obtainance unobstructed projection of certain parts of the structure over the

June 28, 1957

P. Snow, Struct. Engr. - - - - #4  
Inc.

Profenna Co.

Public sidewalk of Brown St. & Cumberland Ave. were authorized by the Municipal Officers on 5/19/57.  
--projection of certain foundation footings beneath the public sidewalks of Brown St. and Cumberland Ave. were authorized by the Municipal Officers on 6/17/57 subject to an agreement between the City and Preble, Inc. which was executed as of 6/26/57.

9. Artificial lighting of the parking areas should be so arranged that the glare of the lights will not be obnoxious beyond the boundaries of the property, this being a provision of Section 108 of the Zoning Ordinance in the B-3 Business Zone where the property is located.

10. When all features controlled by the Building Code have been completed, notification of readiness for final inspection is required, whereupon, if all is found in order the certificate of occupancy required by both Zoning Ordinance and Building Code will be issued. Without this certificate it is not lawful to use the structure for parking.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMC/DG

4 B



# APPLICATION FOR PERMIT

Class of Building or Type of Structure Parking Structure

Portland, Maine, July 2, 1956

ISSUED  
JUN 28 1957  
906  
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair, demolish install the following building structure equipment 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 19-3 Brown St. corner Brown & Cumberland Ave. Within Fire Limits? yes Dist. No. 1  
 Owner's name and address Preble Inc., 477 Congress St. Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address Camillo Profenno Co. 127 Marginal way Telephone 5-1582  
 Architect Philip Snow Specifications \_\_\_\_\_ Plans yes No. of sheets 4  
 Proposed use of building Parking Structure No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ No. families \_\_\_\_\_  
 Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 130,000 20,000 150,000 Fee \$ 130 20 150

### General Description of New Work

To construct steel and concrete parking structure - 2 stories high - 3 levels  
 Cert. letter sent 5/8/57 -W. McD.

6/17/57  
Permit issued with letter.

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO** Philip Snow, 477 Congress St.

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
 Is connection to be made to public sewer? \_\_\_\_\_ If not, what is proposed for sewer? \_\_\_\_\_  
 Has septic tank notice been sent? \_\_\_\_\_ Form notice sent? \_\_\_\_\_  
 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 \_\_\_\_\_ Kind of heat \_\_\_\_\_ (fuel \_\_\_\_\_)  
 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.  
 Joists and rafters: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 On centers: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 Maximum span: 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

### If a Garage

No. cars now accommodated on same lot \_\_\_\_\_, to be accommodated \_\_\_\_\_ number commercial cars to be accommodated \_\_\_\_\_  
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? \_\_\_\_\_

APPROVED:

### Miscellaneous

Will work require disturbing of any tree on a public street? no  
 Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

INSPECTION COPY

Signature of owner By: Philip Snow

Preble, Inc.

NOTES

FOR PERMIT

No concrete to be poured  
 Per. 1 is O.K.  
 7/10/57 - Work started - Allan  
 7/11/57 - Told Mr. Brunner  
 about what was O.K. to run  
 footing toward apartment  
 houses - Allan  
 7/25/57 - Saw O.K. to pour  
 the footing on the Brunner  
 side - Allan  
 7/31/57 - Went over bridge  
 142 on the left side of  
 the Brunner - install  
 in formation before the steel  
 was laid - Allan  
 8/12/57 - Work progressing on  
 the foundation - Allan  
 9/13/57 - Work still going on on  
 the foundation - Allan  
 9/23/57 - Steel being put  
 in place without giving us  
 a trial & plan with  
 an amendment on this - Allan  
 9/24/57 - Steel on the  
 2nd - Allan  
 10/2/57 - Mr. Brunner is to file  
 plans today. Work on steel  
 is progressing - Allan  
 10/15/57 - Steel working  
 11/1/57 - Steel No. 21 on plans  
 of 10/1/57; check with the  
 contractor on breaking up  
 openings in slabs - Allan  
 11/20/57 - Openings closed  
 up - Allan  
 12/4/57 - Work progressing -  
 Allan  
 12/31/57 - Work progressing -  
 Allan  
 1/4/58 - Fire doors and  
 stairs not yet done -  
 Allan

Permit No. 57/927  
 Date of Permit 5/23/57  
 No. of floor 1  
 Insp. class.  
 Final Insp. 1/14/58  
 Cert. of Occupancy issued: 1/21/58  
 Staking Out Notice  
 Form Check Notice  
 1/31/58 - Work progressing  
 2/10/58 - Fire doors installed  
 19 - (Per 10-157) - Pl. 5-1957  
 - Extra stairs & elevator will  
 not be done - Rail installed  
 around elevator - Steel light  
 on top to be fixed  
 2/15/58 - Brunker guard not yet  
 in place. Finishing needed  
 along railing on top deck  
 - Highway toward theater,  
 elevator, covering work  
 not done - Steel doors  
 from theater not installed  
 2/20/58 - Check while work  
 to see that they are on the  
 theater exterior - Check opening  
 on passageway to theater from  
 Currier land line on the ground  
 level - Allan  
 2/20/58 - Steel light, exterior white  
 light as called for on exterior  
 2 gates but no lock of any  
 kind on passageway of ground  
 level from theater to  
 Currier land line - Allan  
 2/20/58 - Work not completed  
 on elevator and shaftway -  
 Fire doors from steel opening  
 into passageway not on  
 3/10/58 - Work still not done  
 the steel - Allan

Brunner - Murray

Complaint No. \_\_\_\_\_

Permit No. 57/901

Location On Drive # 4

Cumberland Ave

3/12/58 - Work still going  
on on elevators & stairs.

Exit doors not yet on  
the theater. - Allan

4/7/58 - Same as above -

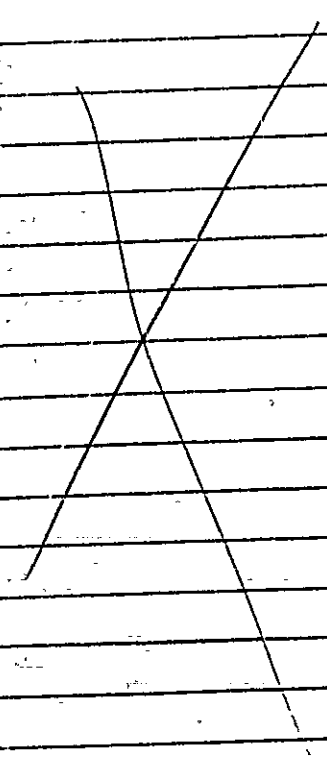
Allan

4/11/58 - Spoke to Frank

Capomazza. He says fire  
doors all in place &  
working. - Allan

4/14/58 - Everything is  
done except fire doors  
with I was unable to  
check this morning. -

Allan





City of Portland, Maine  
Municipal Officers  
BUILDING CODE

*Sustained  
Conditionally 57/39  
5/17/57*

..... May 9, 1957 ..... 19

To the Municipal Officers:

Your appellant, **Preble Inc.**, who is the owner of property at **49-63 Brown Street**, respectfully petitions the Municipal Officers of the City of Portland to permit an exception to the provisions of the Building Code relating to this property, as provided by Section 115, Paragraph A of said Building Code.

Building permit intended to authorize construction of an open parking structure at 49-63 Brown Street is not issuable under the Building Code because continued operation of the existing drive-in bank building within the structure is intended, and certain parts of the structure near the entrance to and exit from the proposed structure to Casco Bank Arcade would be closer than 10 feet to the existing theatre building without providing the structure's own two-hour fire resistive wall contrary to Section 211g and g1 of the Building Code.

The facts and conditions which make this exception legally permissible are as follows:  
An exception is necessary in this case to grant reasonable use of property where necessary to avoid practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

PREBLE INC.

By *Joseph C. Gordon*  
Appellant  
day of **May**, 1957

After public hearing held on the **17th** day of **May**, 1957, the Municipal Officers find that an exception is necessary in this case to grant reasonable use of property where necessary to avoid practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code, provided that any existing window or door openings above the level of the first parking level above the ground in an existing wall closer than 10 feet to the proposed parking structure in cases where the structure does not have a protective wall of its own shall be permanently closed with masonry at least 8" in thickness and no new such openings shall be made or introduced in such situations. It is, therefore, determined that exceptions to the Building Code may be permitted in this specific case provided that any existing window or door openings above the level of the first parking level above the ground in an existing wall closer than 10 feet to the proposed parking structure in cases where the structure does not have a protective wall of its own shall be permanently closed with masonry at least 8" in thickness and no new such openings shall be made or introduced in such situations.

*Bern P. Johnson*  
*James E. Keane*  
*W. W. [unclear]*  
*J. [unclear]*  
*Paul [unclear]*  
MUNICIPAL OFFICERS

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

May 14, 1957

Preble & Preble Inc.  
477 Congress Street  
Portland, Maine

Gentlemen:

The Municipal Officers will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, May 17, 1957, at 10:30 a. m. to hear your appeal at 49-63 Brown Street under the Building Code.

Please be represented at this hearing in support of this appeal.

BOARD OF APPEALS

Ben B. Wilson

Chairman

WARREN McDONALD  
INSPECTOR OF BUILDINGS

ALBERT J SEARS  
DEPUTY INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE

Department of Building Inspection

May 8, 1957

AP 49-63 Brown St.— proposed open parking structure and Building Code appeal relating thereto

Preble Inc.  
177 Congress St.

Gentlemen:

Copies to Mr. Elmer F. Clark, Treas.  
Casco Bank & Trust Co.  
Mr. Philip Snow  
477 Congress St.  
Corporation Counsel

While we have not completed our check of the plans of the proposed open parking structure at 49-63 Brown St. against Building Code requirements, you are aware that two features of the proposed structure would be contrary to Code provisions.

The matter of having the existing drive-in bank building contained within the structure and the closeness of the parking structure to the wall of the building in which is the Civic Theatre without the structure's own intervening fire-wall. An amendment of the appeal clause of the Building Code calculated to extend the variance appeal privilege to features of open parking structures like these two involved in your case and one other feature, was recommended to the City Council by the Board of Standards & Review; and the City Council becoming aware of your particular need for quick action adopted the amendment under the emergency rule to become effective at once, this on May 6.

Thus the ground has been laid as quickly as possible for you to file your appeal relating to these features, seeking from the Board of Municipal Officers a variance from the precise terms of the Building Code. Mr. Snow says that you desire to seek such a variance, and, in order to forward the matter, the following clause is given as what we call a "certification clause" to appear on the appeal application:

Building permit intended to authorize construction of an open parking structure by Preble Inc., at 49-63 Brown St. is not issuable under the Building Code because

--continued operation of the existing drive-in bank building within the structure is intended, and

--certain parts of the structure near the entrance to and exit from the proposed structure to Casco Bank Arcade would be closer than 10 feet to the existing theatre building without providing the structure's own 2-hour fire-resistive wall

contrary to Section 211g and g1 of the Building Code.

Enclosed is an outline of the appeal procedure; and, if you are to secure

C  
O  
P  
Y

Private Sec.

1954

enforcement of the Code at the earliest possible date, to avoid the  
incurred in the case of Corporation Counsel before case is  
applying at the legal department, and also that the Code is  
enacted.

Section 113 of the Building Code, the appeal clause, provides that  
specific cases wherein the enforcement of this Code would involve practical  
difficulty or unnecessary hardship and where relief would be granted  
without substantially departing from the intent and purpose of this Code, and  
not otherwise, the Municipal Council may, at its discretion, grant  
permit exemptions to and variations from the provisions of this Code with relation  
to the following operations or work:

These operations or work thus open to exemptions and variations have now  
been extended to include the open parking structure features.

So that you will be prepared to explain to the Board at the meeting the  
enforcement of the Code in these particulars would involve practical difficulty or  
unnecessary hardship and that the requested relief would not substantially depart  
from the intent and purpose of the Code.

Very truly yours,

Carroll McDonald  
Inspector of Buildings

WCB/S

Enc: Outline of appeal procedure

DATE: May 17, 1957

HEARING ON APPEAL UNDER THE Building Code OF Preble Inc.  
AT 49-63 Brown Street

Public hearing on the above appeal was held before the Municipal Officers

<u>BOARD OF APPEALS</u>	<u>VOTE</u>		<u>MUNICIPAL OFFICERS</u>
	Yes	No	
	(X)	( )	Ben B. Wilson
	(X)	( )	Sumner T. Bernstein
	(X)	( )	Sumner B. Clark
	(X)	( )	Harold E. Frank
	(X)	( )	Ira E. Ball
	(X)	( )	H. Merrill Luthe
	(X)	( )	Perley J. Lessard

Record of Hearing:

PROVIDED THAT ANY EXISTING WINDOW OR DOOR OPENINGS ABOVE THE LEVEL OF THE FIRST PARKING LEVEL ABOVE THE GROUND IN AN EXISTING WALL CLOSER THAN TEN FEET TO THE PROPOSED PARKING STRUCTURE IN CASES WHERE THE STRUCTURE DOES NOT HAVE A PROTECTIVE WALL OF ITS OWN SHALL BE PERMANENTLY CLOSED WITH MASONRY AT LEAST EIGHT INCHES IN THICKNESS AND NO NEW SUCH OPENINGS SHALL BE MADE OR INTRODUCED IN SUCH SITUATIONS.

May 11, 1954

Subject: Inquiry about 51-53 Brown St.

Mr. Elmer F. Clark  
Treas. Casco Bank & Trust Co.  
475 Congress St.

Dear Mr. Clark:

The regulation of open parking structures is being regulated elsewhere in a much more varied manner than I had thought when we talked the proposal over as regards Brown St.—so varied that it is difficult to reach any conclusion as to what should be recommended as regards application of our own Building Code to such structures. This letter is to keep you advised as to what we are trying to do with the thought that you may like to talk things over again, bringing in again your tentative plan, which I believe you did not leave here.

I have examined regulations recommended by the Building Officials Conference of America, by National Board of Fire Underwriters, and the actual in-effect regulations of the Massachusetts Board of Fire Prevention and of New York City, the latter regulations having been adopted in 1953. All of these except NBFU would allow such a structure without fireproofing steel with as large an area as you figured (22,000 square feet), but NBFU at present limits the area to 20,000 square feet. I would have no difficulty recommending an area up to 30,000 square feet without fireproofing the steel.

The biggest discrepancy comes in the question of closeness of such a structure to lot lines, to other buildings especially of wooden frame construction, and to openings in other buildings. In this connection we will have to consider the platted lot line between the parking space and the Civic Theater lot as a lot line as well as the line between the parking lot and the property which you do not own toward Congress St.

The BOCA Code is the most liberal in this particular, allowing the parking structure to be without fire wall if at least six feet from the lot line. These regulations are very incomplete, however, and we must take into account the more extensive and already effective regulations in New York City, which require the structure to be at least 15 feet from each lot line and from any other building if a fire wall is not to be provided.

With the structure which you are thinking of, it seems to me that if an exterior fire wall is required it would have to extend high enough above the upper parking level so as to protect the nearby building and property from a fire which might take place on the lower level.

You have said that you would probably build a fire wall along the lot line toward Congress St. anyway, but probably you did not think of the height to protect the apartment house on the next lot which, I believe is of wooden frame construction, perhaps covered with fire-resistant material. Construction of such a fire wall for a height of 8 feet or more above the upper parking level framework may introduce an engineering problem because there would be no roof structure to brace the top of the masonry wall. Probably your designers could work this out by making the wall somewhat

Clark \_\_\_\_\_ 2

May 11, 1954

and perhaps making it of reinforced masonry.

It appears that the principal problem in this connection is on the side toward the Civic Theater. If we should decide to follow the BOCA regulation without taking into consideration some of the others, it would be comparatively simple to set the structure six feet from the lot line as cars are parked about that far away now, at least from the building wall. However, we must take into account the fact that the theater is a place of public assemblage and that there are openings, either windows or doors, in the theater wall on that side, and we must give some weight to the New York City regulation which would require the structure to be 15 feet from the Civic Theater building if a fire wall were not provided along there also.

If the economy of the structure would allow building a fire wall along this lot line high enough to protect the theater building against a disastrous fire on the upper level, that might be the answer; but I should guess that the cost of such a wall would be quite an obstacle.

The requirement of exits from such parking structures vary extensively also. New York City would require two stairways--one at either end of the structure, but NBFU allows only one means of egress if the driver only or some attendant takes the car to the parking spot. It seems likely that we would end up with a requirement which would allow the ramp as one exit and require an unenclosed stairway on the other end.

Perhaps this letter will not help you very much, but it seemed best to report progress on the basis that perhaps you would like to talk things over again, and would consider whether or not what amounts to two story wall and the long wall along the Civic Theater line would be prohibitive.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMcD/B

TRY BLANK

ZONE \_\_\_\_\_

FIRE DIST. \_\_\_\_\_

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Date May 11, 1954

Verbal  
By Telephone

*g.d.*

LOCATION About 51-63 Broadway St. OWNER Preble, Inc.

MADE BY Mr. Elmer F. Clark, Treas. Casco Banking and Trust Co. TEL. \_\_\_\_\_

ADDRESS 175 Congress St.

PRESENT USE OF BUILDING \_\_\_\_\_ NO. STORIES \_\_\_\_\_

LAST USE OF BUILDING \_\_\_\_\_ CLASS CONSTRUCTION \_\_\_\_\_

REMARKS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

INQUIRY Application of Building Code to construction of an open parking structure?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ANSWER warrants action by Bd of

Eds & appeal and then

city council - m

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE OF REPLY \_\_\_\_\_ REPLY BY \_\_\_\_\_