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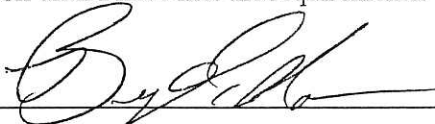
## *Statement to Town of Windham Board of Appeals*

I acknowledge submitting my application to the Board of Appeals and signing this statement that I the undersigned:

State the proposed plan is to scale and reflects the true representation of the proposal requested.

I further understand that if the Board finds that it does not, then the Board has the right to table my application until I have met the requirements.

Applicants  
Signature

  
Bryan G. Moore

Date 1/10/2017

APPLICATION FOR APPEAL  
TO WINDHAM ZONING BOARD OF APPEALS

Fee Paid \$400.00 CK # \_\_\_\_\_ CASH \_\_\_\_\_ CHARGE \_\_\_\_\_ DATE \_\_\_\_\_

APPLICANT

NAME: Bryan G. Moore  
ADDRESS: 16 Depot Street, Windham, ME 04062  
TELEPHONE: 207-400-1927

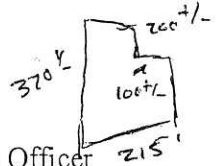
OWNER

NAME: Daniel J. Wright  
ADDRESS: 116 Clay Pits Road, Scarborough ME 04074  
TELEPHONE: 207-638-0308

ADDRESS OF PROPERTY OR LOCATION 16 Depot Street  
Windham, ME 04062  
MAP # 38 LOT # 49D-1 PROPERTY IS ZONED VC  
LOT WIDTH: 215' LOT DEPTH: 370' +/- LOT AREA: 59,550 sq. ft. +/-  
EXISTING USE OF PROPERTY: Rental

TYPE OF APPLICATION

\_\_\_\_\_  
\_\_\_\_\_  
X  
\_\_\_\_\_  
\_\_\_\_\_  
Variance from Ordinance  
Conditional Use  
Appeal from decision of Code Enforcement Officer  
Home Occupation 2



PROPOSED USE: Please describe in detail what you wish to do and what the use of any proposed structures will be. (Attach a letter of explanation if necessary :)

See Attached

Why is Board of Appeals approval required?

See Attached

Amount of variance required, if any: \_\_\_\_\_ ft.

TYPE OF SEWAGE DISPOSAL SYSTEM: Present X Proposed \_\_\_\_\_

STRUCTURAL DIMENSIONS: (Exterior length and width)

Existing 63 ft. By 36 ft. Number of Stories ONE

Proposed \_\_\_\_\_ ft. By \_\_\_\_\_ ft. Number of Stories \_\_\_\_\_

NUMBER OF ROOMS IN PROPOSED STRUCTURE: \_\_\_\_\_

IS ADDITIONAL PLUMBING CONTEMPLATED? Yes \_\_\_\_\_ No X

If yes, please describe: \_\_\_\_\_

IF REQUIRED, HAS PLANNING BOARD APPROVAL BEEN OBTAINED?

Yes \_\_\_\_\_ No \_\_\_\_\_ Not Required \_\_\_\_\_

A location map and a scaled site plan must accompany this application. The site plan must show dimensions of the property, location of all buildings, yards, parking spaces and septic systems, and all existing and proposed setbacks.

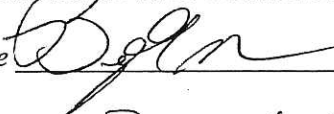
An application fee of \$400.00 for residential appeals as well as for non-residential or multi-family is required upon application submission. *If the Code Enforcement Office determines that ordinary and customary expenses associated with review of the development are higher than the \$400.00 fee, then the applicant shall be billed and shall pay to the Town prior to the final approval said expenses, including, but not limited to cost associated with notification of abutters, advertising of public meetings, and all the time dedicated to review of the development.*

NOTE: Applicant or his/her representatives must attend board meetings. If a request is needed to be tabled, the applicant or his/her representative must attend meeting to ask to be tabled. (11/21/91).

The right of any variance from the terms of this chapter granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six (6) Months or substantially completed within one (1) year of the date of the vote by the Board.

***I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND IN ITS SUPPLEMENTS IS TRUE AND CORRECT.***

Applicant's Signature



Date

1/10/2017

Bryan G. Moore



## ***ZBA APPLICATION CHECKLIST***

**The following requirements are to be included with each Board of Appeals applications:**

1. A cover letter explaining why the Board of Appeals is needed and any other information that might be necessary.
2. A permission letter from the owner, giving you the right to go to the Board of Appeals.
3. If necessary a Traffic Study for location
4. A scaled site plan must show the following locations:
  - All buildings
  - Parking spaces
  - Septic Systems
  - All existing and proposed setbacks
5. If the property is being used for more than one use, you need to show the following:
  - The different uses
  - Parking locations for all uses
  - The Town of Windham's Land Use Ordinance is met.
  - If necessary, restaurants must show seating plans to scale.
  - Daycare use must show floor plan and percentage of structure being used.
6. Questions that are attached to application need to be answered with a brief explanation and attached back to application.
7. The Code Enforcement Office will need 8 copies of application, site plans and any other attachments, made into packet form. (The plans must be folded when submitted).
8. All submissions must be 21 days prior to the next scheduled meeting. The ZBA Boards meets the first Thursday of every month unless there is a holiday.
9. Application fee is \$400.00, check made out to the Town of Windham.

**PLEASE INFORM US OF ANY SPECIAL REQUIREMENTS YOU MAY HAVE DUE TO A DISABILITY**

## Cover Letter

16 Depot Street, Windham, ME 04062

Zoning Violations Zoning District VC at 16 Depot Street, 038049D0100

ID#: 15-00120

**Requirement #1 of the ZBA Application Checklist and  
"Why the Board of Appeals is needed?", page three of the application.**

*A letter, detailing a Notice of Violation was created and mailed on December 12, 2016 to property owner, Daniel J. Wright. Phyllis A. Moss and Steve LeBrun met with Mr. Wright and his tenant, Bryan G. Moore, December 19, 2016 to detail the requirements necessary to successfully obtain a change of use status from commercial to residential use. Mr. Wright and Mr. Moore were informed by Ms. Moss that Mr. LeBrun supplied the research for and rough draft of the December 19, 2016 letter. Mr. Wright and Mr. Moore believe the steps outlined within the letter do not accurately detail the only steps or potential solutions necessary to obtain a change of use permit. Therefore, they are entering an **Appeal from decision of Code Enforcement Officer**, Steve LeBrun.*

## ZBA APPLICATION CHECKLIST REQUIREMENT #2

Daniel J. Wright  
16 Clay Pits Road  
Scarborough, Maine 04074  
207-838-0308  
[Danwright@allstate.com](mailto:Danwright@allstate.com)

January 8, 2017


Dear Members of the Town of Windham Board of Appeals:

I am granting my tenant the right to present my appeal paperwork and represent my interests to the Zoning Board of Appeals.

I would appreciate it if you would copy me on any written or electronic correspondence. My tenant's contact information is:

Bryan G. Moore  
16 Depot Street  
Windham, ME 04062  
207-400-1927  
[moorepond@gmail.com](mailto:moorepond@gmail.com)

Sincerely,

  
Daniel J. Wright

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## **ZBA APPLICATION CHECKLIST REQUIREMENTS**

### **3. – Traffic Study for location**

A traffic study is not necessary.

### **4. – Scaled Site Plan**

Mr. Moore requested a waiver for a site plan, in the event the footprint of the residence is not changed. This is an existing structure. Mr. LeBrun insisted a site plan will be required, regardless. Mr. Moore and Mr. Wright are submitting a plot plan that currently is on file at the registry of deeds. Furthermore, they have hired a site engineer to update the plan. Unfortunately, the holidays and availability of professionals to complete the plan prior to the 30 day appeal deadline were not possible. It is our intentions to secure the plan ASAP and submit it prior to the ZBA hearing.

5. If the property is being used for more than one use, you need to show the following:

#### **Different Uses:**

Unit 1 : Single family home

Unit 2: Storage

Unit 3: Storage and woodworking

Unit 4: Storage

#### **Parking locations:**

Indicated on site map submitted

6. Answers to questions are attached.

7. 8 Copies were supplied

8. Submission occurred prior to the 30 day expiration of the right to appeal the Notice of Violation

9. Application fee of \$400.00 was paid to the Town of Windham, ME.

**No special requirements for disabilities are necessary.**

## Town of Windham, Zoning Board of Appeals items for review

Response to items detailed within the letter dated: December 19, 2016 (Exhibit 8, Page 1-6)

1. International Building Code (IBC) - We don't believe this is applicable to a single family, existing dwelling. There are no other residential buildings on the same parcel of land. This should either be the International Existing Building Code (IEBC) or the International Residential Code (IRC). We do agree that a permit should be required to show existing and proposed work. This was not asked for by previous code officials but we are happy to do so.
2. Submittal requirements-We agree you are right we will need something drawn up showing existing and proposed and we are working diligently on this now. Mike Richman of Custom Concepts Inc, Architecture and other State Licensed professions conducted an inspection of 16 Depot Street the weekend of January 7 – 8, 2017. A meeting is scheduled for Tuesday, January 17, 2017 at 4pm with our entire team to work on a plan and proposed solutions.
3. We don't believe you are citing the correct codes. We are currently working with a Maine licensed architect and he is putting existing conditions on a plan and we are going to propose improvements to this existing building. We are working with existing conditions and looking to improve what is there now. But the Town has to take into consideration just that, it is existing.
4. Site Plan. It is an existing structure. Therefore, we think a waiver is acceptable due to the fact we are not relocating anything and utilizing existing conditions that won't cause a greater impact than what was there in the past. The proposed upgrades will be an improvement to conditions that have existed for a long time and will be more aesthetically pleasing for neighbors.
5. We would classify this as an S-1 Low Hazard Storage building. Our design professional will address this and will identify what is being stored in the abutting building. In our design we will propose what we are looking to do to address the separation issue as best as we can.
6. This is for new buildings. Please cite the code reference for separation to both buildings. We believe that NFPA codes need to be looked at to get best determination for this.
7. This is from the IBC this is for new buildings we are dealing with an existing building that was a model home at one point and the IBC would not be applicable. We are weighing all of our options and will provide an adequate plan of corrections.
8. Mr. LeBrun and Ms. Moss are citing the IBC. We understand that if 16 Depot Street was built today then we would utilize setbacks required in the code. However, it is an existing structure.

9. IBC is being cited and again if this was built today we would adhere to the IRC at least and in our plan we will address proximity of the neighboring structure.

10. IBC is being cited and again we will address the correct code analysis.

11. This would be true if this was a new building we are looking at our window openings and seeing how we can make this existing nonconforming issue a better situation for life safety.

12. To be considered contiguous we would disagree that the buildings would need to be attached. We cannot locate a table 504 in 2009 IBC codes. Please produce the table that you are referencing. Also please provide the NFPA code reference to sprinkler system.

**ADDITIONAL COMMENTS:** We believe Mr. LeBrun may have been attempting to give us more room to move when he responded to our January 4, 2017 email (Exhibit 10, Page 1 – 2) about what year IBC code he was referencing. In fact he indicated that IEBC standards may be something the architect may research or utilize. However, Mr. LeBrun's response did not address Mr. Moore's question about if he was citing 2009 IBC code. Rather Mr. LeBrun stated. . "As I informed you at our meeting, it is not the building officials duty to design your project for you, but to review your submittal documents for code compliance" On one hand Mr. Moss and Mr. LeBrun made the statement to Mr. Moore, Mr. Wright and their design professionals the December 19, 2016 letter was the standard to which they must design a plan. Then the response, when asked to clarify their position, was "it is not the building official duty to design your project for you". This is very confusing and going back and forth may only frustrate the Town of Windham even further. We just don't have enough time to find out if our team will design something to meet the codes Mr. LeBrun and Ms. Moss cited in their December 19 letter. We believe there is an alternative solution.

**Actions and work performed as a result of the meeting with Mr. Daigle on September 28, 2016.**

A significant amount of work was performed and people relocated based on the information that was "mistakenly" provided by Mr. Daigle. We hope that it will hold some merit when considering solutions to the unique challenges of this existing home.

- Furnace completely overhauled by licensed professional
- Electrical system upgraded from a 100 amp service to a 200 amp service
- Many electrical issues addressed by Master Electrician, Paul Goudreau
- Every wall and ceiling coated with joint compound
- Over 5,000 pounds of mold covered wood removed from basement
- Sump pump installed (discharge not yet run to exterior of home)
- Entire basement painted with 15 year warranty moisture blocking paint – 25 gallons
- Every faucet, shower valve and toilet valve replaced due to prior damage.
- Both Bryan Moore and his roommate Darrel Longstreet relocated to the residence October 1, 2016
- Massive amounts of debris was removed from the exterior of the home – lawn was 4 feet high
- Both Chimney's leaked and had to be professionally sealed and flashed
- Locksmith service to obtain keys, Mailbox, broken window repair, \$400 in LED light bulbs, new outside light . . .there are too many small things to list.

Just the electrical and furnace work alone represent in excess of \$5,000.00 in repairs. We conservatively estimate that the costs of repairs exceed \$10,000.00 before relocation expense and the long list of professional services required to address this Notice of Violation and Change of Use request.

Mr. Moore and Mr. Wright do not have any hard feelings that a mistake was made. However, we respectfully ask the Zoning Board of Appeals to consider the efforts made based on the guidance provided by Mr. Daigle. Mr. Moore's decision to occupy the home was not done without the full knowledge and authorization of the person that Mr. Moore was directed to work with.

### Timeline of Events

**August 18, 2016** – Bryan G. Moore approached homeowner, Daniel J. Wright about a lease purchase option on 16 Depot Street, Windham, ME

**Between August 18 and August 26, 2016** – Mr. Moore spoke with Code Enforcement Officer, Heather McNally, and she indicated that a sprinkler may be necessary in order to use the home as a residence.

**August 26, 2016** – Mr. Moore and Mr. Wright contacted Freedom Fire Protection Inc. to provide a quote to install a sprinkler at 16 Depot Street

**September 7, 2016** – Mr. Wright and Mr. Moore met Freedom Fire Protection Inc. for an on-site inspection of 16 Depot Street (Exhibit 1, Page 1)

**September 19, 2016** – Mr. Wright called to inform Heather McNally that they had the quote for the sprinkler installation and would like to schedule a meeting with her. Mr. Wright was notified at that time that Chuck Daigle would be handling the matter. Therefore, an appointment was set. (Exhibit 1, Page 1 – 2)

**September 28, 2016** – Mr. Moore and Mr. Wright met with Mr. Daigle in Mr. Daigle and Mr. LeBrun's office. Mr. LeBrun was just a few feet away in the same office but was not a party to the meeting. At that meeting, Mr. Daigle informed Mr. Wright and Mr. Moore that no sprinkler, no change of use and no application fees were required. They asked Mr. Daigle to create an email to document the meeting. Mr. Daigle asked Mr. Wright to send an email and he would acknowledge what they discussed. . . Mr. Wright sent the email and Mr. Daigle acknowledged it. . .

Items acknowledged by Mr. Daigle (Exhibit 2):

- Bryan Moore was moving into 16 Depot Street as his residence
- A permit would be pulled to upgrade the electrical service to 200 AMPS
- Sprinklers would be required if Mr. Moore pursued a commercial business in that location

At the meeting with Mr. Daigle:

- Daniel Wright and Bryan Moore had a copy of the sprinkler quote from Freedom Fire Protection Inc.
- Mr. Wright and Mr. Moore asked if anyone else needed to approve the decision to allow Mr. Moore to occupy the home and Mr. Daigle responded "NO"
- Mr. Wright and Mr. Moore asked if any applications or permits were required for change of use and Mr. Daigle responded "NO"



- Mr. Moore said to Mr. Daigle that he was not comfortable without involving Ms. McNally in the decision making process "that he felt he was asking Dad after asking Mom". To which Mr. Daigle responded: "Heather doesn't work for the town of Windham any longer."

The above items are the "Mistakes" that Ms. Moss and Mr. LeBrun refer to in their letter dated December 19, 2016. Hence the decision to extend the normal 30 day deadline for compliance but not the opportunity to appeal their decision.

**September 29, 2016** – Mr. Moore called Mr. Daigle to clarify that the location of the utility lines and the electrical service connection to 16 Depot Street in order to prepare for the service upgrade to 200 amps. At the meeting the day before, Mr. Moore drew a sketch that was incorrect about the location of the electrical service wires and wanted to be accurate in his representation to Mr. Daigle. The wires run over the peak of the roof and not to the side of the residence as originally depicted. Mr. Daigle agreed to research code about the distance above the home that a service wire must be.

**October 4, 2016** – Mr. Moore and Mr. Daigle had a phone conversation and conclude that the service wire location is acceptable according to code because the transformers are on the other side of Depot Street. Therefore, the wires over the home are not high voltage and the wires can pass over the home.

**November 1, 2016** Master Electrician , Paul Goudreau applied for an electrical permit to upgrade the electrical service at 16 Depot Street. (Please Note: Mr. Goudreau's application does NOT indicate if it is a commercial or residential application. However, the Town of Windham issued a RESIDENTIAL permit on the same day.) (Exhibit 3)

**November 1, 2016** The Town of Windham accepted payment and issued a RESIDENTIAL electrical permit to upgrade the service. Chuck Daigle signed and issued a RESIDENTIAL electrical permit. (Exhibit 4)

**November 14, 2016** – Paul Goudreau spoke with Mr. Daigle about 16 Depot Street and doing the RESIDENTIAL electrical upgrade and the confusion about gaining residency. Mr. Goudreau and Mr. Daigle were at Bill Reiner's job site when this discussion occurred (21 Ursula Avenue, Windham, ME). No mention of any issues with the RESIDENTIAL electrical permit or concerns occurred during that discussion.

**December 8, 2016** - Paul Goudreau contacted Steve LeBrun to inform him that he was doing the power upgrade at 16 Depot Street the following day. Mr. LeBrun indicated to Mr. Goudreau that he would handle the paperwork and notifications with CMP but mentioned nothing about the issue of residential use.

**December 9, 2016** - Steve LeBrun visited 16 Depot Street. Mr. Moore introduced himself as the tenant as soon as Mr. LeBrun arrived. After Mr. LeBrun cited why the residence needed a change of use application, he directed CMP to "**disconnect power from the building**" (It was 30 degrees out and two weeks before Christmas) Mr. LeBrun told Mr. Moore and Mr. Goudreau for the first time he or anyone currently employed by the Town of Windham had a problem with the established occupancy of the

home. Mr. Moore openly and conspicuously used the home as his residence since meeting with Mr. Daigle on September 29, 2016. Mr. Moore and his contractors had numerous interactions with Mr. Daigle and staff members of the Town of Windham about the residential use and upgrades to 16 Depot Street during that time. Yet, Mr. LeBrun was prepared to leave Mr. Moore, his two 15 year old boys and Mr. Moore's roommate without power. Furthermore, a vast amount of new improvements would have been destroyed if Mr. LeBrun was successful at directing CMP to disconnect the power.

To further confirm that Mr. LeBrun was prepared to have the

**December 12, 2016** - Steve LeBrun, CEO. Issued a Notice of Violation to the property owner, Daniel J. Wright. (Exhibit 5, Page 1 – 3)

**December 14, 2016** – Bryan G. Moore asked Fire Protection Engineer, Joel Corneliusen to contact Phyllis Moss about what sprinkler requirements will be necessary for 16 Depot Street, Windham, ME. Mr. Corneliusen emailed Ms. Moss that day and asked specific questions about what type of sprinkler systems would be required. (Exhibit 6, Page 1 – 2)

**December 15, 2016** – Phyllis A. Moss, IPMA-HR SCP, Assist. Town Manager / H.R. Director responded to Mr. Moore's Fire Protection Engineer, Joel Corneliusen, "Thank you for your email, but is a bit more complicated than it appears. I am putting together everything that would need to be done in order to change the building from commercial to residential. I am meeting with the property owner on Monday morning to go over the particulars and, depending on what he is willing to do, it could change what needs to be done." (Exhibit 7, Page 1 – 2)

**December 19, 2016** – A meeting occurred with Phyllis A. Moss, Steve LeBrun, Daniel J. Wright and Bryan G. Moore in Ms. Moss' office. There was discussion regarding a "mistake" that occurred and what may be required to move the building from Commercial to Mixed Use residential. In addition to remodeling the building Ms. Moss and Mr. LeBrun suggest possibly tearing down the building and building a new structure **or selling the property to Robie Builders**. They discussed general requirements but the town's letter detailing the standards was not yet finished. Ms. Moss promised to have documentation to us later that afternoon with the specific details of what was required. (Exhibit 8, Page 1 – 6)

**December 20, 2016** – Ms. Moss forwarded a letter dated December 19, 2016. "this memo will recap for you the requirements that must be met in order to obtain the desired residential use permit for 16 Depot Street" (Exhibit 8, Page 1 – 6)

**Commentary about the appeal:**

Had an appeal not been filed, we may have been bound by the solutions proposed in Ms. Moss and Mr. LeBrun's letter dated December 19, 2016.

It has always been our intention to work with the Town of Windham in a professional and effective manner . . . Nothing has changed. However, we regretfully had to file this appeal in order to protect our rights to be heard and to protect the means to use alternative solutions to the ones detailed in the December 19 letter. On Wednesday, **January 4, 2017**, we requested an extension of our rights to file an appeal. . . Mr. Moore wrote: "I merely want to find solutions and work together in a professional manner. I would like to think that we could find a solution to the issues without appealing anyone's decision." To which Mr. LeBrun responded: "You have 30 days to appeal the NOV. Once that 30 days have gone, you have lost the opportunity to appeal." (Exhibit 9, Page 1 – 2)

There was not enough time to have our architect design a plan and submit for review prior to the 30 day deadline.

**Freedom Fire Protection, Inc.**

*30 Years of Fire Protection Experience*

209 Quaker Ridge Road

Casco, Maine 04015

Phone (207) 627-4109 Fax (207) 627-7340

September 19, 2016

Allstate Insurance Company  
411 Alfred Street  
Biddeford, Maine 04005

Attn: Dan Wright

Ref: Existing Building Property  
16 Depot Street  
South Windham, Maine

Subject: New Residual Sprinkler System

Dear Dan,

I am pleased to present my proposal for the fire protection sprinkler system work at the above referenced project.

Price will include design, material, and labor to construct a wet sprinkler system to accommodate the existing property referenced above. The sprinkler layout will reflect the site visit on Wednesday September 07, 2016.

The standard for the design and installation for the wet sprinkler system will be per the National Fire Protection Association 13D Standard (NFPA-13D) for single and duplex dwellings.

Design approval and permitting will be received from the State Fire Marshal's office and the Windham Fire Department, prior to the sprinkler installation.

The sprinkler water supply will be from two one hundred fifty-gallon (150) cistern tanks. Water flow and pressure for the sprinkler system will be through an approved sprinkler pump. Both the tank and pump will be design to be located in a heated space in the basement.

All piping for the first floor and basement sprinkler piping will be installed exposed. All piping will be black steel.

Sprinkler heads installed on the first floor on the steel pipe will be the semi recessed horizontal sidewall models with a white finish. Sprinkler heads installed on the basement piping will be a combination of semi recessed horizontal and pendent model's with a brass finish.

Sprinkler protection per this sprinkler standard will not be required in the attic space.

# Exhibit 1 Page 2

## Exclusions:

- Electrical wiring of sprinkler equipment or devices.
- Painting of sprinkler pipe and devices.
- Mounting of electric bell.
- Protecting the sprinkler system from freezing.
- Protecting sprinkler system sprinkler heads from paint, if piping is painted.

My price to perform the work as mentioned above is **FOURTEEN THOUSAND FOUR HUNDRED EIGHTY DOLLARS (\$14,480.00).**

I thank you for the opportunity to quote this project with you and I look forward to discussing my proposal. Should you have any questions, please feel free to call me.

Sincerely,

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

William W Wales

Digitally signed by William W Wales  
DN: cn=William W Wales, o, ou=Freedom Fire  
Protection,  
email=wwales@freedomfireprotection.org, c=US  
Date: 2016.09.19 13:22:56 -04'00'

Exhibit 2

**Bryan G. Moore**

---

**From:** Wright, Dan [danwright@allstate.com]  
**Sent:** Friday, September 30, 2016 9:18 AM  
**To:** moorepond@gmail.com  
**Subject:** FW: Meeting 9/28/2016

for your files.

*Are you "Completely Satisfied" with our service?*

*If you're not "Completely Satisfied , please let us know!*

**If you like what we are doing Recommend us!**

*Daniel J. Wright, CLU, CHFC, Principal Agent, 207-283-9141*

---

**From:** Charles Daigle [cdaigle@windhammaine.us]  
**Sent:** Thursday, September 29, 2016 4:15 PM  
**To:** Wright, Dan  
**Subject:** RE: Meeting 9/28/2016

Yes and your welcome

---

**From:** Wright, Dan [mailto:danwright@allstate.com]  
**Sent:** Thursday, September 29, 2016 12:02 PM  
**To:** Charles Daigle  
**Cc:** moorepond@gmail.com  
**Subject:** Meeting 9/28/2016

Thank you for your time yesterday to discuss 16 depot street property.  
Just a quick recap Brain will be moving into the building as a resident.  
We will be applying for a permit to change to a 200amps service for the building.  
If and when Brain would change his plan to a commercial business he would need to add the  
sprinkler system we discussed and inform your office.

Again we thank you for your time yesterday.

*Are you "Completely Satisfied" with our service?*

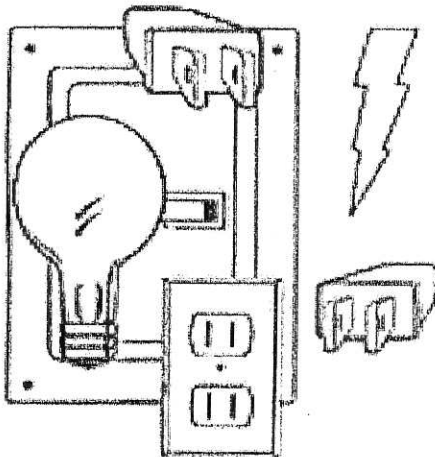
*If you're not "Completely Satisfied , please let us know!*

**If you like what we are doing Recommend us!**

*Daniel J. Wright, CLU, CHFC, Principal Agent, 207-283-9141*

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Exhibit 3

PL  
CHL# 1184  
11/1/06  
FF

# Town of Windham

Department of Code Enforcement  
8 School Road  
Windham, ME 04062

Voice (207)894-5960 Ext. 2  
Fax (207)892-1916

-11-2624

## Electrical Permit Application

All electrical work shall conform to the current National Electric Code

Project Address:	16 Delet Road
Parcel ID#:	
Current Use:	
Estimated Cost:	

### Property Owner Information

Owner Name:	David Wright
Phone Number:	207-400-1927
Mailing Address:	16 Delet Road Windham, ME

### Electrician Information

Electrician Name:	Paul R. Gouvan	Phone Number:	207-525-1661
Mailing Address:	675 N. Main (ASSETT TRAIL) Buxton, ME	License Number:	M5600/1645
Email Address:	L.S. Gouvan RMYOTTMA@com	License Expiration:	4/20/2010
CMP Account #:	44-666-352 EE	Fax Number:	
		Work Order #:	103-002-989-52

	Type of Service (check all that apply)
Temporary Service	<input type="checkbox"/>
Permanent Overhead Service	<input checked="" type="checkbox"/>
Permanent Underground Service	<input type="checkbox"/>
New Construction, Renovation, Additions	<input type="checkbox"/>
Estimated Cost of the Project	\$1500
Total	\$30.00

I hereby certify that the information submitted above is correct and I agree to conform to all applicable laws of this jurisdiction. In addition, I certify that the Electrical Inspector 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.

Applicant Signature:

Date:

11/1/2006

Exhibit 4



**Town of Windham**

8 School Rd  
Windham, ME 04062

(207) 894-5960 Voice  
(207) 892-1916 Fax

**CONTRACTOR**

Goudreau  
POBox 277  
Steep Falls, ME 04085  
(207) 637-3346 Phone

**OWNER**

Wright Daniel J  
16 Clay Pitts Rd  
Scarborough, ME 04074

**AVAILABLE INSPECTIONS**

- Electrical Permanent Service (required)

**RESIDENTIAL - ELECTRICAL PERMIT**

Issue Date: November 1, 2016

PROJECT DESCRIPTION: OH service change over

PROJECT #  
RELC-16-2624

(207) 894-5900 x6114  
Inspections

LOCATION  
16 depot St.  
Windham, ME 462

LEGAL  
NONE Blk D01

**INFORMATION**

Electrical Work Order # 10300298992  
Parcel ID 038048D01000  
Service Location Overhead  
Valuation 1500  
Zoning District I

**FEES**

TOTAL = \$ 30.00

Electrical Permit Fee

\$ 30.00

**PAYMENTS**

TOTAL = \$ 30.00

Goudreau (Paul Goudreau)  
Check on 11/01/2016  
Note: 1184

(\$30.00)

**NOTICES**

- 1) All work must be done in compliance with the 2014 National Electrical Code.
- 2) A copy of the signed permit and approved plans must be on site at all times.
- 3) The project address must be clearly posted at the job site.

**ISSUED BY**

11/01/2016

Issuer's Signature

Date



Town of Windham  
8 School Road  
Windham, ME 04062



Code Enforcement  
Voice (207) 894-5960 Ext. 1  
Fax (207) 892-1916

December 12, 2016

ID #: 15-00120

Wright Daniel J  
16 Clay Pitts Rd  
Scarborough, ME 04074

**Re: Zoning Violations Zoning District VC at 16 depot St., 038049D01000**

Dear Wright Daniel J:

An inspection of the above referenced property was made on December 9, 2016. As a result of this inspection, the condition described below was observed:

**Condition:** *The use of the structure has been changed from commercial to a residential use without a permit.*

The condition described above is in violation of Ch 140 Sect. 400 Zoning Village Commercial District of the Town of Windham Land Use Ordinance. The intent of the Village Commercial District is to serve as a primarily residential area with a mix of stores, services and commercial enterprises. Growth, at a village scale, is to be well planned in this area of Town served by public water and sewer.

Failure to come in to compliance in 14 days could result in the Town having to take legal action, including an action in the Portland District Court to enforce the provisions of the Town of Windham Land Use Ordinance Chapter 140. If the Town is the prevailing party, the Town may seek penalties of between \$100 and \$2,500. Those penalties may be awarded on a daily basis for each day that a violation continues. In addition, 30-A M.R.S.A. Section 4452 states that when the Town is the prevailing party, it must be awarded reasonable attorney fees, expert witness fees and court costs.

If you wish to dispute this Notice of Violation, you may appeal my decision to the Board of Appeals pursuant to Section 1105 of the Land Use Ordinance. Such appeal must be filed in the office of the Code Enforcement Officer at the Windham Town Hall on forms provided by the Town, together with the appropriate filing fee, within thirty (30) days of the date of this letter. Failure to do so may deprive you of your ability to contest this Notice of Violation in any subsequent proceedings. However, filing an appeal with the Board of Appeals does not relieve you of your responsibility to correct the violations or of any liability for civil penalties.

Your cooperation in this matter is greatly appreciated. If we can be of further assistance to you, or can answer any questions regarding this matter, please contact this office at (207) 895-5960.

Sincerely,

(23)

Town of Windham  
8 School Road  
Windham, ME 04062



Code Enforcement  
Voice (207) 894-5960 Ext. 1  
Fax (207) 892-1916

Steve Lebrun  
CEO

RECIPIENTS: Wright Daniel J (Owner)

**Certified Mail # 70150640000611119156**

Town of Windham  
8 School Road  
Windham, ME 04062



Code Enforcement  
Voice (207) 894-5960 Ext. 1  
Fax (207) 892-1936

ID #: 15-00120

***CORRECTION LIST***

Re: 16 depot St., Code Enforcement Department, ME

**Zoning Violation**

- Building Permit
  - A Building Permit is required
  
- A permit is required
  - A permit must be obtained from the Department of Code Enforcement

**Bryan G. Moore**

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**From:** Joel Corneliussen [joel@fpeconsulting.com]  
**Sent:** Wednesday, December 14, 2016 11:25 PM  
**To:** 'Bryan G. Moore'  
**Subject:** RE: Sprinkler requirements and design - 16 Depot Street, Windham, ME 04062

Bryan,

Thanks for the update. I will send her an email and CC you on everything. Lets see if we can figure out exactly what they want.

Joel Corneliussen PE  
Fire Protection Engineer  
Corneliussen Consulting Inc.  
<http://fpeconsulting.com/>  
Licensed ME, NH, MA, NY, RI  
Cell: 781-248-7497  
[www.linkedin.com/pub/joel-corneliussen-p-e/1/8aa/bb6](http://www.linkedin.com/pub/joel-corneliussen-p-e/1/8aa/bb6)

**From:** Bryan G. Moore [mailto:moorepond@gmail.com]  
**Sent:** Wednesday, December 14, 2016 11:45 AM  
**To:** Joel@fpeconsulting.com  
**Subject:** Sprinkler requirements and design - 16 Depot Street, Windham, ME 04062

Dear Joel:

Thank you for contacting me regarding the residence in Windham, Maine.

Single Family Home approximately 2268 square feet.  
Ranch  
Full basement or heated crawl space under the entire structure  
Public water with one inch, PVC line (forwarded a picture of it)

The issue is that the home is located so close to a commercial building. In fact, the commercial building's roof overhangs this one by approximately 12 inches. (forwarded pictures for you)

I forwarded pictures of the backflow water meter that is in the basement.

As I understand it, the town code indicates that any structures that are located within 6 feet of a commercial structure must have a sprinkler. The home was designated for commercial use and the town indicated that to move it back to residential use, it must have a sprinkler.

I met with the town and they previously indicated that a sprinkler was not necessary if the building was to be used for residential use. However, they indicated that the code enforcement officer I met with and allowed me to move forward with residency is new. Although I've already moved in with the code enforcement officer's blessing, the more tenured code enforcement officer is mandating that I abide by their latest interpretation of their code.

The current owner of record is Daniel Wright.

I believe Phyllis Moss is the point of contact for the town. Whereas there has been so much confusion about what is required and what is not, she has become involved. I would start with her. I've supplied her contact information below. If there is documentation I can obtain or questions I can pose on your behalf, please let me know.

**Phyllis Moss, IPMA-HR SCP**

Assist. Town Mgr./H.R. Director  
Town Manager's Office  
Town of Windham  
ph(207) 892-1907  
fax(207) 892-1910  
[pamoss@windhammaine.us](mailto:pamoss@windhammaine.us)

Thank you for your time and consideration.

Bryan G. Moore  
16 Depot Street  
Windham, ME 04062  
207-400-1927  
[moorepond@gmail.com](mailto:moorepond@gmail.com)

(my physical address is 152 Park Lane, Vassalboro, ME 04062. I use the same address as the home for my mailing address)

**Bryan G. Moore**

**From:** Phyllis A. Moss [pamoss@windhammaine.us]  
**Sent:** Thursday, December 15, 2016 11:35 AM  
**To:** Joel Corneliusen  
**Cc:** moorepond@gmail.com  
**Subject:** RE: 16 Depot Street, Windam Me 04062

Joel –

Thank you for your email, but is a bit more complicated than it appears. I am putting together everything that would need to be done in order to change the building from commercial to residential. I am meeting with the property owner on Monday morning to go over the particulars and, depending on what he is willing to do, it could change what needs to be done.

I wish I could be of more help, but I need to meet with the property owner first.

Best,

**Phyllis Moss, IPMA-HR SCP**

Assist. Town Mgr./H.R. Director  
 Town Manager's Office  
 Town of Windham  
 ph(207) 892-1907  
 fax(207) 892-1910  
[pamoss@windhammaine.us](mailto:pamoss@windhammaine.us)

**NOTICE:** Under Maine's Freedom of Access ("Right to Know") law, documents – including emails – in the possession of public officials about town business are considered public records. This means if anyone asks to see it, we are required to provide it. There are very few exceptions. We welcome citizen comments and want to hear from our constituents, but please keep in mind that what you write in an email is not private and will be made available to any interested party.

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**From:** Joel Corneliusen [mailto:joel@fpeconsulting.com]  
**Sent:** Wednesday, December 14, 2016 11:31 PM  
**To:** Phyllis A. Moss  
**Cc:** moorepond@gmail.com  
**Subject:** 16 Depot Street, Windam Me 04062

Phyllis,

Bryan G Moore has asked me to help him out with the sprinklers for the 16 Depot Street, in Windam Me. I understand that he is being told that the building needs sprinklers due to the change of occupancy from Commercial to Residential and the location of the building next to another commercial building.

My question is what type of sprinkler system is required? A full NFPA 13 system? 13R or 13D? I was also wonder what section of the building codes they are referring to that require residential building to have sprinklers? Thank you for your help.

Joel Corneliusen PE  
 Fire Protection Engineer  
 Corneliusen Consulting Inc.  
<http://fpeconsulting.com/>  
 Licensed ME, NH, MA, NY, RI

Cell: 781-248-7497

[www.linkedin.com/pub/joel-corneliusen-p-e/1/8aa/bb6](http://www.linkedin.com/pub/joel-corneliusen-p-e/1/8aa/bb6)

**Bryan G. Moore**

---

**From:** Phyllis A. Moss [pamoss@windhammaine.us]  
**Sent:** Tuesday, December 20, 2016 12:36 PM  
**To:** danwright@allstate.com; moorepond@gmail.com  
**Cc:** Steve G. LeBrun; Tony Plante  
**Subject:** Meeting Recap  
**Attachments:** 16 Depot.pdf

Gentlemen –

Please find the attached letter as a follow up to our meeting yesterday.

Best,

**Phyllis Moss, IPMA-HR SCP**

Assist. Town Mgr./H.R. Director

Town Manager's Office

Town of Windham

ph(207) 892-1907

fax(207) 892-1910

[pamoss@windhammaine.us](mailto:pamoss@windhammaine.us)

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# Town of Windham

Office of the Town Manager  
8 School Road  
Windham, ME 04062

Phyllis Moss, Asst. Town Manager/H.R. Director  
pamoss@windhammaine.us

voice 207.892.1907

fax 207.892.1910

To: Daniel J. Wright  
Bryan G. Moore  
From: Phyllis Moss *P. Moss*  
Cc: Steve LeBrun  
Date: December 19, 2016

Per our conversation, this memo will recap for you the requirements that must be met in order to obtain the desired residential<sup>1</sup> use permit for 16 Depot Street. Each requirement is followed by a reference to the section(s) of the code that requires the action.

In consideration of the numerous requirements that must be met and the incorrect information received from the Code Enforcement Office, we agreed to weekly progress reports via email and an extension of the current compliance deadline (30 days) to April 15, 2017. As mentioned in my office, significant progress toward completion of the requirements below must be met during this time period.

1. The Town's building records list the building at 16 Depot Street as an office building. The International Building Code (ICC) classifies structures or portions of structures with the respect to use and occupancy. The classifications are broken into the following use groups; Assembly Groups, Business Groups, Educational Groups, Factory and Industrial Groups, High Hazard Groups, Institutional Groups, Mercantile Groups, Residential Groups, Storage Groups and Utility and Miscellaneous Groups.

Based on the Town's records, the current use of 16 Depot Street falls into the Business Group and a change of use to Residential would require a building permit<sup>2</sup>.

## SECTION 105 PERMITS

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect,

<sup>1</sup> As mentioned in our conversation, your building with its existing proximity to a storage building on the same lot could only be considered for a mixed use permit. The references to "residential" throughout this letter assume mixed use.

<sup>2</sup> Prior to obtaining this permit, the property owner must obtain a sprinkler permit from the State Fire Marshall's Office.

install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

2. The building permit application requires that certain other documents be submitted along with the application. This include construction documents prepared by a registered design professional<sup>3</sup> that show in detail that it will conform to the provisions of the code.

## SECTION 107 SUBMITTAL DOCUMENTS

**107.1 General.** Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted in two or more sets with each *permit* application. The *construction documents* shall be prepared by a *registered design professional* where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

3. The information on the construction documents should indicate the location, nature and extent of the work proposed and should include, but not be limited to, fire protection, means of egress, and exterior wall envelope.

**107.2.2 Fire protection system shop drawings.** Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

**107.2.3 Means of egress.** The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**107.2.4 Exterior wall envelope.** *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

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<sup>3</sup>M.R.S.A. §4582-B "Design professional" means an architect or professional engineer registered to practice under Title 32.

4. To change the current use from Business Group to Residential Group permit requires a site plan indicating the current uses of any other structure on the lot, the distance from each building to one other and lot lines as indicated by the section of the code referenced below.

**107.2.5 Site plan.** The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and *design flood* elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan when the application for *permit* is for *alteration* or repair or when otherwise warranted.

5. The building in question, currently shares the lot with several other out buildings that are used for storage and would fall under the Storage Groups. The Town has no information on what is being stored in these buildings and what potential hazardous material may be stored in these buildings and the risk imposed by such. 16 Depot Street is listed as an office building and is less than two feet from one of these buildings and the eaves of both buildings are close enough to touch each other. The building code requires that there be a fire separation from buildings and lot lines. The building that is the closest in proximity is 14 Depot Street and is under different ownership.

**311.1 Storage Group S.** Storage Group S occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

**NOTE:** This group is then broken down into Group S1 and Group S2. A Group S1 building is categorized as Moderate Hazard storage. A Group S2 building is categorized as Low Hazard Storage. Again the Town of Windham currently has no information on what is being stored in the building. The property owner of this storage building is an auctioneer and if he is using the building to store inventory it would fall into the Group S1 category. The design professional would need to determine what is being stored in the Group S building adjacent to the Office building to determine the fire resistance rating of the walls and both buildings would need to be brought up to code for the change of use to occur.

**406.3.7 Fire separation distance.** *Exterior walls* and openings in *exterior walls* shall comply with Tables 601 and 602. The distance to an adjacent *lot line* shall be determined in accordance with Table 602 and Section 705.

6. The Building Code defines Fire Separation Distance as follows:

**Fire Separation Distance:** The distance measured from the building face to one of the following:

1. The closest interior *lot line*;
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the property. The distance shall be measured at right angles from the face of the wall.

Since there is less than 5 feet to the imaginary line between the buildings they are considered contiguous – i.e. basically attached and without any adequate fire separation. A change in use to either of these buildings would require the proper fire separations be installed in both buildings.

7. Table 602 requires a fire resistance rating for buildings dependent upon the use. A residential building less than 5 feet from a Moderate Hazard storage building would need to have a 1 hour fire rated wall assembly but the Storage building would need to have a 2 hour fire rated wall assembly. A low Hazard Storage building would need to have only have a 1 hour fire rated wall assembly.
8. The buildings on the property are in a condominium type association. To clarify: they are not accessory occupancies to each other but each individual building or unit is the main occupancy and requires separate permitting.

**508.2.4 Separation of occupancies.** No separation is required between accessory occupancies and the main occupancy.

**420.2 Separation walls.** Walls separating *dwelling units* in the same building, walls separating *sleeping units* in the same building and walls separating *dwelling* or *sleeping units* from other occupancies contiguous to them in the same building shall be constructed as *fire partitions* in accordance with Section 709.

9. The eaves on a fire rated wall would need to have the same fire rating as the wall.

**706.5.2 Horizontal projecting elements.** *Fire walls* shall extend to the outer edge of horizontal projecting elements such as balconies, roof overhangs, canopies, marquees and similar projections that are within 4 feet (1220 mm) of the *fire wall*.

10. Any fire wall would need to extend 30 inches above the roof line of 14 Depot Street. Basically a parapet would need to be built along the roof edge and extend 30 inches above.

**706.6 Vertical continuity.** Fire walls shall extend from the foundation to a termination point at least 30 inches (762 mm) above both adjacent roofs.

**715.1 General.** Opening protectives required by other sections of this code shall comply with the provisions of this section.

11. 16 Depot Street has windows facing the storage building and we have already established that a change of use would require fire rated walls. Any openings in those fire rated walls such as windows and doors would need to be fire rated as well.

**715.2 Fire-resistance-rated glazing.** Fire-resistance-rated glazing tested as part of a fire-resistance-rated wall assembly in accordance with ASTM E 119 or UL 263 and labeled in accordance with Section 703.5 shall be permitted in *fire doors* and *fire window assemblies* in accordance with their listings and shall not otherwise be required to comply with this section.

**715.5 Fire-protection-rated glazing.** Glazing in *fire window assemblies* shall be fire-rated in accordance with this section and Table 715.5. Glazing in *fire door* assemblies shall comply with Section 715.4.7. Fire-protection-rated glazing shall be tested in accordance with and shall meet the acceptance criteria of NFPA 257 or UL 9. Fire-protection-rated glazing shall also comply with NFPA 80. Openings in non-fire-resistance-rated *exterior wall* assemblies that require protection in accordance with Section 705.3, 705.8, 705.8.5 or 705.8.6 shall have a fire-protection rating of not less than  $\frac{3}{4}$  hour.

**705.3 Buildings on the same lot.** For the purposes of determining the required wall and opening protection and roof-covering requirements, buildings on the same lot shall be assumed to have an imaginary line between them.

**503.1.2 Buildings on same lot.** Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building if the *building height* of each building and the aggregate *building area* of the buildings are within the limitations of Table 503 as modified by Sections 504 and 506. The provisions of this code applicable to the aggregate building shall be applicable to each building.

12. The office building and storage building are less than 5 feet apart and are considered contiguous with a combined square footage of 11,544 square feet. The storage building has a total of 9,408 square feet on its own. Table 504 of the building code requires a storage building over 9,000 square feet, and is of type V construction, to be sprinkled and the code section below requires a residential building to be sprinkled.

**602.5 Type V.** Type V construction is that type of construction in which the structural elements, *exterior walls* and interior walls are of any materials permitted by this code.

Type V construction is typical light framed construction made from combustible materials. i.e. wood. The section of the code below requires that residential structures have an automatic sprinkler system.

**903.2.8 Group R.** An *automatic sprinkler system* installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area*.

Exhibit 9

**Bryan G. Moore**

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**From:** Steve G. LeBrun [sglebrun@windhammaine.us]  
**Sent:** Wednesday, January 04, 2017 10:17 AM  
**To:** 'Bryan G. Moore'  
**Subject:** RE: Right to appeal

Brian,

Steve      You have 30 days to appeal the NOV. Once that 30 days have gone, you have lost the opportunity to appeal.

---

**From:** Bryan G. Moore [mailto:moorepond@gmail.com]  
**Sent:** Wednesday, January 04, 2017 9:43 AM  
**To:** Phyllis A. Moss; Steve G. LeBrun  
**Subject:** Right to appeal

Dear Ms. Moss: and Mr. LeBrun:

I was curious to know if the right to appeal has been extended until April, 15 2017 with respect to 16 Depot Street, Windham, ME 04062. Your letter to Mr. Wright indicated that he had 30 days from the date of the letter to appeal the decision. I merely want to find solutions and work together in a professional manner. I would like to think that we could find a solution to the issues without appealing anyone's decision. In fact, there may be no grounds to appeal anything. . I merely don't want to lose the right to appeal once we get further into this.

I understand that I have no right to appeal and I don't own this property. I'm asking on Mr. Wright's behalf, because the ability to obtain a change of use directly impacts my family. Thank you.

I sincerely appreciate your efforts.

Respectfully,

Bryan G. Moore

33



**Bryan G. Moore**

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**From:** Steve G. LeBrun [sglebrun@windhammaine.us]  
**Sent:** Wednesday, January 04, 2017 8:53 AM  
**To:** 'Bryan G. Moore'  
**Cc:** Phyllis A. Moss  
**Subject:** RE: Meeting Recap

It's up to the design professional if he wants to use the IBC or the IEBC. A change of use is new construction to an existing building.

---

**From:** Bryan G. Moore [mailto:moorepond@gmail.com]  
**Sent:** Wednesday, January 04, 2017 8:51 AM  
**To:** Steve G. LeBrun  
**Cc:** Phyllis A. Moss  
**Subject:** RE: Meeting Recap

Dear Mr. LeBrun and Ms. Moss:

Thank you for your prompt response.

I will assume that you are citing 2009 IBC and that there is no need to consider this a new structure. Is that acceptable?

Respectfully,

Bryan G. Moore  
207-400-1927

---

**From:** Steve G. LeBrun [mailto:sglebrun@windhammaine.us]  
**Sent:** Wednesday, January 04, 2017 8:15 AM  
**To:** 'Bryan G. Moore'  
**Cc:** Phyllis A. Moss  
**Subject:** RE: Meeting Recap

Bryan,

The building is currently a commercial building in direct contact to other commercial buildings. A design profession licensed by the State of Maine is required. It is the design professionals decision on whether he will use the IBC or IEBC to design the change of use. As I informed you at our meeting, it is not the building officials duty to design your project for you, but to review your submittal documents for code compliance . I would recommend consulting a design professional licensed by the State of Maine to design your change of use. As the reviewing authority , I cannot recommend a design professional. I would suggest googling an Architect.

Steve

---

**From:** Bryan G. Moore [mailto:moorepond@gmail.com]  
**Sent:** Tuesday, January 03, 2017 6:03 PM  
**To:** Steve G. LeBrun

Cc: Phyllis A. Moss  
Subject: RE: Meeting Recap

Dear Mr. LeBrun and Ms. Moss:

Thank you for your continued efforts. I had a couple of more questions. . .

Why you are citing International Building Code as opposed to IRC or IEBC?

Would you please cite why IBC is applicable in this case?

Are you viewing this property as new construction? If so, why?

I've been working from the 2009 version of IBC is that correct?

What are the qualification of the person you need to design the change of use? (I understand that Hancock Lumber cant design the change of use. However, you indicated someone of the standards for the windows, interior doors, sheetrock . . . There is no way to determine the cost benefits of meeting the requirements without knowing what the materials may be. That is why I contacted Hancock. I also thought they could provide the contact information for someone that would be qualified.)

Do you have a design professional contact that you feel is adequately qualified?

Thank you so much.

Respectfully,

Bryan G. Moore  
207-400-1927

**SECTION 406 MOTOR-VEHICLE-RELATED OCCUPANCIES** 406.1 Private garages and carports. 406.1.1 Classification.

Buildings or parts of buildings classified as Group U occupancies because of the use or character of the occupancy shall not exceed 1,000 square feet (93 m<sup>2</sup>) in area or one story in height except as provided in Section 406.1.2. Any building or portion thereof that exceeds the limitations specified in this section shall be classified in the occupancy group other than Group U that it most nearly resembles. 406.1.2 Area increase. Group U occupancies used for the storage of private or pleasure-type motor vehicles where no repair work is completed or fuel is dispensed are permitted 2009 INTERNATIONAL BUILDING CODE® to be 3,000 square feet (279 m<sup>2</sup>) when the following provisions are met: 1. For a mixed occupancy building, the exterior wall and opening protection for the Group U portion of the building shall be as required for the major occupancy of the building. For such a mixed occupancy building, the allowable floor area of the building shall be as permitted for the major occupancy contained therein. 2. For a building containing only a Group U occupancy, the exterior wall shall not be required to have a fire-resistance rating and the area of openings shall not be limited when the fire separation distance is 5 feet (1524 mm) or more. More than one 3,000-square-foot (279 m<sup>2</sup>) Group U occupancy shall be permitted to be in the same building, provided each 3,000-square-foot (279 m<sup>2</sup>) area is separated by fire walls complying with Section 706. 406.1.3 Garages and carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages. Exception: Asphalt surfaces shall be permitted at ground level in carports. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway. 406.1.4 Separation. Separations shall comply with the following: 1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) thick, or doors in compliance with



**16 DEPOT ST****Location** 16 DEPOT ST**Mblu** 38/ 49/ D01/ /**Acct#** W4097R**Owner** WRIGHT DANIEL J**Assessment** \$116,600**PID** 4195**Building Count** 1**Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$88,500	\$28,100	\$116,600

**Owner of Record**

**Owner** WRIGHT DANIEL J  
**Co-Owner**  
**Address** 16 CLAY PITTS RD  
 SCARBOROUGH, ME 04074

**Sale Price** \$60,000  
**Certificate**  
**Book & Page** 25112/ 12  
**Sale Date** 05/15/2007  
**Instrument** WD

**Ownership History**

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
WRIGHT DANIEL J	\$60,000		25112/ 12	WD	05/15/2007
FARRINGTON MARIE	\$0	1	15194/ 177		11/24/1999
FSB ASSOCIATES	\$69,900	2	9646/ 244		07/18/1991
WINDHAM PROFESSIONAL GROUP	\$57,000		7575/ 230		12/31/1986
CAFFEY DAN	\$0		7475/ 306		07/12/1985

**Building Information****Building 1 : Section 1**

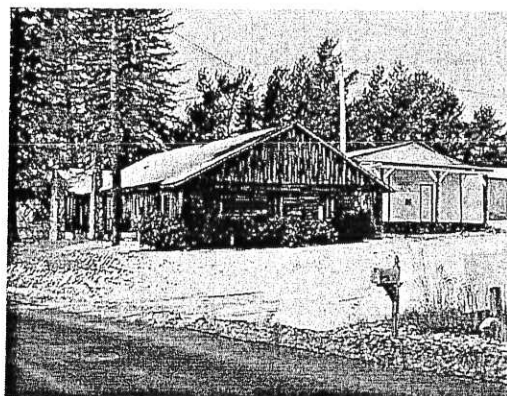
**Year Built:** 1950  
**Living Area:** 2,136  
**Replacement Cost:** \$175,371  
**Building Percent** 50  
**Good:**  
**Replacement Cost**  
**Less Depreciation:** \$87,700

**Building Photo**

Building Attributes	
Field	Description
STYLE	Office Bldg

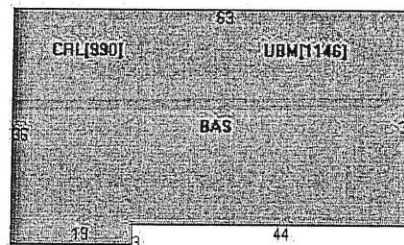
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MODEL	Commercial
Grade	Below Average
Stories:	1
Occupancy	1
Exterior Wall 1	Logs
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plywood Panel
Interior Wall 2	Drywall/Sheet
Interior Floor 1	Carpet
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Bldg Use	OFFICE BLD
Total Rooms	
Total Bedrms	
Total Baths	
1st Floor Use:	
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8
% Conn Wall	



(<http://images.vgsi.com/photos/WindhamMEPhotos/\00\00\42\47.jpg>)

#### Building Layout



Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	2,136	2,136
CRL	Crawl Space	990	0
UBM	Basement, Unfinished	1,146	0
		4,272	2,136

#### Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	FIREPLACE	1 UNITS	\$800	1

#### Land

##### Land Use

**Use Code** 3400  
**Description** OFFICE BLD  
**Zone** VC  
**Neighborhood** 001  
**Alt Land Appr** No  
**Category**

##### Land Line Valuation

**Size (Acres)** 0.25  
**Frontage**  
**Depth**  
**Assessed Value** \$28,100

**Outbuildings**

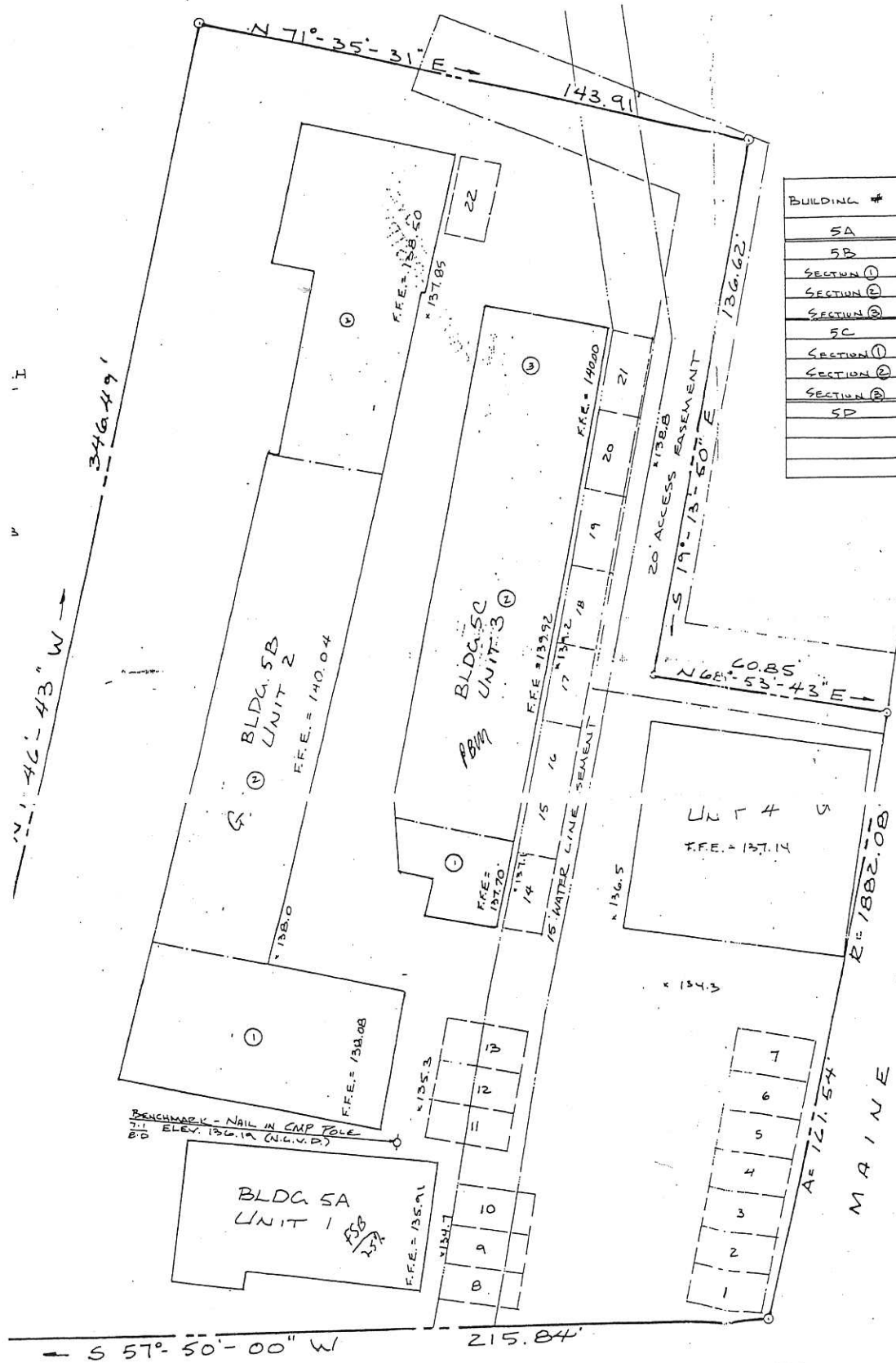
Outbuildings	Legend
No Data for Outbuildings	

**Valuation History**

Assessment			
Valuation Year	Improvements	Land	Total
2016	\$88,500	\$28,100	\$116,600
2015	\$88,500	\$28,100	\$116,600
2014	\$88,500	\$28,100	\$116,600

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BUILDING #	FFE.	CEIL ELEV.
5A	135.91	14.5
5B		
SECTION ①	138.08	14
SECTION ②	140.04	14
SECTION ③	138.50	14
5C		
SECTION ①	137.70	14
SECTION ②	139.92	14
SECTION ③	140.00	14
5D	137.14	14

State of Maine,  
Registry of Deeds  
Received August 18, 1911  
at 9 h 49 m P.M.  
Plan Book 18  
Attest: [Signature]

E P O T S T R E E T