# WOODHULL

## DRAFT

David Bernbaum
david.bernbaum@gmail.com
(510) 356-7855

Josh Oliver
oshua.b.oliver@gmail.com
(207) 808-9844

**RE:** 44 William Street Feasibility Commentary

**Summary:**
44 William Street (Tax Map 116 B018001) is an existing 3-unit ("13-THREE FAMILY" per Portland Property Records) in Portland, Maine. The existing lot area is listed as .1399 acres (6,094sf). The building is 2 1/2 stories with a basement with a living area listed as 2,435sf. The building is not sprinklered. The property also contains a detached structure, a 1 ½ story carriage house/garage structure. This structure has recently obtained a building permit (BLDC2024-03986, issued 8/2/2024) and is undergoing improvement for structural upgrades (specifically "Replace existing mud sill under garage with poured concrete footings, foundation wall, and slab") and repositioning to be an Accessory Dwelling Unit ("ADU") in accordance with Portland zoning regulations in the future. There is no available existing conditions survey to reference.

The building owner reached out to Woodhull, a local architect experienced with local Portland zoning requirements, to review:
1) The possibility of converting the garage into an ADU, to confirm it is legally allowed, and to investigate if it would be required to be sprinkled
2) If the existing 3-unit can remain unsprinklered as there is a basement unit that has raised some questions.



Photo of Existing Building at 44 William Street

WOODHULL

**Portland Maine zoning ordinance to allow 4 units on any lot:**
44 William Street is in zone is RN-3. Per Table 6-A of the Portland zoning ordinance a four family is allowed by right. Also, the garage ADU is allowed per section 6.6.2. The Assessor's website lists the building as a 3 unit. As it is an existing 3 unit then you wouldn't need to sprinkle it in most cases unless there was a major renovation with more than 50% of the interior area reconfigured. We understand the unit of concern is the single unit in the basement that has a direct entry to the backyard.

The State of Maine uses two concurrent building and life safety codes, the 2018 NFPA 101 and the 2021 IBC International Building Code (IBC). While the IBC has clear exemptions for grandfathering to allow the unit to remain, provided there are no distinct life safety hazards, NFPA 101 does not technically have grandfather provisions. There are a few minimum requirements to be considered to ensure this is a safe and occupiable unit which are found in 2018 NFPA 101 Chapter 31 Existing Apartment Building in existing unsprinklered buildings including, but not limited to:

1. Each bedroom has access to an emergency escape and rescue opening, typically provided via a window with a 5.7sf net opening. This is confirmed as there is a 2'8"x3'-0" window with a 36" +/-. The net clear opening of this window is above 5.7sf.
2. Per 31.2.4.7 "A building of any height with not more than four dwelling units per floor, with a smokeproof enclosure in accordance with the requirements of 7.2.3 or outside stair as the exit, where such exit is immediately accessible to all dwelling units served thereby, shall be permitted to have a single exit. The term immediately accessible means that the travel distance from the entrance door of any dwelling unit to an exit shall not exceed 20 ft (6100 mm)."
    a. On a site walk on 12/18/2025, it was confirmed there are no corridors exceeding 20' from the unit to the exit discharge.
    b. There is a door at the top of the stair between the 1st floor unit and the basement unit. This door requires a smooketight seal. On a site walk on 12/18/2025, it was observed that this door does not have a seal. It is advised to add smoke tight weatherstripping at this door. A product such as this, or similar: https://www.grainger.com/product/2EVC4?gucid=N:N:PS:Paid:GGL:CSM-2295:VH9MRN:20800606:APZ_1&gclsrc=aw.ds&gad_source=1&gad_campaignid=22465808811&gclid=Cj0KCQiAjJTKBhCjARIsAIMC448uovgBZWVvzHn0DCPaL6cQ7EG6qNgCNJU3wGkR5BFyfELAmOCMJBMaAjMWEALw_wcB

(Smoke Tight Weatherstripping Purchased and On Site) →

3. Per 31.3.4.5.1 In buildings other than those equipped throughout with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements.
    a. On a site walk on 12/18/2025, it was noticed that the basement does not have smoke alarms or a CO detector. Smoke alarms are required within all bedrooms and in the "area outside the immediate vicinity of sleeping rooms". One CO detector is also required as the building contains fuel burning appliances. It is advised to have the smoke alarm outside the bedroom be a combination smoke and CO detector. These devices are hardwired and interconnected. If not practical to be hardwired the city may accept battery type. The smoke detectors are required to be both ionization and photoelectric type per Portland Fire Department
    b. In the 1st floor unit, it is possible an additional smoke detector may be required in the "area outside the immediate vicinity of sleeping rooms" from the bedroom closest to William Street. The closest smoke alarm is in the living room more than 20' away which is often the cutoff to determine "immediate" vicinity.
    c. Several smoke alarms are missing, Owner to install these and confirm in working order.,
    d. Owner to confirm at least one CO detector is located within each separate unit

Completed in 2026 →

4. All corridors serving as access to exits have a minimum 1/2-hour fire resistance rating.
    a. This is achieved via either existing drywall or existing plaster and lath.

There may be additional observation from the local code enforcement office in addition to the above.

**For the question regarding its proximity to the neighbors property line:**
The existing garage structure is a short distance from the neighbors property line. Perhaps 3'-0" via observation, but unconfirmed via a boundary survey. Which may inhibit conversion in some cases . However per Portland Zoning Ordinance 6.2.A.4 it states *"Under circumstances where an existing nonconforming structure is converted to an ADU, the design of the ADU shall take into consideration to the extent practicable the privacy of adjacent properties"* So it appears that is the ADU can be built in place but assume to not install windows on the side of the building close to the neighboring property line.

**State law to relieve ADUs from sprinklers (not yet adopted by Portland ordinance):**
At the time of this report, the state has passed a law that exempts accessory dwelling units from requiring a sprinkler system (see below). Portland though has always been more stringent than the state with regards to sprinklers, as local municipalities are allowed to adopt rules that are more strict than state law. For example, while most of the state exempts one and two family dwellings from requiring sprinklers, Portland requires it via the adoption of the full 2018 NFPA 101 and NFPA 1 without amendment. However in this case, as the state law's intention to allow more housing to be built has more affordability, "more strict" in this case may be considered to have more buildings be unsprinklered.

In an effort to provide some clarity on this topic I emailed local plan reviewers. The email exchange is included as "Exhibit A" as an appendix to this report. In general, there is not a clear answer yet. However they appear aware of the state law and are willing to entertain the ADU to be non-sprinklered, particularly with pressure from the state. There are a list of prerequisites in their mind from 2018 NFPA 1 section 18 (currently, I would like to think there are some ordinance changes to ease these in the future) which seem achievable. The most challenging item is 18.2.3.5 which require that the driveway leading to the ADU be without parked cars
*"18.2.4.1.1 Required width of access road shall not be obstructed in any manner, including by parked cars."*

My instinct is that there will be local ordinances passed in 2026 that clarifies this to avoid the ambiguous situation we are currently in. I would recommend drafting a letter specific to your situation to be sent to your local council person.

State law re: ADUs and sprinklers:
https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP1224&item=3&snum=132
*§2463-B. Fire protection in accessory dwelling units. Fire suppression sprinklers are not required for an accessory dwelling unit unless the accessory dwelling unit is within or attached to a structure of more than 2 dwelling units, including accessory dwelling units. As used in this section, "accessory dwelling unit" has the same meaning as in Title 30-A, section 4301, subsection 1-C.*

WOODHULL

**Closing statement:**
There are no known impediments to allow four units on the lot. There is also no requirement under adopted Portland Maine and State building codes to require the existing 3 unit building to be sprinklered, however some other minor life safety considerations need to be met. Also, it is likely that the added accessory dwelling unit will not require a sprinkler system provided that either the owner meets the requirements listed in email "Exhibit A" from the city or that Portland adopts local ordinances changes in coordination with §2463-B per state law.

Please let me know if you have any other questions or assistance in obtaining a building permit for a proposed Accessory Dwelling Unit.

Thanks,

Patrick Boothe, AIA
Principal Architect | Partner
Woodhull
ME License # 4204

WOODHULL

Patrick Boothe <patrick.boothe@woodhullmaine.com>

# ADUs and sprinklers?

**Peter Googins** <pgoogins@portlandmaine.gov> Mon, Dec 15, 2025 at 10:08 AM
To: Patrick Boothe <patrick.boothe@woodhullmaine.com>
Cc: Antonio Bustos <abustos@portlandmaine.gov>, Life Safety Reviews <Lifesafety@portlandmaine.gov>

If it meets every requirement of the provided sections of Chapter 18, then a detached ADU can be created. A driveway can be an access road if it meets the requirements of Chapter 18. The access road is required to be 20 feet wide, and unobstructed. This allows the fire department to park a ladder truck and for the truck to spread the outriggers. You would need to show us how you are achieving that from the provided code sections.

On Fri, Dec 12, 2025 at 11:56AM Patrick Boothe <patrick.boothe@woodhullmaine.com> wrote:

> Ok great thanks Peter, so provided that it has appropriate access from the FD and apparatus then it can be unsprinklered in your mind (even without any ordinance changes?). Can an "access road" be a driveway? The owner I am advising owns this house at 44 William Street and is looking to convert the garage in the rear of the lot to be an ADU. It appears the garage front elevation is 90' from William Street, so I can note any necessary improvements to the driveway to meet all the listed NFPA 1 requirements? Though I imagine it will also be used for off street parking and so would conflict with 18.2.4.1.1. The nearest hydrant appears to be at the corner of Oakdale and William, 206' away as the crow flies.
>
> Thank you all for your quick responses!
>
> Patrick




**Patrick Boothe** AIA, NCARB, LEED AP BD&C
Partner I Principal Architect

**Woodhull**
(740) 418-5475
patrick.boothe@woodhullmaine.com
woodhullmaine.com
93 High Street, Portland, ME 04101

On Fri, Dec 12, 2025 at 11:31AM Peter Googins <pgoogins@portlandmaine.gov> wrote:

Good Morning, Tom and I are not involved in the updating of City Ordinances. If a detached ADU is to be built without a sprinkler system it needs to meet the following summarized code sections of NFPA 1 Fire Code, Chapter 18 Fire Department Access and Water Supply

2018 NFPA 1 Fire Code

- 18.2.3.2.1 Distance from the ADU exterior door to the access road / street must be within 50'.
- 18.2.3.2.2 Distance from all ADU exterior walls to the access road / street must be within 150'.
- 18.2.3.5.1.1* Access Road width not less than 20'.
- 18.2.3.5.1.2 Access Road vertical clearance not less than 13' 6".
- 18.2.3.5.2* Surface must support the load of fire apparatus with an all-weather driving surface.
- 18.2.4.1.1 Required width of access road shall not be obstructed in any manner, including by parked cars.
- 18.2.4.1.2 Widths and clearances established under 18.2.3.5 shall be maintained at all times.
- 18.5.2 Please show the location of the nearest fire hydrant from the ADU, measure along the path of the driveway and roadway, distance shall not exceed 600'.

On Fri, Dec 12, 2025 at 11:15AM Patrick Boothe <patrick.boothe@woodhullmaine.com> wrote:

Great thanks Antonio,

Tom and Peter, if you could provide guidance on this question it would be much appreciated.

Thanks!

Patrick

**Patrick Boothe** AIA, NCARB, LEED AP BD&C
Partner I Principal Architect
**Woodhull**
(740) 418-5475
patrick.boothe@woodhullmaine.com
woodhullmaine.com
93 High Street, Portland, ME 04101

On Fri, Dec 12, 2025 at 11:11AM Antonio Bustos <abustos@portlandmaine.gov> wrote:

Hi Patrick,

The City has had discussions related to the new law, but I will defer answering your question to Tom and Peter (copied as "Lifesafety@portlandmaine.gov") as the Life Safety Reviewers.

Please feel free to ask me any follow up questions.

Thank you for your time,

Antonio J Bustos - Plan Review Manager

Permitting & Inspections Department
City of Portland
389 Congress St.
Portland, ME 04101
(207) 874-8961
abustos@portlandmaine.gov

permitting & inspections

On Fri, Dec 12, 2025 at 11:00AM Patrick Boothe <patrick.boothe@woodhullmaine.com> wrote:

> Hi Antonio, I am looking to confirm guidance to a homeowner looking to build a detached ADU in Portland. The question is about whether or not it will be required to be sprinklered. Has Portland updated their ordinances with respect to the state law §2463-B that exempts detached accessory dwelling units? And/or what is the current standpoint from city reviewers on this?
>
> Thanks!
>
> Patrick
>
> **Patrick Boothe** AIA, NCARB, LEED AP BD&C
> Partner I Principal Architect
> **Woodhull**
> (740) 418-5475
> patrick.boothe@woodhullmaine.com
> woodhullmaine.com
> 93 High Street, Portland, ME 04101

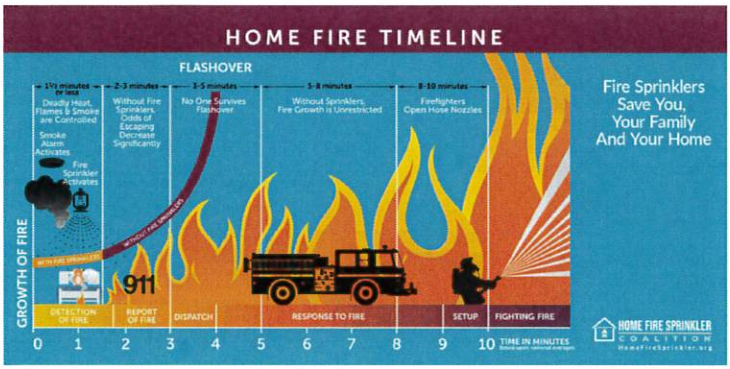
Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Peter Googins
NFPA Fire & Life Safety Plan Reviewer
Permitting & Inspections
389 Congress St, Portland, ME 04101

Direct: 207-874-8706
Permitting & Inspections Main Phone: 207-874-8703
Fire Prevention Bureau Main Phone: 207-874-8400
E-Mail: pgoogins@portlandmaine.gov

Get your free access to NFPA 101 Life Safety Code Today!




Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government

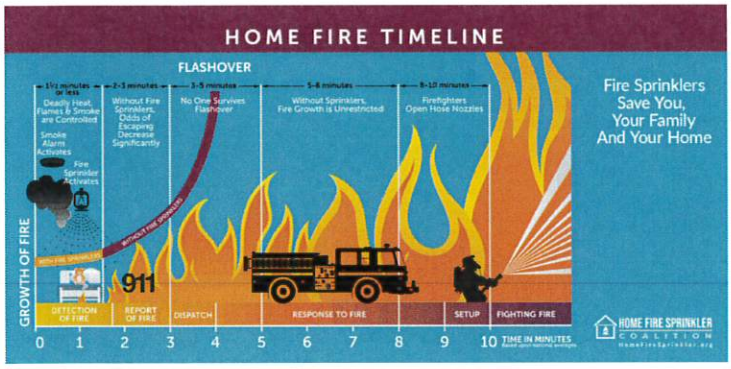
> business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Peter Googins
NFPA Fire & Life Safety Plan Reviewer
Permitting & Inspections
389 Congress St, Portland, ME 04101

Direct: 207-874-8706
Permitting & Inspections Main Phone: 207-874-8703
Fire Prevention Bureau Main Phone: 207-874-8400
E-Mail: pgoogins@portlandmaine.gov

Get your free access to NFPA 101 Life Safety Code Today!




Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.