



# PORTLAND MAINE

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Director of Planning and Urban Development  
Jeff Levine, AICP, Director

Inspection Services, Director  
Tammy M. Munson

June 19, 2013

THERESA A GREEN  
367 STEVENS AVE  
PORTLAND ME 04103

CERTIFIED MAIL & HAND DELIVERED

LOCATED AT 38 SMITH ST.  
CBL: 022 J018001  
RE: FIRE INCIDENT # 7138

## Emergency Building Repairs & Violation Notice

### Mr. Gerry Dauphin:

The City of Portland Fire Department and Building Inspections Office conducted a walkthrough inspection of your building located at 38 Smith Street on 06/19/2013. During the inspection, City staff was accompanied by Warren Gerow & James Thidodeau, (Owner's Structural Engineer). Mr. Thidodeau verbally identified the need for emergency repairs, and temporary structural supports indicated on the attached field notes.

Based on the City's limited visual inspection, Mr. Thibodeau's verbal statements and review of the field notes (see attached), the City hereby grants your permission for "emergency repairs" (as outlined in paragraph 2 below) with the following **conditions**:

1. The emergency repairs are approved with the agreement that a full written structural analysis of the damaged portions of the building and stamped by a licensed engineer is submitted to the City Building Inspections Office within seven (7) days. A separate building permit shall accompany this written analysis for the associated work.
2. The City is only approving emergency repairs (as allotted for in Section R105.2.1 of MUBEC) of existing floor(s), wall(s), and structural supports within the existing footprint. This does not approve the demolition or other modification to buildings or structures without making an additional application to the City's Building Inspections Office and obtaining the required permit(s). If a portion of the building must be demolished in order to adequately address structural issues, the Owner/applicant shall provide a written statement to that effect from an appropriately licensed engineer.
3. The Owner/applicant is responsible for obtaining all other local, state and/or federal permits necessary for the emergency repair work allowed under this building permit.
4. All emergency repairs and structural support work shall be supervised and inspected by a registered design professional/licensed engineer.

Unfortunately, due to damage caused by the vehicle collision- the remainder of the building is without electricity, hot water, gas service, and a safe means of exiting. The structure fails to comply with Section 6-120(a), (b), and (c) of the Housing Code of the City of Portland.

The Owner and Tenant have agreed to vacate the premises until such repairs are made. The City is willing to work with you on this situation; however, there are minimal safety standards that must be met.

The following conditions must be met:

1. The building listed above must remain totally vacated and properly secured from vandalism.
2. Proper electronic permitting must be applied for, see the link below:  
<http://www.portlandmaine.gov/planning/buildinsp.asp>
3. A Licensed Gas Technician must certify that the current system is safe for use prior to allowing gas service to the building.
4. Water/ Sewer, and Electricity must be safely restored to the building
5. The secondary exit (not damaged by the vehicle) must be structural sound and safe for use, a building permit may be required.
6. Working Smoke and Carbon Monoxide Alarms must be present and comply with our existing Housing Code; an electrical permit may be required.
7. Maintain the legal number of dwelling units within the building.
8. Remove or restore the unused or damaged HVAC piping system and equipment in the "basement unit".

A re-evaluation of the property will occur on 06/19/2013 at 2:45 PM to verify that the emergency repairs/ supports were installed per the Engineers specifications.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Code in Title 30-A of M.R.S.A ss 4452. This constitutes a decision open to appeal pursuant to § 6-127 of the Code.

If you wish to discuss this matter, or you have any questions, please feel free to contact Chuck Fagone at 207.874.8789.

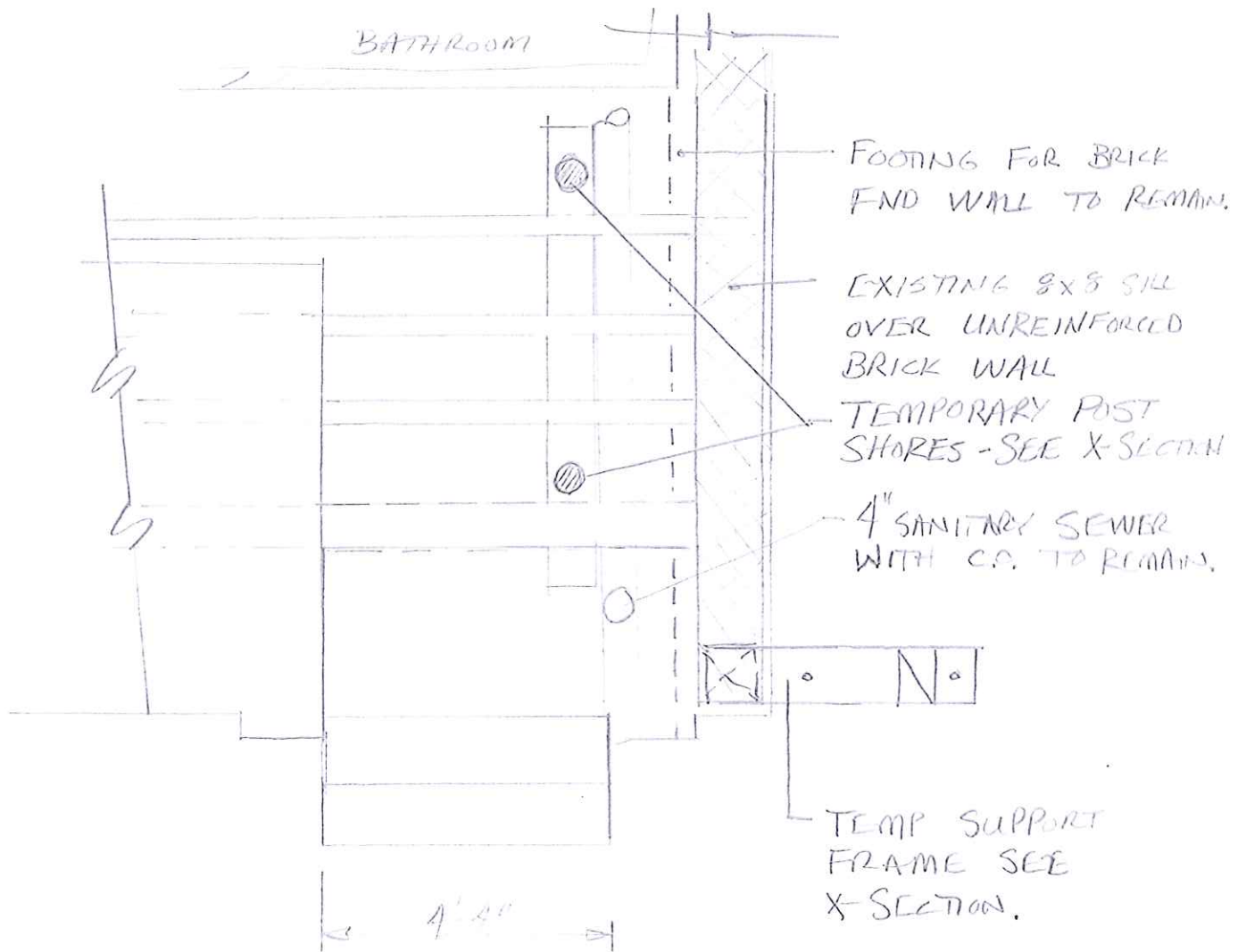
Sincerely,



Jonathan Rioux  
Code Enforcement Officer/ Plan Reviewer

Encls.

cc: Marge Schmuckal, Zoning Administrator  
William Flynn, Deputy Fire Chief  
Chris Pirone, Captain/ Fire Prevention Officer  
Chuck Fagone, Code Enforcement Officer  
Tenant(s) of 38 Smith Street



PART PLAN

RECEIVED

JUN 19 2013

Dept. of Building Inspections  
City of Portland Maine

BY JAMES A THIBODEAU  
P.E. 5195 (MAINE)

**ASSOCIATED DESIGN PARTNERS INC.**  
 80 Leighton Road  
 Falmouth, Maine 04105  
 Office: (207) 878-1751  
 Fax: (207) 878-1788  
 E-Mail: adp@adpengineering.com

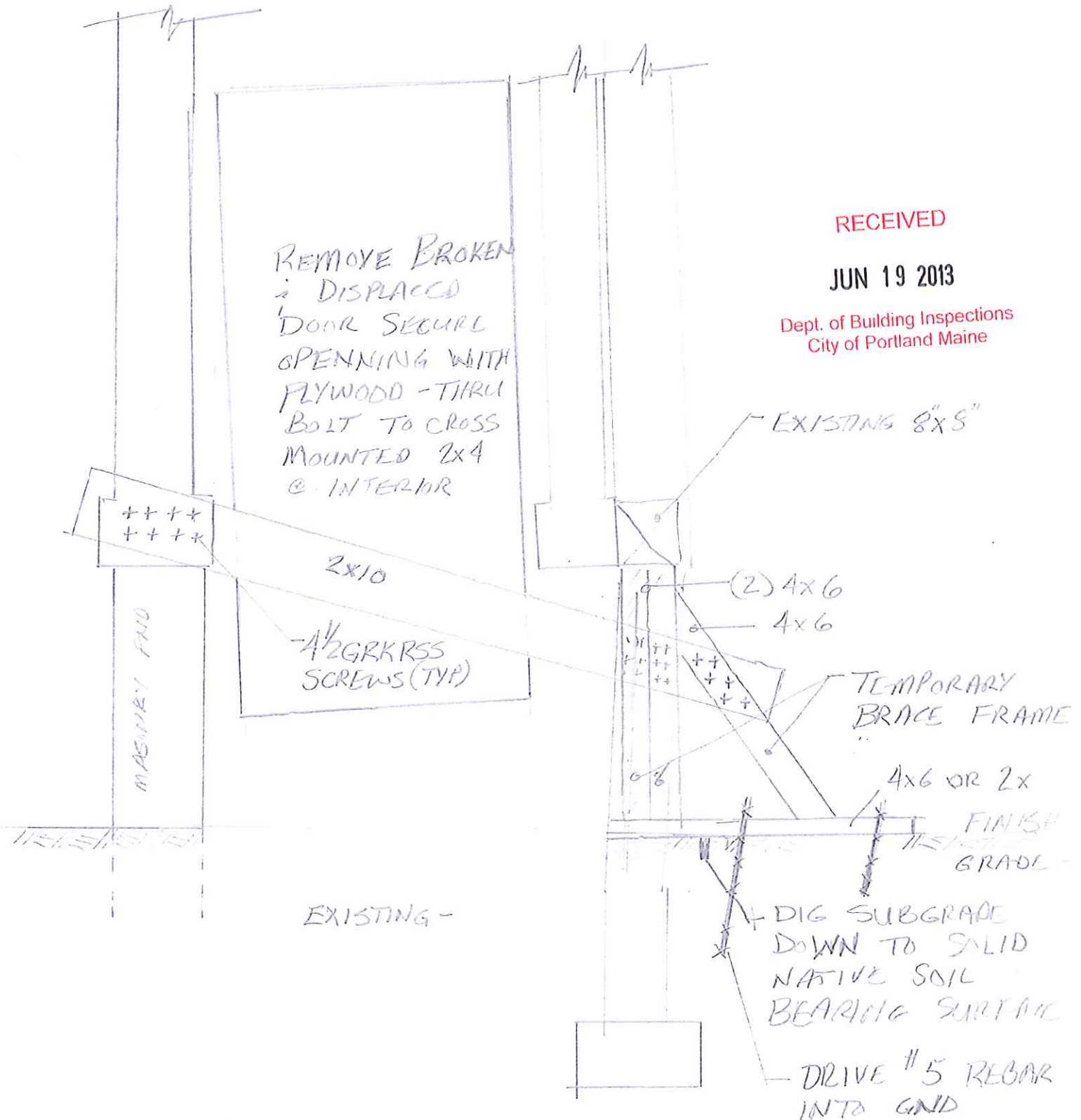
PROJECT NUMBER  
 TEMP. SHORE & BRACE  
 PROJECT TITLE  
 38 SMITH ST.

DATE  
 6-19-13  
 SHEET 1 OF 2

RECEIVED

JUN 19 2013

Dept. of Building Inspections  
City of Portland Maine



X-SECTION

BY: JAMES A. THIBODEAU  
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*6-19-13*  
SHEET *2* OF *2*