



Planning & Urban Development Department

May 14, 2014

Porthole Restaurant & Pub LLC
Attn: Ken MacGowan
20 Custom House Wharf
Portland, ME 04101

Hand Delivered

CBL: 030 A001001
Re: Second Notice of Violation (Stop Work Order)
Located At: 86 Commercial St.

Dear Mr. MacGowan:

On April 15, 2014 an evaluation of 86 Commercial St. revealed that building (including electrical and plumbing) work was being conducted without benefit of a valid building permit and in violation of a Stop Work Order for un-permitted work on 11/18/2013. As a result, your property is in violation of 105.1 of the IBC, 2009 (MUBEC), and Section 6-21 of the City of Portland Building and Building Regulations.

This notice shall also serve as a Stop Work Order pursuant to § 115 of the 2009 IBC (MUBEC) (incorporated by the Portland City Code), and so all construction activity at your property must stop immediately. You may resume construction activity only after the following building conditions are met:

1. Immediately submit an after-the-fact building permit application for any construction, and or alterations including but not limited to: the kitchen area near Boones, the bar area adjoining the kitchen, the stairwell area abutting Boones, and the wall opening(s) to the kitchen;
2. Electronic media documents are required for submittal; the construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of City Building Code (available at: <http://www.portlandmaine.gov/planning/applicantsubmittalelectronicplanreview.pdf>);
3. All building permit construction documents also shall be prepared by a Design Professional and bear their seal;
4. Pay a \$75.00 assessed fee;
5. Immediately submit an after-the-fact plumbing permit for all work that was conducted without benefit of a plumbing permit;



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6. Complete work permitted under electrical permit # 2014-00676 by May 23, 2014; and
7. A re-inspection is scheduled for May 23, 2014 at which time compliance with all of the above terms is required.

Please note that the aforementioned building violations were similar to previous notices sent to the Proprietors of Custom House. In fact, City staff met with you on April 11, 2014 (See City Clerk letter dated 04/11/2014), and held a plan review meeting on May 6th, 2014 to help streamline the permitting process.

In addition, based on the above inspection, the following Fire Department conditions that must also be met:

1. Apply for a Building Permit which will need to include an NFPA 101 Code (adopted pursuant to City Code Chapter 10) analysis and life safety/key plan created by a registered design professional. More specifically, your design professional will need to address the following NFPA 1 and 101 (adopted pursuant to City Code Chapter 10) requirements:
 - a. The need for a supervised automatic sprinkler system if live entertainment is proposed to occur an assembly occupancy;
 - b. Proper fire separation between other occupancies and use groups;
 - c. Means of egress on the second floor; and
 - d. Any separation issues that are present as a result of vertical openings between the first and second floors.
2. Provide a copy of the State Fire Marshal Office (SFMO) Construction Permit.

Failure to comply with the conditions listed above by May 23, 2014 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 and in Title 30-A of M.R.S.A. § 4452. This constitutes an appealable decision pursuant to § 6-127 of the City of Portland Building Code.

Portland, Maine



Yes. Life's good here.

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Sincerely,

A handwritten signature in black ink, appearing to read "JR", written over the printed name and title.

Jonathan Rioux,
Deputy Director of Inspections

cc: Sheila Hill-Christian, Deputy City Manager
Katherine Jones, City Clerk
Trish McAllister, Neighborhood Prosecutor
Chris Pirone, Captain/ Fire Prevention Officer