

PORTLAND MAINE

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

Tammy Munson
Director, Inspections Division

September 25, 2013

Gould Company LLC
257 State St # 3
Portland, ME 04101

CBL: 032 N009001

Located at: 408, 414 FORE ST 14-18 DANA ST, & 21 WHARF ST

RE: Fire Incident # 11664

Notice of Violation

Mr. Chris Gould:

An evaluation of your property on 09/24/2013 located at 414 Fore St. revealed that third floor is being used as a residential dwelling unit without benefit of a building/ change of use permit. City records indicate that the current legal use/ occupancy of the third, fourth, and loft levels is warehouse.

Your property is in violation of 105.1 of the IBC, 2009 (MUBEC), Section 14-52, and 14-463 of the Land Use Zoning Ordinance.

The City is willing to work cooperatively with you in creating an appropriate action plan to address this situation and to streamline all necessary permits for re-occupancy; however, there are minimum safety standards that must be met.

The following conditions must be met:

1. The third floor dwelling unit must remain totally vacated and properly secured from vandalism.
2. Submit a building permit "change of use" application or discontinue use of the third floor as a residential dwelling unit.

- a. Note: The City is requiring the building Owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Follow all inspection requirements outlined in each permit issued by the city.

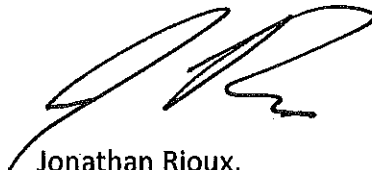
A re-evaluation of the property will occur on 10/24/2013 for conformity with this order.

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 Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may to appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions or concerns please free to contact me at 207-874-8702.

Sincerely,



Jonathan Rioux,

Code Enforcement Officer/ Plan Reviewer

CC: Trish McAllister, Neighborhood Prosecutor
Chris Pirone, Captain/ Fire Prevention Officer
Brian Laflamme, Code Enforcement Officer (Electrical)
Chuck Fagone, Code Enforcement Officer
John Martell, Fire Prevention Officer



**City of Portland
Inspection Services
RETURN OF SERVICE**

On the 25th day of September, 2013, I made service of Mr. Chris Gould

At the 4th Floor Planning Conference Room, 389 Congress St. Portland, ME

~~By~~ delivering a copy in hand

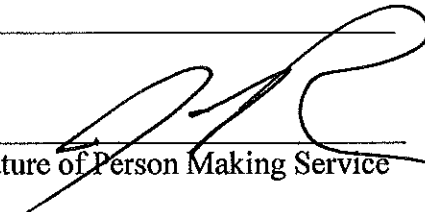
By leaving copies at the individual's dwelling house or usual place of abode with a person of a suitable age or discretion who resides therein and whose name is _____.

By delivering a copy to an agent authorized to receive service of process, and whose name is _____.

By (describe other manner of service) _____

DATED

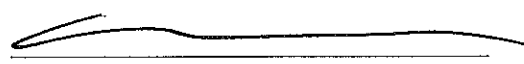
9/25/13



Signature of Person Making Service

Code Enforcement Officer/ Plan Reviewer
Title

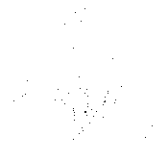
I have received the above referenced documents



Person Receiving Service

Refused to Sign

Unable to Sign



1911

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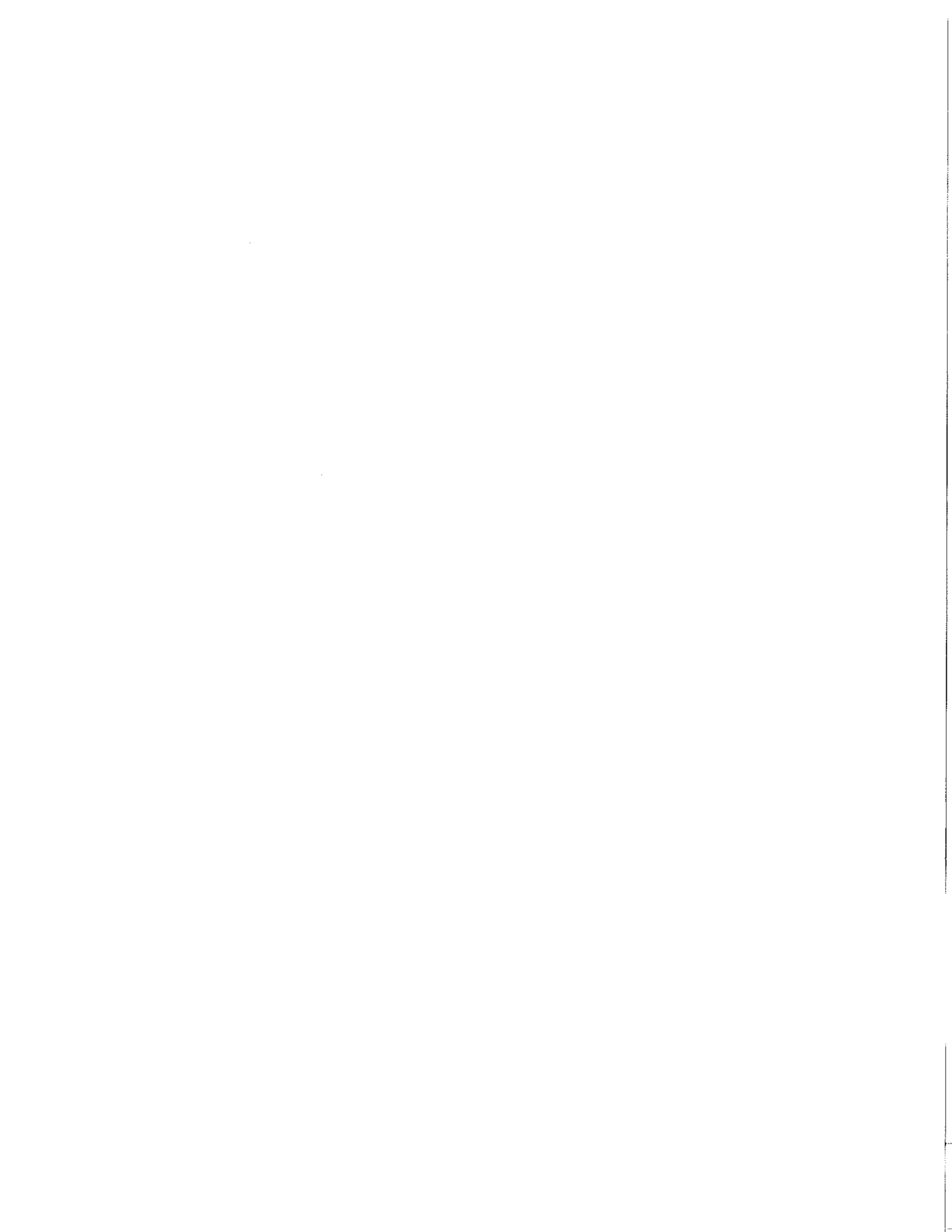
408 (called 414) Fore Street

14-18 Dana Street

21 Wharf Street

032-N-009

- 11/23/1971 Called 410 Fore – New warm air oil fired furnace – complete system
- 8/24/1972 Complaint sheet about new offices on 2nd floor – only 1 egress
- 8/28/1972 Inspector letter to owner (John H. Rich Jr.) – No permits for work on 2nd floor for new offices – no 2 required egresses
- 10/25/1972 Owner response letter – building is entirely unoccupied – nothing above 1st floor - will remain unoccupied
- July 3, 1973 Permit Not Issued – for a change of use from a warehouse to store & apt as per plans – floor plans
- July 3, 1973 Permit denied by Fire Dept. memo
- July 9, 1973 letter to owner explaining why not issuing permit
- July 30, 1974 Change of use from warehouse to 2 retail units, 1 business unit & 3 apts. – issued – never completed
- August 2, 1974 Letter to Portland City Council from owners of property RE: easement over sidewalk for egress
- 8/8/1974 Permit issued to install outside egress – requires municipal officer's approval (approved 8/19/74) – copies of sketches
- 8/14/1974 Copy of memo to City Manager to put item on Council agenda for approvals
- Sept. 18, 1974 Permit to install fire alarm on 1st & 2nd floors
- Nov. 6, 1974 Permit to install forced hot water heating system, replacing hot air furnace
- 12/12/1974 Letter from Building Inspections notifying the owners that occupancy of the upper stories is not permitted until a 2nd means of egress is provided
- Aug. 11, 1978 Permit to change use from warehouse to cellar (wharf)- retail sales (Fore St) showroom for cabinet makers – 2nd floor cabinet makers, antique & gallery – plans attached



- 12/26/1979 Letter from Housing Code Admin. to owners --needs to install approved means of egress from a third floor apt (that was never legalized)
- 1/2/1980 Letter response from owners to 12/26/79 letter -- the apt is closed off for winter months
- 12/12/1984 C of O for permit #84-1167 -- 1st floor & basement -- a clothing store
- 6/19/1987 Change of Use permit from vacant to art Gallery on 2nd floor -- plans attached
- 6/24/87 C of O for permit 87-731 2nd floor change of use to an Art Gallery (Gingko Gallery)
- 7/31/1990 Permit to construct fire escape -- 3 stories -- Never Issued
- 11/8/1990 Denial letter concerning the permit for fire escape
- 8/14/1997 Sign permit for Carla's (retail) 1st floor along Fore Street
- 6/28/2002 Permit to remove wood stairs & replace with metal fire escape stairs
- 6/15/2007 Permit for Wharf Street side to install sign for retail use
- 5/1/2013 Part of memo to Historic Board that the applicant claims the upper floors are proposed for residential use (review for exterior work and mechanicals on the roof)
- 6/14/2013 Permit to change the use from Carla's (retail) to restaurant on 2 levels (wharf St & Fore Street -- Not Issued Yet)

