

Portland, Maine



Yes. Life's good here.

November 24, 2015

BURNHAM TOWERS ANNEX LLC

PO BOX 2282

SCARBOROUGH, ME 04070

CBL: 036 G026001

Located at 207 HIGH ST

#### NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address referenced above revealed that the structure and premises fail to comply with NFPA 2009 Fire Code and/or NFPA Life Safety Codes. Attached is a list of those violations.

The above-referenced property is in violation of the Chapter 10, Fire Prevention and Protection, Article 1 of the Portland City Code (the "Code") and National Fire Protection Association (NFPA) 101 Life Safety Code. Please note that the Code is available online at [www.portlandmaine.gov](http://www.portlandmaine.gov).

This is a notice of intent to prosecute. As such, the matter is being referred to the City of Portland Corporation Council for legal action and possible civil penalties as provided for in Chapter 10, Fire Prevention and Protection, 10-25 of the Code and in Title 30- A.M.R.S.A. 4452.

Please be advised that you will need to contact the Fire Prevention Bureau at 207-874-8400 before the court date on the attached Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. R. Mearns".

Portland Fire Department

Fire Prevention Bureau

#353717

CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT

380 Congress Street  
Portland, Maine 04101

Inspection Violations

|  |                           |                                     |  |
|--|---------------------------|-------------------------------------|--|
| <b>Owner/Manager</b><br>BURNHAM TOWERS ANNEX LLC |                           | <b>Inspector</b><br>Curtis Magnuson | <b>Inspection Date</b><br>11/23/2015                       |
| <b>Location</b><br>207 HIGH ST                   | <b>CBL</b><br>036 G026001 | <b>Status</b><br>Failed             | <b>Inspection Type</b><br>Fire Prevention-FP Routine Inspe |

| Code | Int/Ext | Floor | Unit No. | Area | Compliance Date |
|------|---------|-------|----------|------|-----------------|
|------|---------|-------|----------|------|-----------------|

1) 9.002

**Violation:** NFPA 80- ANNEX D.4 1-HOUR FIRE DOORS ASSEMBLIES REQ; Listings are provided for floor fire door assemblies that are installed in fire-rated floor-ceiling or roof-ceiling assemblies that have been tested in accordance with the methods described in NFPA 288. The listing indicates the fire-rated assembly and the hourly rating (3 hours, 2 hours, 1.5 hours, 1 hour, .75 hours) for which the door can be permitted to be used so that access to the space above the ceiling or to the floor above can be provided without adversely affecting the fire resistance rating of the entire assembly. The listing provides limitations on the maximum size of an individual door opening and the total area of all door openings permitted for each 100 square feet of floor or ceiling.

**Notes:** BASEMENT DOOR

2) 80.28

**Violation:** NFPA 101- 7.5.1.1 EXIT OBSTRUCTED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4.

**Notes:** WASHER AND DRYER NOT ALLOWED IN COMMON HALLWAY AND EXIT.

**Comments:** We were unable to gain entry into the building but saw these two violations through the door windows.  
Capt. Magnuson

STATE OF MAINE

DISTRICT COURT  
Location: Portland  
Docket No.

CITY OF PORTLAND and body politic and  
Corporate, located in the County of  
Cumberland and State of Maine,

Plaintiff,

**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

**(M.R. CIV. P. 80H AND 80k)**

v.

Burnham Towers Annex LLC  
Defendant

SUMMONS NUMBER: 353717

This matter has been referred to the Corporation Counsel's Office for immediate legal action with respect to the code violations detailed in the attached letter. It has been assigned the above summons number and will be filed with the Portland District Court and will be assigned for an initial appearance at the Portland District Court 205 Newbury Street Portland, Maine 04101 at 8:30 A.M. on 02/08/2016. Please contact Tori Ross in Fire Prevention at (207)-874-8400 or via e-mail at [meservev@portlandmaine.gov](mailto:meservev@portlandmaine.gov) to set up an in-person meeting to meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 02/08/2016.

Dated: 12/15/15

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Adam R. Lee, Esq. Bar No. 4143  
Associate Corporation Counsel  
City of Portland  
389 Congress St  
Portland, ME 04101  
207-874-8480