

November 29, 2017

City of Portland
Fire Prevention Bureau
380 Congress Street,
Portland, Maine 04101

RE: 477 – 481 Congress Street, Fire Violations

Note on Full Building Plan: NAI Hunneman on behalf of 477 – 481 Congress Street Holdings, LLC, proposes a phased plan to address any potential Fire / life safety matters at the Time and Temperature Building- 477 – 481 Congress Street. NAIH will alert the Portland Fire Department as each phase is completed.

- **Phase 1:** Hiring a space planner / architect to develop a full set of architectural drawings of the property
 - o A scope of work is currently being finalized along with a schedule. *(NAIH Estimates 8 +/- weeks for architectural drawings assuming an immediate start date)*
- **Phase 2:** Independent Consultant / Engineer hired to perform a full code review assessing all Fire / Life Safety systems throughout property.
 - o NAIH has been recommended a code consultant and waiting on introduction. The intention is to have him start as soon as architectural drawings are supplied.
- **Phase 3:** Engineer to assess Code review and develop a set of plans for compliance, specifically addressing areas which currently do not have any coverage
 - o *(Ideally this is the same contractor as Phase 2 engineer / consultant however not sure if this is possible yet)*
- **Phase 4:** Set up a competitive bid and plan on completing work

Violation List

Fire Department Knock Box Required:

- 2 Sets of keys already existing in Knox box- third set being picked up tomorrow (11/30) from locksmith. Will schedule with Fire Department to put in Knox box after we have tested them. Completion date is no later than 12/8/2017

Fire Alarm Inspection Sticker Required:

- Fire Alarm inspection will be completed this weekend (12/2 – 12/3) when they test horn strobes / audible devices. Assuming we pass, sticker should be installed by 12/8. Otherwise some repairs will be necessary and target completion is 12/31/2017

Sprinkler System Required:

- See Note on Full building Plan

Exits Clearly Visible: Exit signs in every suite.

- See Note on Full building Plan

Emergency Lighting: Casco Bay to price out Tuesday of Next week

- Casco Bay Electric looking into pricing this out
- See Note on Full building Plan

Fire Extinguishers need annual service: Joe is getting pricing. Should we do the entire building and bill tenants back individually?

- Scheduling now- Target completion is 12/31/2017

Utility Disconnects Clocked: This is in Vocational Resources' closet.

- Target Completion 12/1/2017. (Tenant has been given the ultimatum to clean everything out by Friday or the cleaners will either throw out or place in storage and charge tenant)

Open Electrical Box:

- Ongoing with Casco Bay Electric. Need to better assess areas
- See Note on Full building Plan

Fire Dept. caps missing:

- Aiming for the sooner of our next sprinkler inspection or 12/31/2017

Fire Doors:

- Waiting to hear back from contractor. Target completion is 12/31/2017

Means of Egress: Need to add Exit sign/ repair railing. No dates set as of today.

- See Note on Full building Plan

Cord Used for Permanent Wiring:

- Casco Bay Electric is working on scheduling installation of new outlets in said areas.
- Target completion is no later than 12/31/2017

Obstructed Egress:

- Waiting on Quote from Contractor. Once received will scheduled ASAP. Target completion is prior to 12/31/2017

Means of Egress:

- Target completion is no later than 12/31/2017

Missing Breaker Panel:

- Casco Bay Electric to send us a time and materials proposal to look into this issue. No date set- pushing for a completion of 12/31/2017
- See Note on Full building Plan

Automatic Smoke Detection Required:

- See Note on Full building Plan

Vertical Openings Not Fire Rated:

- See Note on Full building Plan
- (Concerned as these issues may go as far back as 1924 when building was built?)

Maintenance and Operation: Already done.

- Mostly completed. Target Completion date by 12/31/2017

Feel free to contact me directly at 617-457-3442 or SFPratt@naihunneman.com regarding any of these items.

Sincerely,

NAI Hunneman

Stu F. Pratt, RPA
Assistant Vice President

CITY OF PORTLAND
 FIRE PREVENTION BUREAU
 380 Congress Street, Portland, Maine 04101
 fireprevention@portlandmaine.gov
 (207) 874-8400

NOTICE OF VIOLATION AND ORDER TO CORRECT

November 6, 2017

| | | |
|---------------------------------------|--|-------------------------------------|
| Location 0477 CONGRESS ST | CBL 037 F022001 | Inspection Date 11/3/2017 |
| Inspector David Petruccelli | Inspection Type FP Routine Inspection Commerci | Status Failed |

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must propose a date of completion to remedy each violation, a final date of completion, and a date of re-inspection.

You must send this form to the Fire Prevention Bureau no later than 11/30/2017.

Your failure to submit a plan of action by the date provided, or to correct any violation within the applicable time frame, may result in legal action against you, the imposition of civil penalties, and the pursuit of other legal remedies.

| Violation | Proposed Date of Completion |
|--|---|
| NFPA 1-18.2.2.1 FIRE DEPARTMENT KNOX BOX REQ; The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037. Properties with fire alarm systems and fire suppression systems require Knox access. Please provide 3 sets of knox box keys accessing all areas in building | ___/___/___ 2 keys in place - third ready as of 11/30 |
| NFPA 1-1.12.5.13 FIRE ALARM INSPECTION STICKER REQUIRED; Permits shall be issued by the AHJ and shall bear the name and signature of the AHJ or that of the AHJ's designated representative. In addition, the permit shall indicate the following: (1) Operation or activities for which the permit is issued (2) Address or location where the operation or activity is to be conducted (3) Name and address of the permittee (4) Permit number and date of issuance (5) Period of validity of the permit (6) Inspection requirements and other permit conditions Need to display current inspection sticker on panel | ___/___/___ Qtrly Inspection being completed 12/2 - assuming minor repairs |

need to schedule F.D. to open

should be ready for sticker 12/31

| Violation | Proposed Date of Completion |
|---|--|
| <p>NFPA 13- 8.1.1 SPRINKLER SYSTEM REQUIRED; The requirements for spacing, location, and position of sprinklers shall be based on the following principles: (1) Sprinklers shall be installed throughout the premises. (2) Sprinklers shall be located so as not to exceed the maximum protection area per sprinkler. (3) Sprinklers shall be positioned and located so as to provide satisfactory performance with respect to activation time and distribution. (4) Sprinklers shall be permitted to be omitted from areas specifically allowed by this standard. (5) When sprinklers are specifically tested and test results demonstrate that deviations from clearance requirements to structural members do not impair the ability of the sprinkler to control or suppress a fire, their positioning and locating in accordance with the test results shall be permitted. (6) Clearance between sprinklers and ceilings exceeding the maximums specified in this standard shall be permitted, provided that tests or calculations demonstrate comparable sensitivity and performance of the sprinklers to those installed in conformance with these sections. (7) Furniture, such as portable wardrobe units, cabinets, trophy cases, and similar features not intended for occupancy, does not require sprinklers to be installed in them. This type of feature shall be permitted to be attached to the finished structure. Floors 11,10,8,5,4, and the basement require sprinkler coverage</p> | <p>CAD drawings in works 6-8 weeks minimum out - trying to schedule a code review for entire bldg, after then retaining engineer to design</p> |
| <p>NFPA 101- 7.10.1.1 EXITS CLEARLY VISIBLE OR CONSPICUOUSLY INDICATED; Where Required: Means of egress shall be marked in accordance with section 7.10 where required in Chapters 11 through 43. All individual units and egress points require illuminated exit signage with battery back-up. Missing signs noted throughout building.</p> | <p>___/___/___ code review</p> |
| <p>NFPA 101- 7.9.1.1 EMERGENCY LIGHTING REQUIRED; Emergency lighting facilities for means of egress shall be provided in accordance with Section 7.9 for the following: (1) Buildings or structures where required in Chapters 11 through 43 (2) Underground and limited access structures as addressed in Section 11.7 (3) High-rise buildings as required by other sections of this code (4) Doors equipped with delayed-egress locks (5) Stair shaft and vestibule of smokeproof enclosures, for which of the following also apply: (a) The stair shaft and vestibule shall be permitted to include a standby generator that is installed for the smokeproof enclosure mechanical ventilation equipment (b) The standby generator shall be permitted to be used for the stair shaft and vestibule emergency lighting power supply (6) New access-controlled egress doors in accordance with 7.2.1.6.2 All emergency lighting must be operational with functioning battery back-up, non-functioning lighting noted throughout building.</p> | <p>___/___/___ Casco is pricing out buy electric maybe wait for code review?</p> |
| <p>NFPA 10- 7.1.1 FIRE EXTINGUISHERS NEED ANNUAL SERVICE; The owner or designated agent or occupant of a property in which fire extinguishers are located shall be responsible for inspection, maintenance, and recharging. Noted throughout building, often in tenant areas, expired extinguishers require inspection and certification tag.</p> | <p>Scheduled - should be completed by 12/31</p> |
| <p>NFPA 54- 9.6.4 UTILITY DISCONNECTS BLOCKED; Each appliance connected to a piping system shall have an accessible, approved manual shutoff valve with a nondisplaceable valve member, or a listed gas convenience outlet. Appliance shutoff valves and convenience outlets shall serve a single appliance only and shall be installed in accordance with 9.6.4.1. No storage within 3 feet of all electrical panels. Significant, dangerous storage noted in Vocational Resources Electrical Closet.</p> | <p>12 / 15 / 2017</p> |
| <p>NFPA 70- ARTICLE 314.28 OPEN ELECTRICAL JUNCTION BOX; Boxes and conduit bodies used as pull or junction boxes shall comply with 314.28 (A) through (D). Throughout building, notably in basement. All wiring connections must be enclosed in junction boxes with proper covers.</p> | <p>___/___/___ ongoing repairs w/ Casco buy Electric</p> |
| <p>NFPA 13- 6.8.2 FIRE DEPT. CONNECTION CAPS MISSING; Fire department connections shall be equipped with approved plugs or caps, properly secured and arranged for easy removal by fire departments. Standpipe caps missing on 4,5 and 7. Please ensure entire standpipe system has proper caps and also review all outside connections for proper coverings.</p> | <p>In process of scheduling sprinkler inspection - will get this done then by 12/31</p> |

| Violation | Proposed Date of Completion |
|---|--|
| <p>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.</p> <p>Frank FM Studio Door to basement is not a fire door, self closing fire door required. —</p> | <p>Waiting on quote hope to get done by 12/31</p> |
| <p>NFPA 101- 7.2.1.8.1 FIRE DOOR(S) MUST SELF-CLOSE; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise permitted by 7.2.1.8.3. Binney Media fire door is blocked open with door stop, carpet protrudes and doesn't allow door to close properly when stop is up. Remove stop and ensure door can self-close properly.</p> | <p>see above</p> |
| <p>NFPA 101-40.2.4 MEANS OF EGRESS; The number of means of egress shall comply with either 40.2.4.1.1 or 40.2.3.2.</p> <p>Emergency exit to roof near Vocational Resources requires proper exit signage, stable walkway on roof area and maintenance to railing in disrepair along roof edge.</p> | <p>Contractor looking at issue</p> |
| <p>NFPA 70- ARTICLE 590.6 EXT. CORD USED FOR PERMENANT WIRING; Ground-fault protection for personnel for all TEMPORARY wiring installations shall be provided to comply with 590.6 (A) and (B). This section shall apply only to temporary wiring installations used to supply temporary power to equipment used by personnel during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment or similar activities. Noted in High & Tight (power strip into power strip into power strip), on 4th and 5th floor, 7th floor cubicles, and other tenant areas</p> | <p>Casco bag electric adding outlets aiming for 12/31 completion</p> |
| <p>NFPA 101- 7.5.1.1 AND 7.5.1.1.1 OBSTRUCTED EGRESS; Exits shall be located and exit access shall be arranged so that exits are readily accesible at all times (7.5.1.1). 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 (7.5.1.1.1).</p> <p>9th floor window to fire escape wouldn't open. Remove chairs and other furniture in front of egress window to fire escape on other floors. Remove any blinds or window coverings hiding egress window to fire escape (5th floor of note, but all floors must be removed if present.) Must be clearly visible and free path of egress to emergency egress.</p> | <p>Waiting on quote to review all windows. will remove all obstructions aiming for 12/31/17 completion</p> |
| <p>NFPA 101-40.2.4 MEANS OF EGRESS; The number of means of egress shall comply with either 40.2.4.1.1 or 40.2.3.2.</p> <p>Basement has multiple sets of stairs that have been closed off by concrete floor above, must either be clearly closed off and marked as not an exit or stairs removed.</p> | <p>Block off w/ plywood temporarily by 12/31/17</p> |
| <p>NFPA 70 MISSING BREAKER IN PANEL; Refer to NFPA 70, National Electrical Code, for information on missing breakers in an electrical panel.</p> <p>Noted throughout on many panels. Review all panels, all open breakers and fuses must either have appropriate device installed or a blank to cover opening.</p> | <p>trying to schedule Casco electric/address in Code review</p> |
| <p>NFPA 72- 4.4.5 AUTOMATIC SMOKE DETECTION REQUIRED; In areas that are not continuously occupied, automatic smoke detection shall be provided at the location of each fire alarm control unit(s), notification appliances circuit power extenders, and supervising station transmitting equipment to provide notification of fire at that location.</p> <p>Multiple floors noted to have no automatic detection in common hallways, all floors must have automatic detection connected to master alarm panel/system.</p> | <p>Code review/ need more information</p> |

| Violation | Proposed Date of Completion |
|--|-----------------------------|
| NFPA 101- 31.3.1.1.1 VERTICAL OPENINGS NOT FIRE RATED; Vertical openings shall be enclosed or protected in accordance with Section 8.6. Holes between floors noted throughout. Mechanical shaft running from basement to floor 3 (moves horizontally) then floors 4 to 14 not fire rated. | Further discussion needed |
| NFPA 101- 11.10.6.1 MAINTENANCE & OPERATION; Instructions in both operation and maintenance shall be transmitted to the owner by the manufacturer of the tensioned-membrane, air-supported, or air-inflated structure. Elevator fire firefighter operation requires repair, small elevator on right when looking at tower elevator bank cylinder spins freely and was stuck in firefighter operational mode. Please review operation of all elevators in firefighter operational mode. | Completed |
| FINAL DATE OF COMPLETED VIOLATION(S) | / / |
| FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S) | / |

The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

VIOLATOR CERTIFICATION

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

Date
 11/30/2017

Responsible Party
 [Signature] agent for 477-481 Congress St. Holdings, LLC
 Responsible Party

SEEN AND AGREED

Date
 11/30/2017

Capl. D. Pittrell #6
 Fire Prevention Bureau