

JEWELL & BULGER, P.A.

Attorneys at Law

477 Congress Street, Suite 1104

Portland, ME 04101-3453

T: (207) 774-6665

F: (207) 774-1626

Thomas F. Jewell, Esq.
tjewell@jewellandbulger.com

Paul S. Bulger, Esq.
pbulger@jewellandbulger.com

February 21, 2017

City of Portland
Inspections Department
ATTN: Ann Machado
389 Congress Street
Portland, ME 04101

Re: 612 Congress Street/CBL: 039-A38-1
Owner: Blue Bay, LLC

Dear Ms. Machado:

I am writing on behalf of Geoffrey I. Rice and 614 Congress Street, LLC with a complaint concerning land use violations and fire safety violations at 612 Congress Street. I previously wrote to the owner, but did not receive a response.

Mr. Rice's building is impacted by Tenant access over the rooftop of 614 Congress to the staircase constructed at the rear of 612 Congress in several ways, including fire hazard and fire safety, trash disposal and damage to his roof where Tenants exit the upper stories and cross the 614 Congress rooftop to the staircase at the rear of 614 and 612 Congress.

(See the attached sketch and photos).

Attached are records on file at City Hall including a Certificate of Occupancy for the restaurant on the first floor and mezzanine area. These records show that the restaurant is properly permitted for zoning and fire safety. However, plans submitted for the "mezzanine" (second floor) include replacement exits not installed or upgraded. The sketch attached shows plan comments (highlighted) and tenant travel way over the roof marked in pen.

This complaint is also intended to bring your attention to issues with ingress and egress and code violations in the apartments on the second and third floors for which there are no relevant inspection records.

Tenants are exiting the building at the rear over and upon the roof of the 614 building (614-620) owned by 614 Congress Street, LLC (Geoffrey I. Rice, sole manager and member). The egress doors, windows and staircase appear to be substandard. The owners do have an easement for access rights over and above the 614 roof, but not upon the roof itself, and the 612 owner is violating the scope of the easement, in my opinion. I believe that inspection and enforcement will reveal the true scope of the problem.

February 21, 2017

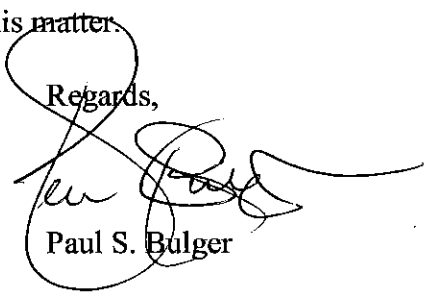
Page 2

Access from the rear of the building directly to the fire escape at the rear would mitigate or eliminate these issues for the owner of the 614 property and would afford the owner of 612 an opportunity to address ingress and egress issues.

We believe that the mezzanine restaurant improvements have impacted the apartment units in ways that are not apparent from the application, and submittals by Blue Bay and its contractors, and therefore an inspection of the apartments and common area access is required.

Thank you for your attention to this matter.

Regards,



Paul S. Bulger

PSB/cmk

Enclosures

cc: Geoffrey I. Rice
John Leasure



Certificate of Occupancy

CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division



Location: 612 CONGRESS ST

CBL: 039 A038001

Issued To: BLUE BAY LLC

Issued Date: 12/20/2016

This is to certify that the building, premises, or part thereof, at the above location, built-altered-changed as to use under Building Permit No. 201502672 has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES
612 Congress St.
1st Floor and 2nd Floor mezzanine

APPROVED OCCUPANCY ZONING
1st floor and 2nd floor mezzanine -
restaurant

APPROVED OCCUPANCY BUILDING
Business- Restaurant w/less than 50 occupants - Total= 46
Main Floor = 33 Occupants
Mezzanine = 9 Seats + 4 Staff
Non-sprinkled
Use Group B
Type 3B
MUBEC/IBC 2009

LIMITING CONDITIONS:

Approved: /S/ Doug Morin

Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

BLUE BAY LLC

Located at

612 CONGRESS ST

PERMIT ID: 2016-01162 ISSUE DATE: 06/24/2016 CBL: 039 A038001

has permission to **Fire Alarm system for coverage of restaurant only.**

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.

/s/ Michael White

Fire Official

/s/ Tammy Munson

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

Approved Property Use - Zoning

Building Inspections

Fire Department

PERMIT ID: 2016-01162

Located at: 612 CONGRESS ST

CBL: 039 A038001

BUILDING PERMIT INSPECTION PROCEDURES
Please call 874-8703 (ONLY)
or email: buildinginspections@portlandmaine.gov

Check the Status or Schedule an Inspection On-Line at
<http://www.portlandmaine.gov/planning/permitstatus.asp>

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**
- **Per Section 107.3.1 of the Maine Uniform Building and Energy Code (MUBEC). One set of printed approved stamped construction documents shall be kept at the site of work and shall be open to inspection by building officials.**

REQUIRED INSPECTIONS:

Electrical Close-in
Final Inspection
Final - Fire

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OF CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.

City of Portland, Maine - Building or Use Permit		Permit No: 2016-01162	Date Applied For: 05/06/2016	CBL: 039 A038001
389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716				
Proposed Use: Restaurant		Proposed Project Description: Fire Alarm system for coverage of restaurant only.		
Dept: Historic	Status: Approved w/Conditions	Reviewer: Robert Wiener	Approval Date: 06/23/2016	
Note:		Ok to Issue: <input checked="" type="checkbox"/>		
Conditions:				
1) Knox box on exterior must be recessed. Installer is to coordinate with the carpentry contractor who is working on the storefront renovation. HP staff is to be notified at 756-8023 when a location for the knox box is identified.				
Dept: Zoning	Status: Approved	Reviewer: Tammy Munson	Approval Date: 05/17/2016	
Note:		Ok to Issue: <input checked="" type="checkbox"/>		
Conditions:				
Dept: Fire	Status: Approved w/Conditions	Reviewer: Michael White	Approval Date: 06/09/2016	
Note:		Ok to Issue: <input checked="" type="checkbox"/>		
Conditions:				
1) All construction shall comply with 2009 NFPA 1, Fire Code. Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this Code (Chapter 1.14.4).				
2) The fire alarm system shall have a new fire alarm inspection sticker.				
3) The fire alarm technician shall be present for the fire inspection. System acceptance and commissioning must be coordinated with alarm and suppression system contractors and the Fire Department. Call 874-8400 to schedule.				
4) All smoke alarms shall be photoelectric.				
5) The installation shall comply with the following: City of Portland Chapter 10, Fire Prevention and Protection; NFPA 1, Fire Code (2009 edition), as amended by City Code; NFPA 101, Life Safety Code (2009 edition), as amended by City Code; City of Portland Fire Department Rules and Regulations; NFPA 72, National Fire Alarm and Signaling Code (2010 edition), as amended by Fire Department Rules and Regulations; and NFPA 70, National Electrical Code (2011 edition) as amended by the State of Maine.				
6) A Knox Box is required.				



Fire Alarm Permit Application



If you or the property owner owes real estate or personal property taxes or within the City, payment arrangements must be made before permits

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Address/Location of Construction: 612 Congress St.			Date: 06/09/16	
Total Square Footage of Proposed Structure:		1800 ±		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#		Applicant Name: Norris Inc. Address: 2257 West Broadway City, State & Zip: South Portland, ME. 04106		Telephone: 883-3473 x1104 Email: melissap@norrising.com
Lessee/Owner Name: BLUEBAY LLC (if different than applicant) Address: 54 MEADOW POND RD City, State & Zip: SOUTH BERWICK, ME 03908 Telephone & E-mail: 207-641-3773		Contractor Name: Fiddle Associates (if different from Applicant) Address: 178 New County Rd. City, State & Zip: Saco, ME 04072 Telephone & E-mail: 282-8896		Cost Of Work: \$1900000 Fees: first \$1000 = \$25 fee + \$11 for every other \$1,000 of Cost of work Total Fees : \$ 124.00
Current use (i.e. single family) <input type="checkbox"/> vacant <input checked="" type="checkbox"/> FURNITURE - COLLECTIBLE SHOP RETAIL If vacant, what was the previous use? FURNITURE - COLLECTIBLE SHOP RETAIL Proposed Specific use: Restaurant Is property part of a subdivision? NO If yes, please name _____ Project description: New addressable fire alarm system for coverage of restaurant only (Apts. not included).				
Who should we contact when the permit is ready: Melissa Peters-- Norris Inc.				
Address: same as above				
City, State & Zip:				
E-mail Address: melissap@norrising.com				
Telephone: 207-883-3473 x1104				

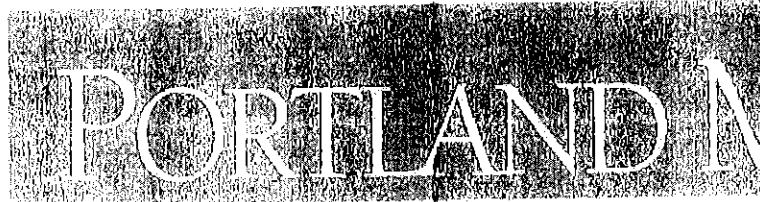
Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature:	Date: 4-29-16
------------	----------------------

This is not a permit; you may not commence ANY work until the permit is issued.



Strengthening a Remarkable City, Building a Community



Reviewed for Code Compliance
Inspections Division
Approved with Conditions

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

Date: 06/09/16

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are *paid in full* to the Inspections Office, City of Portland Maine by method noted below:

Within 24-48 hours, upon receipt of an e-mailed invoice from Building Inspections, which signifies that my electronic permit application and corresponding paperwork have been received, determined complete, entered by an administrative representative, and assigned a permit number, I then have the following four (4) payment options:

- o to provide an on-line electronic check or credit/debit card (we now accept American Express, Discover, VISA, and MasterCard) payment (along with applicable fees beginning July 1, 2014),
- o call the Inspections Office at (207) 874-8703 and speak to an administrative representative to provide a credit/debit card payment over the phone,
- o hand-deliver a payment method to the Inspections Office, Room 315, Portland City Hall,
- o or deliver a payment method through the U.S. Postal Service, at the following address:

City of Portland
Inspections Division
389 Congress Street, Room 315
Portland, Maine 04101

Once my payment has been received, this then starts the review process of my permit. *After all approvals have been met and completed, I will then be issued my permit via e-mail.* No work shall be started until I have received my permit.

Applicant Signature: David C. [Signature] Date: 4-29-16

I have provided digital copies and sent them on: _____ Date: 5/3/16

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.

Room 315 - 389 Congress Street- Portland, Maine 04101 (207) 874-8703 - Fax: 874-8716 - TTY: 874-8936



Fire Alarm Permit Application Checklis

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

All of the following information is required and must be submitted. Checking off each item application package will ensure your package is complete and will help to expedite the per

Date: 06/09/16

Complete and submit the following

- Design complies with City Code Ch. 10 and Fire Department Regulations Ch 5: _____
- Life Safety Code Occupancy Classification: business
- A formal code analysis may be required depending on the complexity of the property: _____
- Is the top occupiable floor of the building greater than 75 ft. above the lowest level of fire department access (high-rise)? NO
- Is this new work or a renovation to an existing system? New
- Name of company providing programming and certification of system Norris Inc.
(see <http://www.portlandmaine.gov/fireprevention/firealarmcompanies.asp> for approved companies):
- Vectored pdf plans and documents included
- Accurate scalable floor plan(s)
- Reflected ceiling or electrical plans are not acceptable. The plans shall be represent only the fire alarm system
- Each plan shall have a graphic scale
- Each plan shall have a 3 in. x 3 in. space reserved in the top right hand corner for city approval stamp
- Each plan shall have FA and a sheet number and a descriptive title on it
- Each sheet shall be saved as a separate file and named the sheet number and title (ex. FA-01 First Floor, FA-04 Wiring Diagram, etc.)
- In order to review revisions to previously submitted plans, each revision shall have the same file name as the previous version
- Each document shall be a separate file with a descriptive file name
- An example of one document and file is a four page data sheet for one smoke detector
- Designer qualifications (copy of NICET IV certificate or stamped plans and documents)
- Scope of work
- Wiring diagram(s)
- Annunciator details
- Operations matrix



Reviewed for Code Compliance
Inspections Division
Approved with Conditions

- Battery and voltage calculations
- Equipment data sheets
- A city electrical permit has been pulled

Master Box Approval (complete all items for approval)

Date: 06/09/16

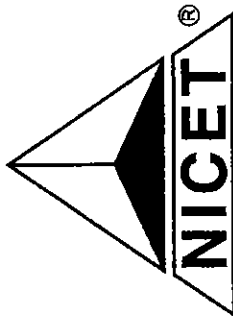
- Is this check list applicable? N/A
- Will a master box be installed? _____
- AES approved installing contractor? _____
- Documentation of AES approval: _____
- Property Owner? _____
- Property Owner Billing Address? _____
- Property common name: N/A
- E-911 Address for protected premises: _____
- Life Safety Code Occupancy Classification _____
- Emergency contact name: _____
- Emergency contact phone: (____) _____
- Additional emergency contact phone: (____) _____
- Number of stories protected? _____
- Number of square feet of structure protected? _____
- Is the building protected by a supervised, automatic sprinkler system? _____

* See Applicant Submittal Requirements for Electronic Plan Review.

Separate permits are required for internal and external plumbing, & electrical installations. For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405. Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

This is not a Permit; you may not commence any work until the Permit is issued.



NATIONAL INSTITUTE FOR CERTIFICATION IN ENGINEERING TECHNOLOGIES®

Providing Certification Programs Since 1961

BE IT KNOWN THAT

David S. Gagnon

IS HEREBY AWARDED CERTIFICATION AT

LEVEL IV

**IN FIRE PROTECTION ENGINEERING TECHNOLOGY
FIRE ALARM SYSTEMS**

BASED UPON SUCCESSFUL DEMONSTRATION OF REQUISITE KNOWLEDGE,
EXPERIENCE AND WORK PERFORMANCE AS SET FORTH BY THIS INSTITUTE.

Certification Valid through April 1, 2014

CERTIFICATION NUMBER 88203

CHAIRMAN OF THE NICET BOARD OF GOVERNORS

A DIVISION OF THE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS



Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Date: 06/09/16

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

Receipt Date: 01/12/2017

Invoice No: 65311

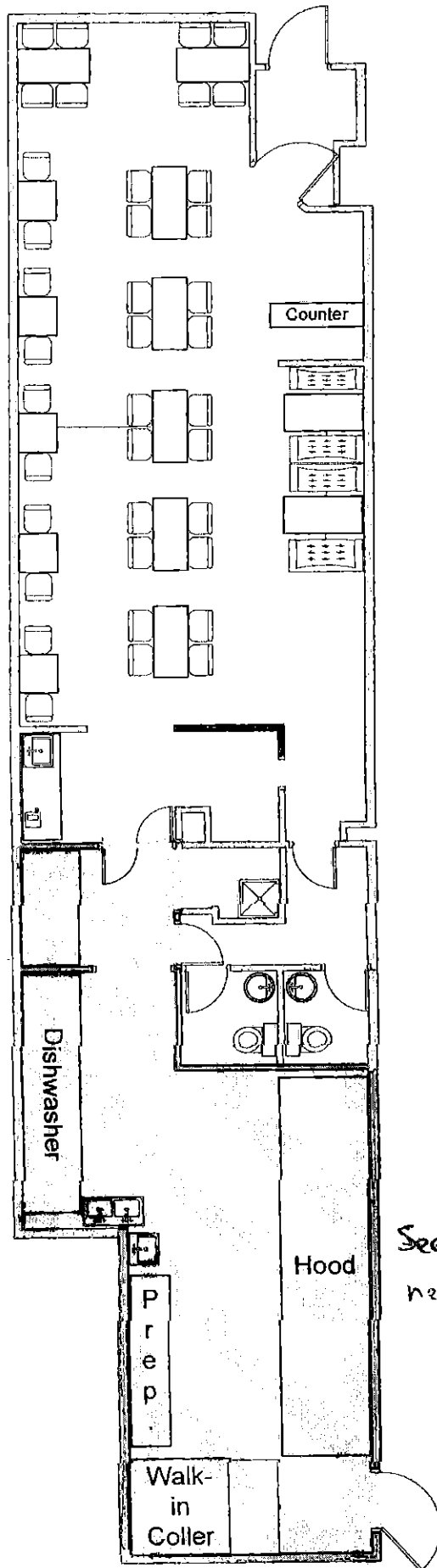
Printing Fees

Receipt of Payment

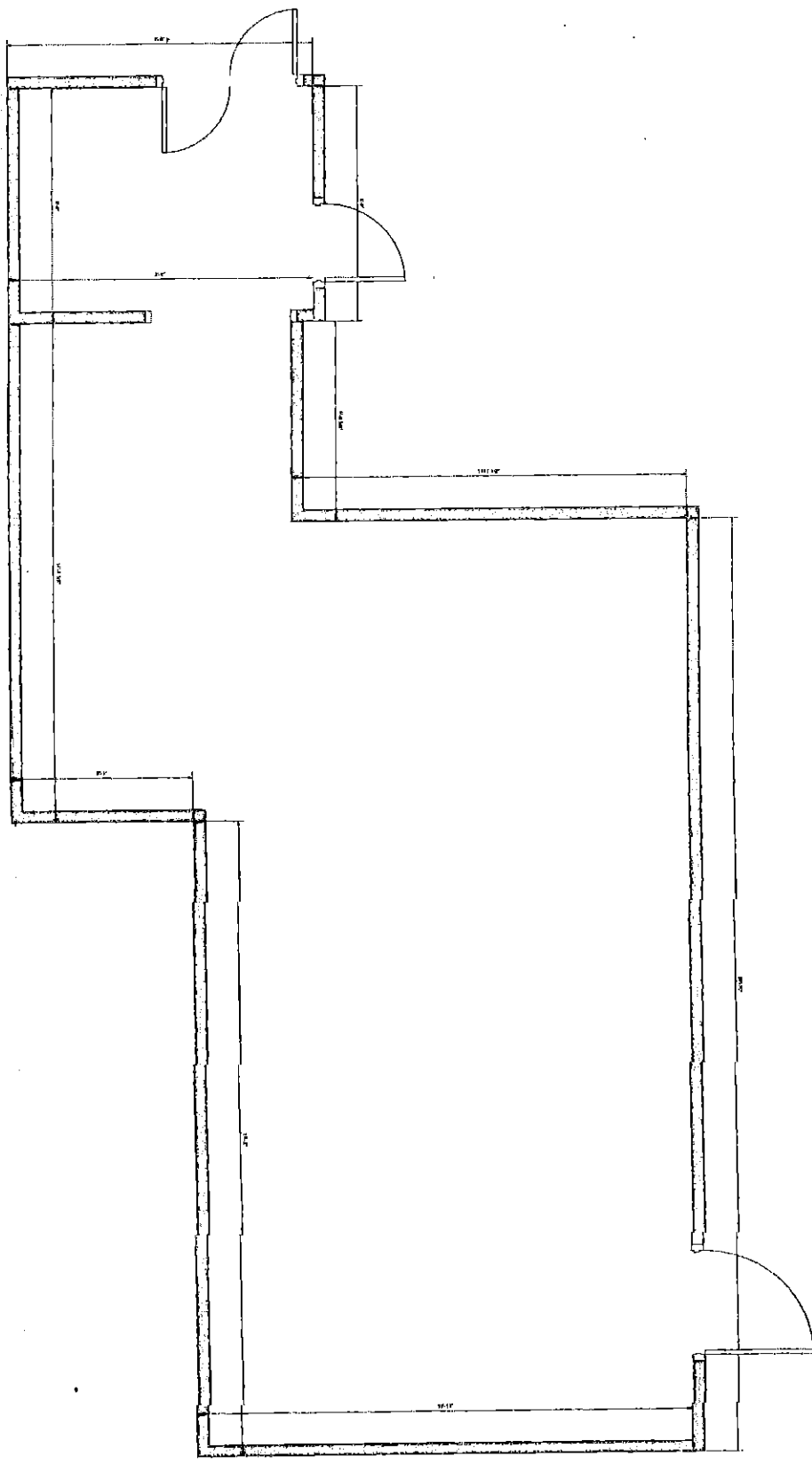
Invoice Date	Invoice No	Fee Description	Qty	Fee Charge
01/12/2017	65311	Printing Fee	20	\$10.00
				\$10.00
			Amount Due	+ \$10.00
			Payments Received	- \$10.00
			Total Amount Due	\$0.00

+ 5.00

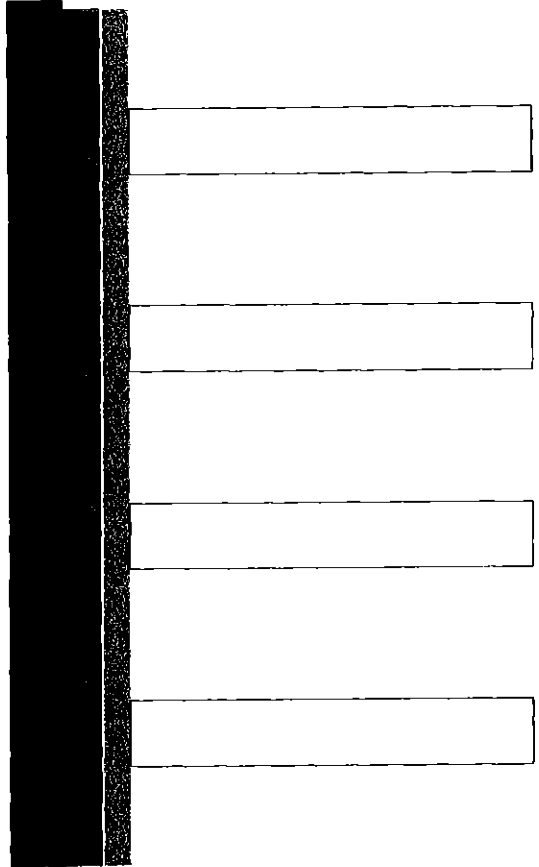
639 A038 001



See dimension
next page



- cove base ↓
Per Bob Wong



Ceramic Tile 6" High 12" Length
Ceramic Tile 12" Width 12" Length 1/4" Thick
Backer Board 1/2" Thick
Plywood 3/4" Thick

2' x 10"

RECEIVED
MAR 29 2013
Dept. of Building Inspections
City of Portland Maine



039 E010

039 E009

039 E008

039 E007

039 E006

039 E005

039 E004

039 E003

039 E002

039 E001

039 D015

039 D016

039 D005

039 D004

039 D003

039 D002

039 D001

039 A037

039 A036

039 A035

039 A034

039 A033

039 A032

039 A031

039 A025

039 A024

039 A023

039 A022

039 A021

039 A020

039 A019

039 A018

039 A017

039 A016

039 A015

039 A014

039 A013

039 A012

039 A011

039 A010

039 A009

039 A008

039 A007

039 A006

039 A005

039 A004

039 A003

039 A002

046 D029

046 D028

046 D027

046 D026

046 D025

046 D024

046 D023

046 D022

046 D021

046 D020

046 D019

046 D018

045 A008

045 A007

045 A006

045 A005

045 A004

045 A003

045 A002

045 A001

116 - 190

115 - 189

108 - 116

109 - 117

100 - 136

99 - 137

73 - 107

72 - 106

88 - 98

87 - 97

037 E001

138 - 164

139 - 165

037 E001

037 E002

037 E003

037 E004

037 E005

037 E006

037 E007

037 E008

037 E009

037 E010

037 E011

037 E012

037 E013

037 E014

037 E015

037 E016

037 E017

037 E018

037 E019

037 E020

037 E021

037 E022

037 E023

037 E024

037 E025

037 E026

037 E027

037 E028

037 E029

037 E030

037 E031

037 E032

037 E033

037 E034

037 E035

037 E036

037 E037

037 E038

037 E039

037 E040

037 E041

037 E042

037 E043

037 E044

037 E045

037 E046

037 E047

037 E048

037 E049

037 E050

037 E051

037 E052

037 E053

037 E054

037 E055

037 E056

037 E057

037 E058

037 E059

037 E060

037 E061

037 E062

037 E063

037 E064

037 E065

037 E066

037 E067

037 E068

037 E069

037 E070

037 E071

037 E072

037 E073

037 E074

037 E075

037 E076

037 E077

037 E078

037 E079

037 E080

037 E081

037 E082

037 E083

037 E084

037 E085

037 E086

037 E087

037 E088

037 E089

037 E090

037 E091

037 E092

037 E093

037 E094

037 E095

037 E096

037 E097

037 E098

037 E099

037 E100

037 E101

037 E102

037 E103

037 E104

037 E105

037 E106

037 E107

037 E108

037 E109

037 E110

037 E111

037 E112

037 E113

037 E114

037 E115

037 E116

037 E117

037 E118

037 E119

037 E120

037 E121

037 E122

037 E123

037 E124

037 E125

037 E126

037 E127

037 E128

037 E129

037 E130

037 E131

037 E132

037 E133

037 E134

037 E135

037 E136

037 E137

037 E138

037 E139

037 E140

037 E141

037 E142

037 E143

037 E144

037 E145

037 E146

037 E147

037 E148

037 E149

037 E150

037 E151

037 E152

037 E153

037 E154

037 E155

037 E156

037 E157

037 E158

037 E159

037 E160

037 E161

037 E162

037 E163

037 E164

037 E165

037 E166

037 E167

037 E168

037 E169

037 E170

037 E171

037 E172

037 E173

037 E174

037 E175

037 E176

037 E177

037 E178

037 E179

037 E180

037 E181

037 E182

037 E183

037 E184

037 E185

037 E186

037 E187

037 E188

037 E189

037 E190

037 E191

037 E192

037 E193

037 E194

037 E195

037 E196

037 E197

037 E198

037 E199

037 E200

037 E201

037 E202

037 E203

037 E204

037 E205

037 E206

037 E207

037 E208

037 E209

037 E210

037 E211

037 E212

037 E213

037 E214

037 E215

037 E216



Approved for Historic Preservation
Certificate of Appropriateness

02/29/16

Date:

61

External Sill Plate

$\frac{3}{4}$ " HOISTING

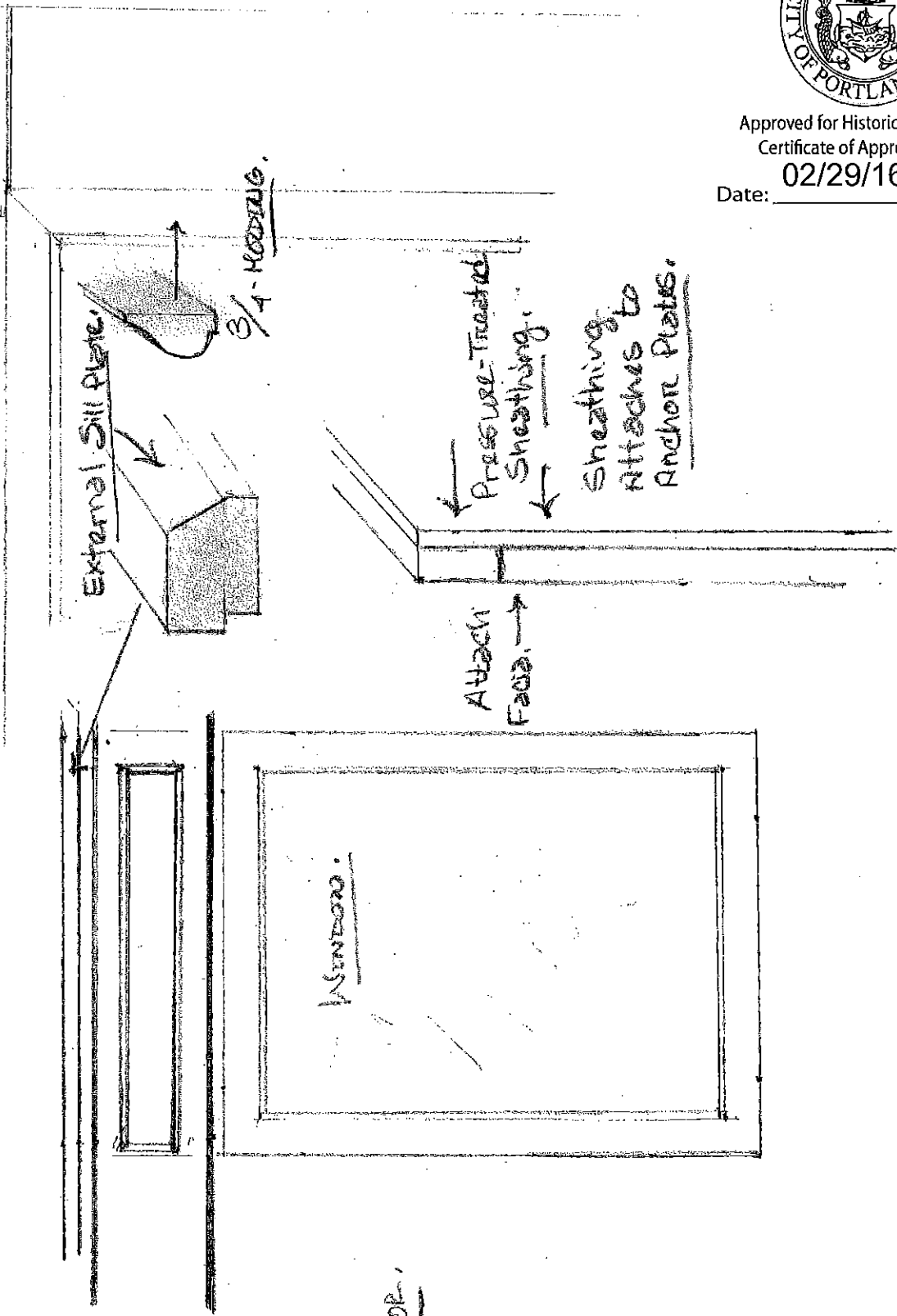
Pressure-Treated
Sheathing

Sheathing to
Anchor Plates

Attach
Fascia

Window

Door

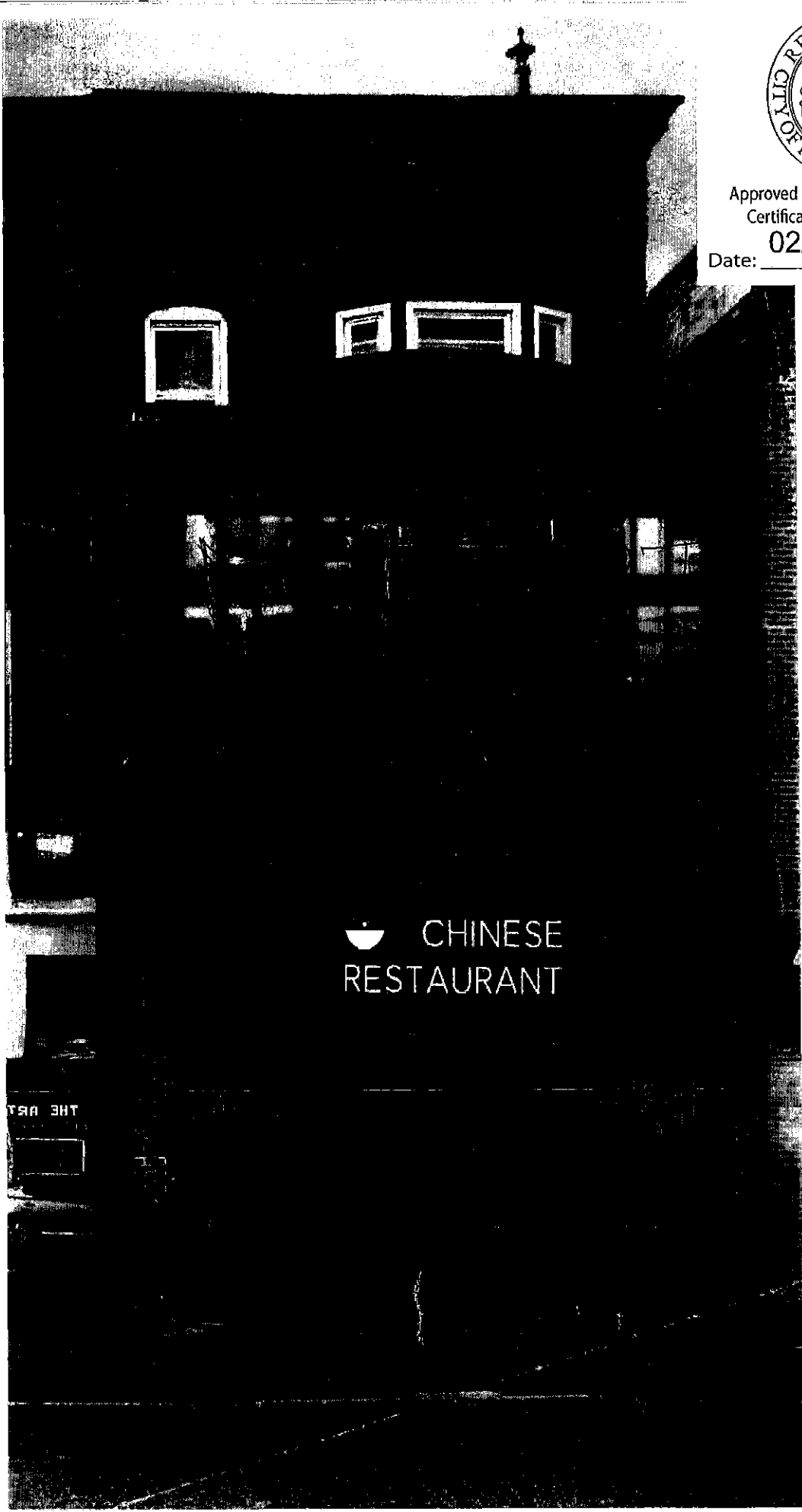




Approved for Historic Preservation
Certificate of Appropriateness

02/29/16

Date: _____



 CHINESE
RESTAURANT

THE ART

