

48-D-19
Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

July 8, 1996

Drew A. Anderson, Esquire
75 Pearl Street
Portland, Maine 04104

RE: 65 Sherman Street

Dear Mr. Anderson,

On May 17, 1996 a building permit (No. 960407) was issued to Daniel Scott Lee to change use/make renovations at 65 Sherman Street.

At this time, it appears that work has ceased. If this is the case, this office must be notified as this building is fast becoming a dangerous building as per Maine State Law and City of Portland Building Code standards.

Any information you can provide this office regarding this matter would be greatly appreciated. I can be reached Monday through Friday between 7:00 a.m. and 4:00 p.m. at 874-8704.

Sincerely,

P. Samuel Hoffses 
Chief, Inspection Services Division

cc: M. Wing, CEO



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Charles A. Lane, Associate Corporation Counsel

FROM: P. Samuel Hoffses, Chief, Inspection Services Division

SUBJECT: Title Search and preparation for proposed demolition of 65 Sherman Street,
48-D-19; Owner: Carleton Investment Associates, 215 State Street, Portland

DATE: July 16, 1996

Request a title search be conducted for subject property and the necessary action be taken to place this property on the City Council Agenda for demolition.

I feel this structure meets the criteria of the Dangerous Building Code outlined in Section 17-2051 of the Maine Revised Statute.

cc: Joseph E. Gray, Jr., Dir, PUD
Lt. McDougall, PFD
M. Schmuckal, Asst. C, Insp Svcs
M. Wing, CEO

Re-hab

4. **Application.** This section shall not affect the application of state and federal statutes.

1981, c. 472.

¹ Section 8001 et seq. of title 5.

Library References

Nuisance \hookrightarrow 3(1), 61.

C.J.S. Nuisances § 26.

SUBCHAPTER IV

DANGEROUS BUILDINGS

Section

- 2851. Dangerous buildings.
- 2852. Appeal; hearing.
- 2853. Municipal officers may order nuisance abated.
- 2854, 2855. Repealed.
- 2856. Securing dangerous structures.
- 2857. Recording of notice.
- 2858. Consent to removal.
- 2859. Summary process.

§ 2851. Dangerous buildings

Whenever the municipal officers shall find a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof which is or was located on or extending from land within the boundaries of the municipality, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment or is otherwise dangerous to life or property, they may after notice and hearing on this matter, adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal shall be made thereof.

1. **Notice.** The notice shall be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

2. **Notice how published.** When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice shall be published once a week for 3 successive weeks prior to the date of hearing in a

Corporation Counsel
Gary C. Wood



Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiaficas

CITY OF PORTLAND

July 25, 1996

Michelle Dorsey Brooks, Esq.
Maine Title Company
10 Free Street
P.O. Box 15009
Portland, ME 04101

RE: Premises at 65 Sherman Street
Chart 48, Block D, Lot 19

Dear Michelle:

The City is interested in demolishing a structure situated on the above-described premises.

Would you please provide me with a title search in your usual form. The title reference in the City's Assessor's office is as follows:

Deed from Ronald A. Vincent to Carleton Investment Associates, dated October 22, 1984, and recorded in the Cumberland County Registry of Deeds in Book 3047, Page 827.

Would you please direct the bill for your services to:

Joseph E. Gray, Jr., Director
Planning and Urban Development
389 Congress Street
Portland, ME 04101

Very truly yours,

A handwritten signature in cursive script that reads "Charles A. Lane".

Charles A. Lane
Associate Corporation Counsel

CAL:sc
dorseybr.4

cc: Joseph E. Gray, Jr., Director, Planning & Urban Develop.
P. Samuel Hoffses, Chief, Inspection Services

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Joseph E. Gray, Jr.
Director of Planning & Urban Development

FROM: Charles A. Lane
Associate Corporation Counsel, Ext. 8480

DATE: September 10, 1996

RE: Demolition Hearing on 65 Sherman Street

A hearing regarding the proposed demolition of the property situated at 65 Sherman Street has been scheduled for Monday, October 7, 1996 at 7:30 p.m.

I am providing copies of this memorandum both to Sam and Mac so that they will be prepared to present a case at that time.



Charles A. Lane
Associate Corporation Counsel

CAL:sc
gray.2

cc: P. Samuel Hoffses, Director of Inspection Services
Lieutenant Gaylen McDougall, Fire Prevention Bureau

Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiaficas

September 17, 1996

Michelle Dorsey Brooks, Esq.
Maine Title Company
10 Free Street
P.O. Box 15009
Portland, ME 04101

RE: Premises at 65 Sherman Street
Chart 48, Block D, Lot 19

Dear Michelle:

I was advised last week that the above-described property was conveyed by Carleton Investment Associates to 201 State Street, Inc. and that it is mortgaged to Pioneer Capital.

Would you please provide me with an updated title report on the property.

The City still intends to go ahead with the demolition hearing scheduled for October 7, 1996.

Would you please direct the bill for your services to:

Joseph E. Gray, Jr., Director
Planning and Urban Development
389 Congress Street
Portland, ME 04101

Very truly yours,

Charles A. Lane
Associate Corporation Counsel

CAL:sc
dorseybr.5

cc: Joseph E. Gray, Jr., Director, Planning & Urban Develop.
P. Samuel Hoffses, Chief, Inspection Services



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Joseph E. Gray, Director, Planning & Urban Development
FROM: P. Samuel Hoffses, Chief, Inspection Services Division *PSH*
SUBJECT: 65 Sherman Street (48-D-019)
DATE: September 25, 1996

On May 15, 1995, this building suffered major structural and roof damage due to a serious fire. Since that time, no work has been done to improve the condition of subject property.

The Code Enforcement Office and Fire Department recommend this structure be razed. We feel this structure presents a clear and present danger to the health, safety and welfare of anyone within the area. We also feel that this structure clearly meets the criteria of a dangerous building as stated in Maine State Statute 17-2851.

Since the May 1995 fire, no physical work has been done to rehabilitate the building. A building permit was issued on May 17, 1996 to make renovations, however, to date no work has been done.

This structure is located within 10 feet of other residential buildings and constitutes a structural and fire hazard.

Under Maine State Statute 17-2851, Dangerous Building, it lists items which constitute a dangerous building; unsafe, unstable, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put, constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment, or is otherwise dangerous to life or property. I shall address some of these items below.

Unsafe - The fire caused heavy structural damage to the roof and other areas of the building.

Unstable - Fire and water damage has caused the building to become unstable, walls are beginning to push out, etc...

Unsanitary - Damage to plumbing pipes causes unsanitary conditions

Fire Hazard - Because of the close proximity to other buildings and because it is an open building.

Unsanitary/Improper for Use - In its present condition, this building cannot be occupied for any type of use.

Constitutes a Hazard to Health or Safety - Because of inadequate maintenance, dilapidation, obsolescence and abandonment - No attempts have been made to physically improve the condition of this structure since the May 15, 1995 fire.


48-D-019



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: *Robert R. Ganley, City Manager*

FROM: *Joseph E. Gray, Director, Planning and Urban Development* 

SUBJECT: *Item for October 1996 City Council Agenda
Demolition Order - 65 Sherman Street
Chart/Block/Lot # 48-D-019*

DATE *September 25, 1996*

SUMMARY:

The Code Enforcement Office and Fire Department recommend the demolition of the property located at 65 Sherman Street.

This structure has been the subject of a number of complaints since it received major damage caused by a fire on May 15, 1995. We have been in contact with the owner about the present condition of the structure and explained to him the potential public safety and fire hazards that exist. The close proximity of abutting structures in this neighborhood increase potential hazards.

Representatives of City Departments will be at the public hearing to answer any questions which may come up regarding the status of this property.

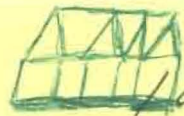
Order # *Order of Demolition-(M.R.S.A. Section 2851 et Seg) RE: Premises at 65 Sherman Street-Sponsored by Robert B. Ganley, City Manager*

Order # *Order approving order of demolition RE: 65 Sherman Street - Sponsored by Robert B. Ganley, City Manager*

This multi-family building has been abandoned since the fire of May 15, 1995. A number of attempts have been made to rehabilitate this building but due to the large capital outlay, no action has been taken. This building has been through a long hard winter and exposed to the environment causing more structural damage as well as severe damage to the plumbing and heating and electrical systems. In some areas, this building is structurally unsound. This order gives the owner a final 30 day period to raze the building or begin rehab. After that 30 day period, the City will proceed with the razing of the building. This order seeks the approval required by State Law before the City can demolish the structure.

The two items require five affirmative votes for passage after an opportunity for public comment has been given.

TO: Mr. Joseph E. Gray JR. Dir. PUD.
From: P. S. Hoff
Subject: 65 Sherman St



On 5/15/95 This structure had a ^{major} very serious fire, which cause heavy structural damage to the roof ~~of and some~~ and other areas of the building. Since this time NO work has been

The Code Enforcement Office and The Fire Dept. now recommends this structure to be ~~be~~ razed. We feel this structure ^{presents} is a clear and present danger to ^{the} health, ~~and~~ safety and welfare of any ~~body~~ ^{person} within ^{the} area. We also feel ^{that} this structure ~~is~~ clearly meets the ~~criteria~~ ^{main} of a dangerous building under ^{main} state statute 17-2851.

Since the fire on 5/15/95 ~~no work~~ physical work has been done to rehab. the building. On May 17 1996 a building permit was issued to ^{begin} ~~make~~ renovations ^{however} but ~~to date~~ ^{the} NO work has begun.

This structure is located within ~~10'~~ ^{10'} of other ~~building~~ residential building and ~~is~~ ^{constitutes} a problem both structurally ~~and~~ ^{and} for the fire service -

Under ^{main} state statute 17 2851 Dangerous Buildings, it is stated ~~that~~ ^{that} a number of issues which ~~constitute~~ ^{constitute} a dangerous ~~building~~ ^{building} are: unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or ~~of~~ occupancy to which it is put, constitutes a hazard to health ~~or~~ ^{or} safety because of inadequate maintenance; dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.

This building is unsafe - The fire caused heavy structural damage to the roof and other areas.

Unstable: The fire and water damage has caused the building to become unstable wall and begins to push out etc.

Unsanitary - Damage to plumbing piping causes the structure to be unsanitary -

Constitutes a fire hazard - This building does constitute a fire hazard being open - location to other buildings -

Unsuitable or improper for the use - This building can't be occupied for any ~~purpose~~ ^{type of use} in present condition -

Constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment - No work ~~has~~ physical work has been done to structure since the fire -

25,000
16/400,000
38
80
80

Van Wiers

J

65 Sherman St.

Russ - Stigburg
Chris Smith
Vicki Williams

Chris Smith

Russ * MARK, Bill, MR. Gray - [65 Sherman St.]

- Russ concern on demo - MR. Gray explains process of demo -

- Russ gave his background on APT. 133 Grant ^{gave example} - Bunt's Lead fire
20 STATE ST. - out of pocket money - demolition bldg - MAINE STATE
Housing - Russ explained that MR. Smith & himself had just brought
~~Chris Smith~~ - Carleton investments bldgs. He explained how
they got bldgs. He explained his background on construction
and being a general contractor - He also explained the tax
credit situation he was placed in - MARK explained why ~~the~~
his Div. wouldn't support the reconstruction of 65 Sherman
St., MR. Gray explained neighbor concerns - Russ explained
65 Sherman St.

A. New roof - starting soon -

b. Will fight demo -

c. No money to demo - would req. money from outside to demo.

d.

16 APT.

Bill, explained his concern on our est. versus theirs.

Russ explained work they have started since obtaining ownership
last week - securing bldg.

MR. Gray, explained people they should talk to.

MARK explained why we had concern on bldg. and that Russ wasn't
be singled out.

MR. Smith, explained action they have taken since taking over - removing
tenant -

To: Robert B. Gasley, City Manager
From: Joseph E. Gray, Jr. Director Planning and Urban Development
Subject: Item for Oct. 1996 City Council Meeting Agenda
Demolition Order - 65 Sherman St. 48-D-19

Date: Sept 20 1996

Summary:

The Code Enforcement Office and Fire Dept. recommends the demolition of the property located at 65 Sherman St.

This structure has been the subject of a number of complaints since the fire on 5-15-78 which caused major fire damage. We have been in contact with the owner about the condition of the structure and the potential public safety and fire hazard that exist. The close proximity of abutting structures in this neighborhood increase the potential hazards.

Representatives of the Code Enforcement Office and Fire Dept will be at the public hearing.

Order # Order of Demolition (17 M.R.S.A. Section 2851 et seq) RE: Premises at 65 Sherman St. Sponsored by Robert B. Gasley, City Manager

Order # Order approving order of demolition RE 65 Sherman St.

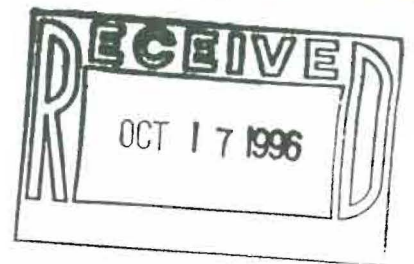
2 of 2
sponsored by Robert B. Ganley, City Manager.

This multi-family building has been abandoned since a fire on 5-15-95. A number of attempts have been made to rehab the building but due to the large capital outlay ~~no~~ no action has been taken. This building has been through a long hard winter and exposed to the environment causing more structural damage as well as severe damage to the plumbing heating and electrical system. In some areas this building is structural unsound. This order gives the owner a final 30 day period to raze the structure or to begin rehab. After that 30 day period the City will proceed with razing of the building. This order seeks the approval required by State law before the City can demolish the structure.

The two items require five affirmative votes for passage after an opportunity for public comment has been given.

Simon

Mark Adelson
City of Portland
389 Congress St.
Portland, Me. 04101



Dear Mark,

I am writing this letter per your request to let you know our intentions regarding 65 Sherman St.

As of 10-16-96 we will be starting construction which will initially involve cleanout of the hallways and stairs leading to the roof. Then, reconstruction of the roof will begin.

Once the roof is complete, the remainder of the building will be cleaned out. The next step will be the installation of replacement windows after which will follow: New gas forced hot water heating system, electrical, plumbing (including sprinkler system) and the finishing of all 16 units and common areas.

The funds for this will be private. We are fully confident that the City of Portland, The Parkside Neighborhood, and Chris and I will be very proud of this building when we have finished. We expect to be completed and begin renting by ~~this~~ Spring of 1997.

If you have any questions, or if there is anything that I can do for you, Please feel free to contact me at 775-3930.

Thank You,

A handwritten signature in cursive script, appearing to read "Harlow G. Sternberg".

Harlow G. Sternberg

cc: Bill Tracy

Corporation Counsel

Gary C. Wood



CITY OF PORTLAND

Associate Counsel

Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiaticas

December 6, 1996

Thomas F. Jewell, Esq.
Jewell & Boutin
465 Congress Street, Suite 408
Portland, ME 04101

RE: 65 Sherman Street - Demolition

Dear Tom:

This is to reflect my previous conversations with you concerning the above property. Although the City had commenced demolition proceedings, before the matter could be heard by the city council as required by statute, the new owners had undertaken substantial renovations.

Under the circumstances, the City has withdrawn the request for demolition from consideration by the council.

If the new owners should fail to continue with the work of rehabilitation, however, or if, upon reinspection, the building should prove to be a candidate for demolition, then the City may initiate a new proceeding and seek its removal at that time.

Very truly yours,

A handwritten signature in cursive script that reads "Charlie".

Charles A. Lane
Associate Corporation Counsel

CAL:dlc

c: Joseph Gray, Jr., Director of Planning & Urban Development
P. Samuel Hoffses, Chief of Inspection Services

jewell.ltr

CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Sam Hoffses, Director of Inspection
Services

FROM: Charles A. Lane, Associate Corporation
Counsel, Ext. 8480

DATE: December 20, 1996

RE: 65 Sherman Street

Pursuant to our conversation yesterday, I enclose herewith a copy a letter which I faxed to the attorney for the mortgagee of the above described property as well as to the attorney for the owner.



Charles A. Lane
Associate Corporation Counsel

CAL:Cal

Copy: Joseph E. Gray, Jr., Director of Planning
and Urban Development

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Natalie L. Burns
Donna M. Katsiafikas

December 19, 1996

Via Fax 874-6705

David M. Hirshon, Esq.
Three Canal Plaza
Portland, Maine 04101

RE: Property at 65 Sherman Street

Dear Dave:

This is to reflect our conversation on December 19th. It is my understanding that the owner and Pioneer Capital Corporation are prepared to commit substantial funds to further rehabilitate the above-described property.

After discussing the matter with P. Samuel Hoffses, Chief of Inspection Services, the City will defer any action which might lead to demolition of the property for a period of twelve months, subject, however, to the following conditions:

(i) the building is not permitted to deteriorate beyond its condition at the present time;

(ii) repairs and improvements necessary to bring it into a condition where it qualifies for a certificate of occupancy are carried out in a regular and deliberate manner;

(iii) no change occurs to the building which causes it to become an immediate threat to the public health and safety.

Very truly yours,

Charles A. Lane
Associate Corporation Counsel

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

RE: 65 Sherman Street

July 2, 1997

This notice is for the files of 65 Sherman Street. Our office has re-evaluated both our microfiche and the assessors records in order to determine the allowable use at this time. The pre-1957 assessor's records do show that 17 units existed at that time. There were no official permits to change from 17 to 16 units. At this point it is uncertain why 2 permits were taken out for only 16 units. It is my determination that 17 units have existed since 1957 and can be continued at this time. There should be no increases to the number of units on this property without the review and approvals of this office in the future.

A handwritten signature in cursive script, reading "Marge Schmuckal", written over a horizontal line.

Marge Schmuckal, Zoning Administrator/ Asst. Chief of Insp. Services

To: Tom Jewel -
Info you requested

RUS Stirlingby 775. 3430

Called on 18/Nov/96 To ask about progress of CS showroom.
he stated they were waiting for Trusses. they had to be
designed and built.

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Re: 65 Sherman St.
CBL: 48- D-19

October 8, 1997

65 Sherman Street was removed from the demolition list and has been transferred to rehab per P. Samuel F. Hoffses.