

***Jobi Properties, LLC
16 Charlotte Drive
Falmouth, ME 04105
(207) 878-0507***

September 15, 2016

**Via email: petrucellid@portlandmaine.gov
and Regular Mail**

City of Portland Fire Department
380 Congress Street
Portland, ME 04101
Attn: Captain David Petrucelli

Re: 311 Brackett Street, Portland, Maine
CBL 054-E011001

Dear Capt. Petrucelli:

This letter is a follow up to our telephone conversation yesterday and in response to the Notice of Intent to Prosecute and the Notice of Violation and Order to Correct dated September 9, 2016 that I received earlier this week as a result of the Portland Fire Department's recent safety check inspection of the above-referenced property. As we discussed on the telephone, my plan of action for each of the violations is as follows:

1. NFPA 101-31.3.3.2 INTERIOR FINISH. As you suggested, I intend to either apply two coats of fire retardant paint to the paneling located in the rear stairwell or have the paneling removed and the walls finished with either plaster or sheetrock.
2. NFPA 101-31.3.4.5.1 SMOKE ALARMS REQUIRED. I intend to have a hard-wired smoke alarm installed in the bedroom of Apartment No. 5 on the third floor of the building.
3. NFPA 101-31.2.4.1 TWO EXITS REQUIRED ABOVE FIRST FLOOR. Per our discussion, I understand that no action is required with respect to Apartment No. 3 on the second floor of the building, as that unit already has two means of egress, i.e. the door to the interior hallway/stairwell and an egress-size window (at least 20" wide x 24" tall) the sill of which is no more than 20 feet from the ground outside the building.
4. NFPA 101-31.8.3.4.2 60 MINUTE FIRE DOOR REQUIRED. I intend to either replace the small secondary exit doors on each of the two second floor efficiency apartments (Apartment Nos. 3 and 4) with 60 minute fire

rated doors, or as you suggested, have the existing doors removed and have the openings closed off with appropriate fire-rated sheetrock. You indicated that the openings may be closed off because each of the two apartments already has two means of egress (i.e. the main door to the interior hallway/stairwell and an egress size window the sill of which is less than 20 feet above the ground).

I have scheduled a meeting with a contractor for September 19th to discuss items 1 and 4 and have an electrician scheduled to look at item 2 on September 26th. Per the attached form, I expect all three of these items to be corrected no later than December 31, 2016.

Please let me know if I have misstated anything about our telephone conversation above or if you have any questions or need additional information. Also, if the indicated plan and proposed time frame for completion are acceptable, I would greatly appreciate it if you would counter-sign the attached form and return a copy to me for my records. Thank you.

Very truly yours,

Jobi Properties, LLC

By: 

William M. Welch, Manager

cc: Anne M. Torregrossa, Esq. (via email: atorregrossa@portlandmaine.gov w/enc.)

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

September 9, 2016

Responsible Party 1: JOBI PROPERTIES LLC 16 CHARLOTTE DR FALMOUTH, ME 04105		Responsible Party 2: WELCH WILLIAM 16 CHARLOTTE DR FALMOUTH, ME 04105	
Location 311 BRACKETT ST	CBL 054 E011001	Inspection Date 8/18/2016	
Inspector Daniel Dyer	Inspection Type FP Routine Inspection	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 complete the proposed date of completion column by proposing a reasonable timeframe to remedy each violation. This form must be received by the Fire Prevention Bureau no later than 9/30/2016. 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.

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 101- 31.3.3.2 INTERIOR FINISH; Interior wall and ceiling finish materials complying with 10.2 shall be permitted as follows: (1) Exit enclosures- Class A or B (2) Lobbies and corridors- Class A or B (3) Other Spaces- Class A, B, or C. rear stairwell <i>remove paneling or cover with at least two coats of fire-retardant paint</i>	<u>12 / 31 / 2016</u>
NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements. each sleeping area <i>install hard-wired smoke alarm in Apt No. 5 (3rd floor) bedroom</i>	<u>12 / 31 / 2016</u>
NFPA 101- 31.2.4.1 TWO EXITS REQUIRED ABOVE FIRST FLOOR; Every dwelling unit shall have access to not less than two separate exits remotely located from each other as required by 7.5.1. Apt. 3 needs 2nd exit remote from the 2 stairwells <i>No Action Required</i>	<u>— / — / —</u> N/A
NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; Refer to NFPA 101- Table 8.3.4.2 that states fire door assemblies for vertical shafts (including stairways, exits, and refuse chutes) are rated and required for 1 hour. 2nd floor <i>Replace Apt No. 3 and 4 secondary exit doors with ^{fire} rated doors or close off openings with fire-rated sheetrock</i>	<u>12 / 31 / 2016</u>

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 9/15/2016 Responsible Party *[Signature]* MANAGER OF JOB/PROPERTIES, LLC

Date Responsible Party

SEEN AND AGREED

Date Fire Prevention Bureau