



Jeff Levine, AICP  
Director, Planning & Urban Development Department

Stacy Moore  
H.H. Sawyer Realty Company & Daughters  
P.O. Box 7225  
Portland, Maine 04112

April 25, 2016

**Re: Request for Determination Regarding Replacement of Housing Units**

Dear Ms. Moore:

I am writing in response to your email of April 15, 2016 regarding the fire at 19 Dow Street on December 29, 2015, and the applicability of the City's Housing Preservation and Replacement ordinance. That property includes two buildings, 17 and 19 Dow Street, with 6 units at 19 Dow Street. You are seeking permission to demolish the building.

Section 14-483 (b) defines a "loss of dwelling unit" as "the elimination or conversion to nonresidential use of a dwelling unit and dwelling units that remain vacant for three years or more or are lost due to demolition unless the vacancy or demolition results from accidents outside of the owner's control, fire, natural disasters, or acts of war." In this case you have provided documentation that the fire in this building resulted in the loss of these dwelling units. While it would be possible to repair them – and given the current housing shortage in Portland we would prefer that you do so – should you wish to demolish them it would not trigger the "loss of a dwelling unit" and required replacement or contribution to the Housing Trust.

The proposed replacement use for a parking lot would have to go through a site plan review process. Please contact Barbara Barhydt regarding this process. She can be reached at 207-874-8699 or [bab@portlandmaine.gov](mailto:bab@portlandmaine.gov). This property is also in the West End Local Historic District. The replacement parking lot may also require preservation review. Ms. Barhydt can work with you to coordinate that review with the site plan review process.

My sympathies for the fire.

Sincerely,

Jeff Levine, AICP

cc: Jon Jennings, Portland City Manager  
Danielle West-Chuhta, Portland Corporation Counsel  
Mary Davis, Housing and Community Development Director  
Barbara Barhydt, Development Review Services Manager  
Deb Andrews, Historic Preservation Program Manager  
Christina Stacey, Zoning Specialist

Enc. (3)

Email request dated April 15, 2016

Fire Report

Insurance Report dated December 30, 2015



Jeff Levine &lt;jlevine@portlandmaine.gov&gt;

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**19 Dow Street**

1 message

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**sawyerrealty@gwi.net** <sawyerrealty@gwi.net>

Fri, Apr 15, 2016 at 2:39 PM

To: jlevine@portlandmaine.gov

Hello Jeff,

I am following up on a conversation that I had with Jon Rioux regarding the demolition of 19 Dow Street. He said that you will need to know the reasons why we are not rebuilding after the fire that took place there in December.

After the fire, we met with a few different companies to discuss the possibility of rebuilding. The first company we met with immediately after the incident was Projex Unlimited, LLC. They informed us and our insurance company that the building could not be rebuilt due to code upgrades. We pursued other opinions from Pinkham & Greer and Stephen Blatt Architects. They agreed that major code problems, as well as the difficulty of accessing the building area, made rebuilding unfeasible and not cost effective. (It is worth noting that our insurance policy has a \$100,000 deductible.) We did acknowledge the city's Housing Replacement statute while receiving these opinions, but after reading over the city code, we saw that there was an exception written into the code in the event of fire and other accidents. At this point, we felt comfortable pursuing other options.

Buying a new building in need of minor repairs fits our business experience and history; creating a building from the ground up does not.

The building fire did appear to be electrical in nature. Due to this, our insurance company mandated that an electrician go through our remaining twenty seven properties and replace any old wiring to be found. We hired T.A. Napolitano Electrical to undertake the project. They have been working in our buildings for over a month, doing the smaller jobs first. The completed work has already cost approximately \$20,000. The total cost is projected to be \$100,000. The proceeds from the insurance claim on 19 Dow Street are being used to fund this ongoing project while we continue to consider new property purchases.

I hope this information helps. If you need anything more, please let me know.

Sincerely,

Stacy Moore  
H.H. Sawyer Realty Company & Daughters  
[207-772-6579](tel:207-772-6579)



## Portland Fire Department

Fire Inspection/ Investigation Division  
380 Congress Street, Portland Maine 04101  
207-874-8405



**Incident Address:** 19 Dow Street

**CBL#:** 055 D011001

**Date of Incident:** 29 December 2015

**Incident#:** 2015-0016517

### Property Information:

- Owner Information: 17-19 Dow Street LLC; P.O. Box 7225 Portland, ME 04112-7225  
Registered Agent- *Elizabeth T. High P.O. Box 7950 Portland, ME 04112-7950*
- Management Co.: H. H. Sawyer Realty; 395 Fore St. Suite 2 Portland, ME 04101  
(207) 772-6579
- Building Description: 1910yr, 3 Story, wood frame, 6 unit apartment, open stairway at each end, center hall
- Insurance Company & Address  
Middle Oak Insurance  
213 Court St.  
Middletown, CT 06457
- Policy # 410002951
- Agent Name & Address
  - Mike Kilbride – Cross Insurance  
2331 Congress St.  
Portland, ME 04103
- Other Building Information: Electrical service mixed with 17 Dow Street

### Tenant Information:

Unit #1: Luke Cordes	207-331-9183
Unit #2: Zachary Zaitlin	267-918-1171
Unit #3: Megan Vickerson	207-329-9465
Unit #4: Emily Kenny	914-844-9861
Unit #5: Zoe Goehring	203-522-2588
Unit #6: John Deaki	812-267-4473

**Incident Description:**

This was a two-alarm fire, on a one-way street in the West End; between Brackett and Congress Streets. The building is set back from the street behind a 9 unit building at 17 Dow Street. Both properties are part of the same CBL for tax purposes. No vehicles were in the driveway obstructing access.

**Arrival Information:**

When I arrived on scene Fire Companies were still attacking and overhauling the fire, Salvage started for Unit 1 first floor front. There were two bystanders, neither of which admitted to living in the building. Detectors could be heard in the radio traffic in route to the scene.

**Exterior Investigation:**

Sight lines to the building were obscured by 17 Dow St. for the right half of the building. Down the driveway, the left half of 19 Dow was visible from the sidewalk, windows in the 2<sup>nd</sup> & 3<sup>rd</sup> floor had been taken out during firefighting operations. Moving towards the building, down the driveway, heat and smoke damage was visible to the right-hand portion of the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Fire attack lines were in place through the front entry door. Companies were observed working on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

**Interior Investigation:**

I entered the property from the left, side door, the furthest point from the visible exterior damage. Apartment #1 is located at the front of the building and Apartment #2 is at the rear of the building separated by a shared hallway. I conducted a walkthrough for orientation of the first floor units and made photographic documentation. I moved to the second floor, it was apparent that it had the same layout of rooms and living space as the first floor, Apartment #3 to the front and Apartment #4 to the rear. Moving from the living room towards the kitchen and bedroom heat damage, charring can be seen at the trim to the bedroom door. Charring was visible on the inside of the bedroom door. From the hallway it was observed that the mattress had been consumed by fire and items on and below a nearby nightstand had been burned. The bedroom wall opposite the doorway had been stripped during overhaul operations. Ceiling materials covered the floor at the foot of the bed, due to the integrity of the floor/ceiling assembly layering of the scene was not feasible. It was observed and documented by photo that the window trim displayed char but that the wall beneath the sill did not have damage. Above the window, there is a hole in the floor and 2 structural members had been consumed by fire from the front wall to approximately the center of the room. Charring was visible along the neighboring joists as well. A light fixture was on the bed and knob and tube style wiring was visible hanging from the ceiling.

At the third floor, in Apartment #5 entering the kitchen door the living room again is to the right and the bedroom to the left, soot is visible on the ceiling and walls in the short hallway. Moving towards the bedroom overhaul damage is visible; several pieces of wood trim had been retained by Lt. Zsiga and moved to the interior wall. The mattress and bedding material appeared largely intact, the foot of the bed nearest the window and the hole in the floor suffered very little damage. Char is visible on the interior of the

sheathing beneath the window and in one stud bay sheathing had burned through. Again I was unable to layer the room due to structural integrity of the floor.

**Hypothesis:**

Hypothesis 1: Improperly discarded smoking materials-

An individual could have been smoking at the window opening and an ember smoldered in the void space eventually igniting structural members of the building. This hypothesis is ruled out with the damage and consumption of dimensional lumber (two floor joists) from the front wall of the building to approximately half-way across the bedroom combined with the remaining wall framing that did not exhibit the same damage. Also the damage to the two bedrooms does not support this as the bedding and mattress in Unit 5 is primarily intact, the description of the caller that the apartment above was on fire does not correspond with the physical evidence left.

Hypothesis 2: Electrical-

An electrical short/arc heating caused combustibles in the void space of the ceiling/floor assembly to ignite and smolder, building heat until structural materials also ignited. Fire burned undiscovered until the integrity of the second floor ceiling was impacted.

This hypothesis is supported by the location of light fixtures in the apartments above and below and by the damage to floor joists that are in line with this same location.

Hypothesis 3: Natural Gas-

Damage occurred to one of the natural gas heaters located in the bedroom of Apartment #3. This hypothesis is not supported based on the tenant in Apartment #3 reporting the fire, and did not indicate any issue with the gas previously. No fire companies reported any type of fire behavior that would indicate there was a problem with the gas service.

**Closing:**

The origin of this fire is determined to be the void space between the 2<sup>nd</sup> floor bedroom ceiling and the sub-floor of the 3<sup>rd</sup> floor bedroom. The cause of this fire is undetermined, a cause of electrical could not be ruled out.

Respectfully submitted,

Captain David Petrucci  
Fire Investigator  
Portland Fire Department  
380 Congress St.  
Portland, ME 04101

Middlesex Mutual Assurance Company  
213 Court Street (POBox 891)  
Middletown, CT 06457-0891

Re: Fire Loss / Portland, Maine  
Insured: Harrison Sawyer Realty  
POBox 7225  
Portland, Maine 04112-7225  
Policy#: WA0009087238-04

December 30, 2015

Paul Panagrosso,

This is to report our observations based on today's site visit to 19 Dow Street in Portland, Maine. It is our understanding that the fire started on the third floor with faulty wiring the possible cause.

The subject is a three story, six unit apartment building of wood construction on a stone and brick foundation built approximately 1920. It is sited on a small lot with the building close to and possibly on property lines.

The fire originated on the third floor causing extensive damage and charring to the framing in the immediate area including down into the unit below. In addition, there is heavy smoke and water damage throughout all floors.

The framing is rough sawn, true 2x3 interior walls and 2x5 exterior walls with board sheathing. There are approximately 42 windows, most of which received varying degrees of damage. The interior finishes consist of lath and plaster, ornate southern yellow pine mouldings, maple hardwood flooring with some linoleum and slate kitchen sinks.

The repair of this building has several challenges which translate in associated costs, pushing the limits of coverage. They are as follows:

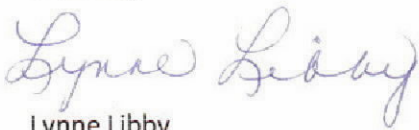
1. The site conditions. The area is extremely restricted in space which will require creative use of equipment along with a lot of manual labor. Dow Street is also a narrow and busy street further adding to the difficulty of working on the site.
2. The age of the building with its construction materials will require abatement services of the lead paint and possible asbestos flooring.
3. Replacing the lath and plaster with the today's like kind and quality of blueboard and plaster presents the problem of dealing with the difference in thickness of materials requiring extra work to tie into door & window jambs. Also, framing repairs with require trying to tie today's dimensional lumber in to the rough sawn members.
4. The extent of repair will require code compliance throughout the whole building per city building code. This will involve the electrical system, plumbing and ventilation, framing members, sprinkler and associated items of the life safety code such as egress windows, insulation and associated items of the energy code.

5. The foundation is a stone base with a brick top. Upon inspection, it was noted that the mortar is wet in places and powdery in other areas. If the building were to be dropped, the foundation would likely get compromised in the exposure. Also, code may require replacement or reinforcement.

Based on the aforementioned items, it is our opinion that although the building could be repaired, the cost to do so is at or exceeds the policy limits.

If we can be of further service, please do not hesitate to call.

Sincerely,



Lynne Libby  
603-498-7357



Gene Bergeron  
603-498-7653