

CITY OF PORTLAND, MAINE

Department of Building Inspection

On reply refer
to file AP 203 Brackett Street-1
6-43-137-1

March 4, 1947

FU 3/23/47/M

Mr. William H. Teson
203 Brackett Street
Mr. Moses P. Arnold (not sent)
266 Concord Street

Subject: Unlawful use of the dwelling house at 203
Brackett Street as a lodging house and applica-
tion for building permit to make physical altera-
tions in the building

Gentlemen:

Mr. Arnold has applied for a permit to make alterations consisting of a non-bearing partition in third floor and cutting in two skylights, but I am unable to issue this permit because the building has been used and probably is being used now unlawfully as a lodging house in that it has been converted by others than the present owner from a single family dwelling house to a lodging house without first securing a building permit for the change of use and a certificate of occupancy to authorize its use as a lodging house, and because features as to safety and fire prevention have not been provided by the Building Code for a lodging house use.

Our record shows that Margaret Mellock, a former owner, was notified that it was not lawful to use this single family dwelling house, which she had just bought, for a lodging house until she had a permit and certificate of occupancy from this department, and that it was necessary for her to provide with the application for the building permit to cover the change of use architectural plans of all floors and the basement showing both the existing situation and the steps to be taken to comply with the Building Code as to provisions for safety and fire prevention in a lodging house. Application and plans were not filed and I am told that she apparently went right ahead with the unlawful use as a lodging house.

Last August upon application for a building permit for minor changes in the building by Josephine H. Childs, who owned the building then, Mrs. Childs was notified of the unlawful use which she apparently had acquired and that she had the alternatives of changing the building back to a dwelling house or of proceeding with application, plans and improvements in the same manner as the former owner was told.

I realize that the building was probably being used as a lodging house when Mr. Teson bought it and that he cannot be held responsible for the act of unlawful conversion. But, as present owner, he must bear responsibility for maintaining the building, thus unlawfully converted, without providing the safety and fire prevention features required by the Building Code for a lodging house converted from a dwelling house since 1926.

I also have a copy of a letter from the Chief of the Fire Department to Mr. Teson directing that he provide additional means of egress from second and third floors and that he install an automatic fire detection and alarm system. In issuing this order Chief Sanborn is acting under the recently enacted Safety Ordinance relating to existing buildings. I have talked the situation over with Chief Sanborn, and there should be no confusion in that the owner of the building has received notices of violation from two city departments for the Chief of the Fire Department and this department will work cooperatively to secure safe and lawful conditions in the building. While the Building Code contains approximately the same requirements as the recent Safety Ordinance in a number of particulars, the Building Code contains additional requirements when applied to a building changed from a dwelling house to a lodging house since 1926. Thus, when the owner has fully satisfied the Building Code as to the lodging house use, he will have also satisfied the requirements of the Safety Ordinance which Chief Sanborn enforces.

COPY

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Unless the owner elects to change the building back to a dwelling house, he must proceed immediately to have the necessary architectural plans made and file them with a belated application for a building permit to cover the required improvements and the change of use to the lodging house.

Such plans are to be made by someone thoroughly experienced in the usual manner of making such plans who is also acquainted with the Building Code and can find out for himself what the Building Code requires for a lodging house so that he can show on the plans of the existing situation what steps are proposed to accomplish compliance with the Building Code.

I urge the owner to make haste, if he adopts the latter course, because he must bear the responsibility for these substandard conditions as to safety until he has a certificate of occupancy from this department, and because the Building Law makes it very plain that it is my duty to proceed, as directed by law, against the owners of buildings which are found in violation of the law.

An extra copy of this letter is being enclosed to the owner for his use in dealing with his architect so that his architect may be fully advised of the proposition.

Very truly yours,

Waverly D. Dull
Inspector of Buildings

WHD/S

Enclosure to Mr. Teson: Copy of this letter

CC: Oliver T. Sanborn, Chief
of the Fire Department