

33 Cushman Street

NDP-REHAB I

CERTIFICATE
OF
COMPLIANCE

September 25, 1970

CITY OF PORTLAND
Health Department - Housing Division
Tel. 774-8221 Ext. 226

Mr. John True
33 Cushman Street
Portland, Maine 04102

Re: Premises located at 33 Cushman Street, Portland, Maine

Dear Mr. True:

A re-inspection of the premises noted above was made on September 24, 1970
by Housing Inspector Spiller, of the Health Department.

This is to certify that you have complied with our request to correct the
violations of the Municipal Codes relating to housing conditions described
in our "Notice of Housing Conditions" dated May 11, 1970.

Thank you for your cooperation and your efforts to help us maintain decent,
safe and sanitary housing for all Portland residents.

Very truly yours,

Arthur A. Hughson CPH MPH
Health Director

Inspector [Signature]

By [Signature]

Chief of Housing Inspections

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Chief of Housing Inspections

NOTICE OF HOUSING CONDITIONS

CITY OF PORTLAND
Health Department - Housing Division
774-6221 Ext 226

Loc: 33 Cushman Street
Proj: ADP 11
Issued: 5-14-70
Expires: 9-14-70 *Inspected*

Mr. John Trues
33 Cushman Street
Portland, Maine 04103

773 754

Dear Mr. Trues:

An examination was made on May 4, 1970, of the premises located at 33 Cushman Street, Portland, Maine, by Housing Inspector CRUSH. Violations of Municipal Codes relating to housing conditions were found as described in detail below.

In accordance with the provisions of the above mentioned Codes, you are requested to correct these deficiencies on or before September 14, 1970. You may contact the Housing Inspection Supervisor at this office to arrange a satisfactory repair schedule if you are unable to make such repairs within the specified time. We will assume the repairs to be in progress if we do not hear from you within ten days from this date, and on reinspection within the time set forth above will anticipate that the premises have been brought into compliance with Code Standards.

Your cooperation will help this Department in its goal to maintain all Portland residents in decent, safe and sanitary housing.

Very truly yours,
Arthur A. Hughson
Health Director

By: _____
Housing Inspection Supervisor

Existing violations of Chapter 307, "Minimum Standards for Housing" Section(s)

- | | | |
|-----|---|-----------------|
| 7/2 | 1. Repair the loose ceiling plaster on the front hall ceiling. | 3(b) |
| 9/2 | 2. Replace the rotted trim on the front porch. | 3(a) |
| 4/2 | 3. Point up the foundation at the front of structure. | 5(a) |

33 CUSHMAN STREET

HOUSING



NOTICE OF HOUSING CONDITIONS

CITY OF PORTLAND, MAINE

Department of Planning & Urban Development
Inspection Services Division
Tel. 775-5451 - Ext. 311 - 346

Thomas U. Quinn & Lorraine A Carroll Jts
33 Cushman Street
Portland, Me 04101

DU 2

CH. 56 BLK. A LOT 16

LOCATION: 33 Cushman St.

PROJECT: ~~NCP-DUP~~ NDP
ISSUED: April 19, 1985
EXPIRES: June 19, 1985

Dear Mr. Quinn & Ms. Carroll:

You are hereby notified, as owner or agent, that an inspection was made of the premises at 33 Cushman Street by Code Enforcement Officer Merlin Leary. Violations of Article V of the Municipal Ordinance (Housing Code) were found as described in detail on the attached "Housing Inspection Report".

In accordance with the provisions of the above-mentioned Code, you are hereby ordered to correct those defects on or before June 19, 1985. If you are unable to make such repairs within the specified time, you may contact this office to arrange a satisfactory repair schedule. If we do not hear from you within ten (10) days from this date, we will assume the repairs to be in progress and, on re-inspection within the time set forth above, will anticipate that the premises have been brought into compliance with the Housing Code Standards.

Please Note: You should consult the Inspection Services Division to insure that any corrective action you undertake complies with the Building, plumbing, electrical, zoning and any other Article of the City Code.

Please contact this office if you have any questions regarding this order.

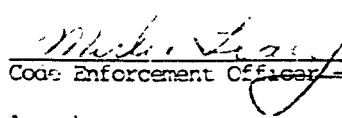
Your cooperation will aid this department in its goal to maintain decent, safe, and sanitary housing for all of Portland's residents.

Very truly yours,

Joseph E. Gray, Jr., Director
Planning & Urban Development

By: 

P. Samuel Hofises
Chief of Inspection Services


Code Enforcement Officer - Merlin Leary (5)

Attachments

HOUSING INSPECTION REPORT

OWNER: Thomas U. Quinn & Lorraine A. Carroll Jts LOCATION: 33 Cushman St NCP-DUD 56-A-16

CODE ENFORCEMENT OFFICER: Merlin Leary

HOUSING CONDITIONS DATED: April 19, 1985 EXPIRES: June 19, 1985

Items listed below are in violation of Article V of the Municipal Codes, "Housing Code", and must be corrected on or before the expiration date.

	SEC. (S)
1. REAR PORCH - missing railing	
*2. FRONT PORCH STAIRS - missing safety rail	108-4
*3. ROOF - missing chimney mortar	108-4
4. FRONT HALL STAIRWAY - loose hand railings	108-5
*5. CELLAR FURNACE - missing thermal cut-off switch	108-4
*6. CELLAR FLUE - excessive soot	114-2
*7. FLAMMABLE MATERIAL NEXT TO FURNACE	114-1
	109-4
<u>FIRST FLOOR</u>	
8. BATHROOM CEILING - loose/peeling paint	108-2
<u>SECOND & THIRD FLOORS</u>	
9. KITCHEN/HALL FLOOR - missing/ broken tiles	108-2
*10. THIRD FLOOR BEDROOM WINDOW - broken glass	108-3
*11. THIRD FLOOR BEDROOM WALL/CEILING - cracked, broken plaster	108-2

HOUSING INSPECTION REPORT

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City of Portland

Housing Inspection Division

STRUCTURE INSPECTION SCHEDULE

1) Insp. Name M. Leary

2) Insp. Date 1-18-85 3) Insp. Type NCP 4) Proj. Code DVD 5) Assr's: Chart 56 A 16 6) Bl. 7) Lot 8) Census: Tract 9) Bik. 10) Insp. 11) Form No.

12) House No. 33 13) Sec. H. No. 14) Suf. 15) Direct 16) Street Name Cushman 17) St. Design. Street

18) Owner or Agent: Thomas J. Quinn + Lorraine F. Carroll Jts 19) Status 20) Bldg's Kat.

21) Address: 33 Cushman Street 00 3

22) City and State: Portland, Maine Zip Code: 04101

23) D. Units 24) Occ. D. U. s 25) Rm. Units 26) Occ. R. U. s 27) No. Occupants 28) Com'l U. 29) Bldg. Type DE 30) St. Des. 2 1/2 31) Const. Mat. Wood 32) O. Bs

33) C.H. 34) Photo 35) Zoned For R-3 36) Special Land Use RA 37) D. No. 38) Lks. Ad. Bch. Fee 39) Disp. 40) Clearing Date

Viol. No. Remedy Cond. Violation Description F. No. P. No. Area Type Resp. Party Code Sect. Viol. Rem. Date

Viol. No.	Remedy	Cond.	Violation Description	F. No.	P. No.	Area	Type	Resp. Party	Code Sect. Viol.	Rem. Date
1		MI	Railing			RE	PO	2	10F-4	
*2		MI	Safety Rail			FR	PO	SRS 2	10F-4	
*3		MI	Chimney mortar				RO	2	10F-5	
4		LO	Hand Railing			FR	HA	SRW 2	10F-4	
*5		MI	Thermal Cut-off Switch			CE	FU	2	114-2	
*6			Excessive Soot			CE	Flve	2	114-1	
*7			Flammable material next to				furnace	2	109-4	

P 398 935 627

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED--
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>Wilson Mountain</i>	
Street and No. <i>33 Ocean Ave</i>	
P.O., State and ZIP Code <i>Portland, Me 04101</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, Feb. 1982

Postmark 1-11-82



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

April 4, 1985

Mrs. Eileen Monahan
33 Cushman St.
Portland, Me 04102

Re: 33 Cushman St., Portland

Dear Mrs. Monahan:

We recently received a complaint and an inspection was made by Code Enforcement Officer Merlin Leary of the property owned by you at 33 Cushman St. Portland, Maine. As a result of the inspection, you are hereby ordered to correct the following substandard housing conditions:

*1. Missing safety rail front steps

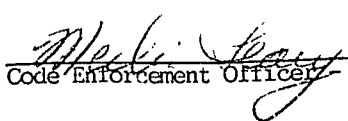
108-4

The above mentioned conditions are in violation of Article V of the Municipal Code of the City of Portland, Maine, and must be corrected on or before May 4, 1985.

Failure to comply with this order may result in a complaint being filed for prosecution in District Court.

Sincerely yours,
Joseph E. Gray, Jr. Director of
Planning & Urban Development

By 
P. Samuel Hoffes
Chief of Inspection Services


Code Enforcement Officer Merlin Leary (5)

Complaint

33 Cuckoo St

Investigated on sent

out LOD 4/3/85

WMS

THIS COPY IS FOR BUILDING INSPECTOR LEARY

April 2, 1985

Joseph E. Gray, Jr.
Director
Department Of Planning
And Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Joe,

In this, which I absolutely, positively swear to you will (quite likely) be my last letter on the subject (possibly), I note below three interesting facts about three of the Cushman Street Residents (so-called) who opposed the recent 'Mini-UDAG' proposal of the PORTLAND WEST NEIGHBORHOOD PLANNING COUNCIL.

1. The Cushman Street Residents (henceforth rendered "CSR") declared that our proposal, if effected, would result in gross congestion of the parking area in that area. Ted McClellan was one of the most vehement of the CSR. He lives in a tiny cottage located at 7 Cushman Street. His driveway is designed to hold only one car. But, consistently, there are two cars parked there, with the second car almost totally blocking the sidewalk. Police Sergeant Roper, who is trying to curtail such illegal parking in that section of the city will likely follow up on this matter. (This section 'high-lighted' for the sergeant's attention.)
2. Eileen Monahan was another very bitter and vociferous CSR. She made a big 'to-do', when she met with us, about the shabby appearance and broken windows at our property located at 170-172 Clark Street. She lives at 33 Cushman Street where she has renting tenants. But if one walks up her outside front steps (like a mailman would when delivering a letter), one can almost feel the likely impending collapse caused by the rot in those steps. A very rickety condition. And one can see from the sidewalk a large broken-out pane of glass in her rear storm door. Merle Leary, the Building Inspector for that area, certainly will let Eileen know that a better property condition is expected of those owning rental housing units.
3. And, finally, something that seems like an outright, blatant lie to the City Council: James Fiske, in the letter written to the Portland City Council by the CSR, represented himself as living on Cushman Street. He told us at the Peoples' Building that he was an 'urban planner' and that he had lived on Cushman Street for about three years. In the Tower Publishing Company's most recent Portland Street Directory (1984), there is no James Fiske residing on Cushman Street. There is, however, a James C. Fiske, Civil Engineer, who lives with his wife, Kathleen J. Fiske, at 161 Ram Island Farm in Cape Elizabeth. His phone number is 767-2308. Why don't you call up this nouveau talent and tell him that the directory people must have made a big error. Or perhaps he did if he lied to the Council.

cc:
City Councilors (9)
Police Sergeant Roper
Building Inspector Merle Leary
City Manager Tim Honey
James Oliver, Director, PWNPC
Ted McClellan, Eileen Monahan, James Fiske

Warmest regards,

Phil
Philip Jenkins
Box 5244 - Station A
Portland, Maine 04101

33 Cushman St
Messeng Safety Rail front steps

Call Mr. Kallod. Clark St 2nd flr occupied
Call Dean Harrow 2nd flr occupied on E of O.
Had you occup complete missing railing on front
steps

C-M
gdm

HEWES, CULLEY & BEALS
ATTORNEYS AT LAW
103 EXCHANGE STREET
P. O. BOX 7108
PORTLAND, MAINE 04112-7108

RICHARD D. HEWES
PETER W. CULLEY
GEORGE W. BEALS
MARTICA S. DOUGLAS
STEPHEN C. WHITING
THOMAS J. QUINN
JOHN F. LAMBERT, JR.
ALISON A. DENHAM
PHILIP M. COFFIN III
JAMES B. HAINES, JR.
NAN HEALD
SAMUEL K. RUDMAN

TELEPHONE
207-774-1486

April 8, 1985

Mr. James Oliver
Portland West Neighborhood Planning Council
The Peoples Building
Brackett Street
Portland, Maine 04102

Dear Jim:

As you know, there has been some controversy recently concerning the Portland West Neighborhood Planning Council's proposal to provide further subsidized low-income housing in the Cushman Street area. Quite against my will, your association seems to have chosen to involve me in that dispute; I wish to make clear my strenuous objections to the tactics apparently being resorted to by your Council.

By way of background, you will recall that at a recent City Council meeting the issue of your Council's application for a "Mini-UDAG" grant was presented. Several Cushman Street area residents (myself not included) spoke on the topic, including Eileen Monahan of 18 Cushman Street. As it happens, Ms. Monahan formerly rented an apartment in my house at 33 Cushman.

Shortly after the meeting, on approximately March 25, 1985, Philip Jenkins of your Council delivered to 33 Cushman a letter dated March 21, concerning that meeting. This copy was addressed to Ms. Monahan, whom he obviously believed lived at 33 Cushman. I passed the letter on to Ms. Monahan, to whom, incidentally, it referred rather sneeringly as one of the "upwardly mobile" upstarts who, in essence, had dared to speak against the Portland West Neighborhood Planning Council's proposal.

On the following Wednesday, April 3, my wife was leaving the house with a friend when they noticed two men in a pick-up truck eyeing the premises. When approached, they identified

Page Two
Mr. James Oliver
April 8, 1985

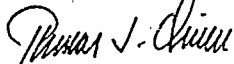
themselves as housing inspectors from the City of Portland, responding to a complaint from the "Neighborhood Council." According to one of these men, someone from the Council had registered a complaint to the effect that the front porch steps at 33 Cushman were defective, dangerous, and "a public nuisance." These steps, not coincidentally, were those which Mr. Jenkins presumably used when delivering his letter intended for Ms. Monahan. It does not require a great leap of faith, I think, to conclude that Mr. Jenkins was under the impression that Ms. Monahan owned the premises at 33 Cushman.

After pronouncing the front steps sound, the City's inspector proceeded into the yard and a check of the rear porch steps. At that point, at least, he apparently had no adverse comments to offer. Subsequent telephone calls to City Hall, however suggest that I am soon to be the recipient of an official notice of code violation.

I am quite confident that this inspection, given the circumstances, was a rather transparent attempt to harass Ms. Monahan in retaliation for her opposition to the Council's housing plans. The use of such totalitarian tactics strikes me as particularly offensive when initiated by an organization which purports to represent the people of the West End, and when it has seemingly been employed to stifle--or at least discourage--dissent and debate on matters of legitimate public concern. I am outraged at having been treated in this fashion; it is no consolation, I might add, that the insult was apparently not intended for me.

In the future, if any members of your Council, or the Council itself, has a legitimate objection to my admittedly imperfect premises, I trust a more decent approach to the problem will be taken. Similarly, if the Council is offended by residents' objections to its plans for the neighborhood, I hope it might confine itself to debating the issues in an appropriate forum.

Very truly yours,



Thomas J. Quinn

TJQ:kr

CC: Portland City Council Members
Joseph E. Gray, Housing Dept.
Eileen M. Monahan

