

354 879

Portland, Maine



Yes. Life's good here.

August 17, 2015

ENI 1199 CONGRESS

1700 SHAWSHEEN ST FLOOR 2

TEWKSBURY, MA 01876

CBL: 078 A004001

Located at 11 MASSACHUSETTS AVE

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address referenced above revealed that the structure and premises fail to comply with NFPA 2009 Fire Code and/or NFPA Life Safety Codes. Attached is a list of those violations.

The above-referenced property is in violation of the Chapter 10, Fire Prevention and Protection, Article 1 of the Portland City Code (the "Code") and National Fire Protection Association (NFPA) 101 Life Safety Code. Please note that the Code is available online at www.portlandmaine.gov.

This is a notice of intent to prosecute. As such, the matter is being referred to the City of Portland Corporation Council for legal action and possible civil penalties as provided for in Chapter 10, Fire Prevention and Protection, 10-25 of the Code and in Title 30- A.M.R.S.A. 4452.

Please be advised that you will need to contact the Fire Prevention Bureau at 207-874-8400 before the court date on the attached Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

A handwritten signature in cursive script that reads "A/C Kirk Sautreau".

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND
PORTLAND FIRE DEPARTMENT**

380 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager ENI 1199 CONGRESS		Inspector Christopher Goodall	Inspection Date 8/14/2015
Location 11 MASSACHUSETTS AV	CBL 078 A004001	Status Yellow 5-9 Violations	Inspection Type Fire Company-FP Routine Inspec

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 2.120

Violation: NFPA 101- 8.3.5 HOLE IN WALL NEEDS REPAIR; The provisions of 8.3.5 shall govern the materials and methods of construction used to protect through-penetrations and membrane penetrations in fire walls, fire barrier walls, and fire resistance-rated horizontal assemblies. The provisions of 8.3.5 shall not apply to approved existing materials and methods of construction used to protect existing through-penetrations and existing membrane penetrations in fire walls, fire barrier walls, or fire resistance-rated horizontal assemblies, unless otherwise required by chapters 11 through 43.

Notes: FRONT HALLWAY SECOND FLOOR LANDING

2) 2.125

Violation: N.F.P.A. 101 CHP. 31.3.3.2 HOLE IN CEILING NEEDS REPAIR; InteriorWall and Ceiling Finish
Interior walls and ceiling finish materials complying with 10.2 shall be permitted as follows:
1) Exit enclosures -- Class A or class B
2) Lobbies and corridors--Class A or Class B
3) other spaces Class A, orClass B, or Class C

Notes: COVER NEEDED FOR ABOVE CEILING ACESS IN REAR STAIRWELL

3) 1.120

Violation: NFPA 101- 7.5.1.1 AND 7.5.1.1.1 OBSTRUCTED EGRESS; Exits shall be located and exit access shall be arranged so that exits are readily accesible at all times (7.5.1.1).

Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to not less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4 (7.5.1.1.1).

Notes: FRONT AND REAR STAIRWELLS, STORAGE OF MATERIALS IS BLOCKING EXITS

4) 55.030

Violation: NFPA 101- 7.2.2.4.2 HANDRAILS ARE NOT CONTINUOUS; REQUIRED GUARDS AND HARDRAILS SHALL CONTINUE FOR THE FULL LENGTH OF EACH FLIGHT OF STAIRS. AT TURNS OF NEW STAIRS, INSIDE HANDRAILS SHALL BE CONTINUOUS BETWEEN FLIGHTS AT LANDINGS.

Notes: HANDRAILS ARE NOT CONTINUOUS, AND THOSE PRESENT IN THE FRONT HALLWAY ARE LOOSE

5) 55.051

Violation: NFPA 101- 7.2.1.8.1 DOORS SHALL BE SELF-CLOSING & SELF-LATCHING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise specified by 7.2.1.8.3.

Notes: BASEMENT FIRE DOOR DOES NOT CLOSE COMPLETELY ON IT'S OWN

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PORTLAND FIRE DEPARTMENT**

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Portland, Maine 04101

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6) 55.20

Violation: 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.

Notes: PANELING ON WALLS IN REAR STAIRWELL

Comments:

STATE OF MAINE

DISTRICT COURT

Location: Portland

Docket No.

CITY OF PORTLAND and body politic and
Corporate, located in the County of
Cumberland and State of Maine,

Plaintiff,

**FIRE PREVENTION AND PROTECTION
CODE VIOLATION**

(M.R. CIV. P. 80H AND 80k)

v.


ENI 1199 Congress
Defendant

SUMMONS NUMBER: 354879

This matter has been referred to the Corporation Counsel's Office for immediate legal action with respect to the code violations detailed in the attached letter. It has been assigned the above summons number and will be filed with the Portland District Court and will be assigned for an initial appearance at the Portland District Court 205 Newbury Street Portland, Maine 04101 at 8:30 A.M. on 09/14/2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at meservev@portlandmaine.gov to set up an in-person meeting to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 09/14/2015.

Dated:

8/19/15



Adam R. Lee, Esq. Bar No. 4143
Associate Corporation Council
City of Portland
389 Congress St
Portland, ME 04101
207-874-8480