

84 Mayer Road
Portland, ME 04102

April 5, 2018

RECEIVED

APR - 6 2018

Dept. of Building Inspections
City of Portland Maine

Ms. Ann Machado
Zoning Administrator
City of Portland Permitting & Inspections Departments
389 Congress Street
Portland, ME 04101

RE: 44 Revere Street – 124 1019001 – Zone R5

Dear Ann:

I am replying to your attached March 9, 2018, letter stating the real estate I own at 44 Revere Street was a legal two dwelling units per city records.

I conducted a search of city records last week and found the following enclosed records supporting 44 Revere Street as a legal four dwelling unit:

1. City of Portland November 21, 1990, letter stating four dwelling units
2. City of Portland November 9, 1990, Housing Inspection Schedule stating four legal units and four existing units
3. City of Portland May 7, 1997, letter stating four dwelling units

I purchased 44 Revere from my brother on June 1, 1993. The building had four units then and nothing has changed. I've not altered any of the four legal dwelling units. Is it necessary to complete the "Legalize the Nonconforming Dwelling Unit" form if my units are already legally conforming?

Your enclosed inspection letter stated four code violations: 1) Third floor escape window is too small; 2) Missing CO alarm on third floor and smoke/CO alarm in basement; and 3) Missing fuse cover in basement electrical panel. I will install a new third floor escape window that meets code standards by May 15, 2018, and install missing CO alarm, smoke/CO alarm and fuse cover by April 15, 2018.

I will notify your office after I've completed these items.

I look forward to your reply, thank you.

Regards,



David Coppersmith

Enclosures



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

NOTICE OF HOUSING CONDITIONS

LOT: 4
TRACT-BLOCK-LOT - 124-T-12
LOCATION: 44 Bevara Street
DISTRICT: 2
ISSUED: November 21, 1990
EXPIRES: December 17, 1990

Robert Oppenweith
849 Market Avenue
Portland, ME 04103

Dear Mr. Oppenweith:

You are hereby notified, as owner or agent, that an inspection was made of the premises at 44 Bevara Street by Code Enforcement officer Arthur Hume, 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 December 17, 1990. 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 assume 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 other articles 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,

Robert A. Gray, Jr., Director
Planning & Urban Development

Code Enforcement Officer

CITY OF PORTLAND
INSPECTION SERVICES DIVISION - HOUSING INSPECTION SCHEDULE

DISTRICT: 10010 PART: 1 FILE: 1 INSPECTOR'S NAME: [Signature]

ADDRESS: [Address] C-1-11-1-24 - 1-11-11 (Local, National, Exempt, Single, V. Residential)

NAME OF APPLICANT: [Name] STAND. INTL: [Code]

VIOLATION NO.	RES.	INT.	PL.	APR.	LOCATION	VIOLATION DESCRIPTION
1		X			Cellar	substantive pipe coverings
2		X			Cellar	Trunking, gas, propane, etc.
3	X				Left	Broken Glass
4	X				in living	doorway - some steps
5		X			Front	condenser coils - no storage of boxes
6		X			Front & Back	stairways - missing to land

Due date: 07/1/1990
 Date: 07/1/1990

Inspection Services
P. Samuel Hennes
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

MAY 30, 1997

COPPERSMITH DAVID G
840 FOREST AVE
PORTLAND ME 04108

Re: 44 REVERE ST
CBL: 124-1-019-001-01
DU: 4

Dear Mr. Coppersmith:

You are hereby notified, as owner or agent, that an inspection was made of the above-referenced property. Violations of Article V of the Municipal Ordinance (Housing Code) were found as described in detail on the attached "Housing Inspections Report".

In accordance with the provisions of the above-mentioned Code, you are hereby ordered to correct those defects within sixty (60) days. A reinspection for code compliance will be made at the expiration date of this notice. If the violations have not been corrected, this matter will be referred to Corporation Counsel for legal action.

Please Note: You should consult this department to insure that any corrective action you should undertake complies with the building, plumbing, electrical, zoning and other Articles 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.

Sincerely,

Maria Leary
Maria Leary
Code Enforcement Officer

Tommy Mullen
Tommy Mullen
Code Enfr. Off. / Field Supv.



Permitting and Inspections Department

Michael A. Russell, MS, Director

Jonathan Rioux, Inspections Director

Information Bulletin: 2018-01

Secondary Means of Escape and Rescue Openings

Adopted: 02/02/2018 *MAR*

Background

The City of Portland has adopted the NFPA Life Safety Code (NFPA 101) and the NFPA Fire Code (NFPA 1), along with other building codes (MUBEC), which have minimum requirements for means of escape from residential dwellings, up to four stories in height.

NFPA 101 requires that new and existing dwellings provide for both a primary and a secondary means of escape from each sleeping room and living area.[1] NFPA 101 (2009) §§ 24.2.2.1.1, 31.2.1.2. A window may be used as the secondary means of egress or escape where the window is:

1. operable from the inside without the use of tools, keys, or special effort;
2. provides a net clear opening of not less than 5.7 sq. ft.;
3. not less than 20" wide;
4. not less than 24" high;
5. not more than 44" above the floor; and
6. meets one or more conditions for accessibility of fire department rescue apparatus.

Id. §§ 24.2.2.2.3.3, 31.2.1.2.

Windows in new construction have to meet the requirements of NFPA 101, as well as MUBEC, including the 5.7 sq. ft. net clear opening requirement. Note: The new construction provisions will also apply to replacement windows as part of the approval requirements for a change of use or occupancy.

Enforcement of Minimum Window Size

The City will generally not require existing windows to be replaced, even where they do not meet all of the above criteria numbered 1-6, as long as the existing windows meet certain minimum standards for safety.[2] The circumstances under which undersized, existing windows will be allowed to remain depends on:

1. When the existing window was installed,
2. The size of the window, and if
3. Changes are being proposed to the building.

Windows installed before 1976 will be considered acceptable to the City and do not need to be replaced, if the windows meet the minimum requirements outlined in the State Fire Marshal's "Policy for clarification



Permitting and Inspections Department
Michael A. Russell, MS, Director

Jonathan Rioux, Inspections Director

of existing egress windows" memo dated October, 17, 2013. These windows meet all of the requirements numbered 1-6 on Page 1 of this informational bulletin with the exception of number 2. Number 2 shall be replaced with, "2. provides a net clear opening of at least 3.3 sq. ft. and an overall opening size of 5.0 sq. ft. if all window parts are removed".

Windows installed after 1976 must be replaced by windows meeting all of the requirements numbered 1-6 on Page 1 of this informational bulletin. This includes a net clear opening of not less than 5.7 sq. ft.

Renovations or projects involving a change of use or occupancy, legalization of nonconforming units, or renovations to exterior walls. Where a renovation or project involves a change of use, the legalization of nonconforming units, or renovations to exterior walls, windows must be installed that meet all of the requirements numbered 1-6 on Page 1 of this informational bulletin.

Other renovations. The replacement window may be the same size as the existing window if:

1. No other renovations to the exterior wall are proposed,
2. No change of use or legalization of a nonconforming unit is proposed,
3. The window has a minimum net clear opening of at least 3.3 sq. ft. for a double hung or,
4. 5.0 sq. ft. for a casement-style, and,
5. Meets all of the other requirements numbered 1-6 on Page 1 of this informational bulletin.

However, when the rough opening for the replacement window is large enough to allow installation of a window with a minimum of 5.7 sq. ft. net clear opening, that requirement must be met, even if the window operation is different than the original window. If it is not possible to meet the 5.7 sq. ft. net clear opening, the replacement window must be the manufacturer's largest standard size window that will fit within the existing window frame or existing rough opening. The replacement window shall either be of the same operating style as the existing window or a style that provides for a greater window opening area than the existing window.

The City reserves the right to require installation or replacement of any window to meet the safety requirements of NFPA 1 and 101, MUBEC, City Code of Ordinances and any other relevant standards.

[1] Exceptions to this requirement are available where the sleeping room or living area has a door leading directly to the outside at or to the finished ground level, or where the dwelling unit is fully sprinkled.

[2] The City may allow windows to remain that are an "existing approved means of escape." *Id.* § 24.2.2.3. An approved existing condition is "That which is already in existence on the date [the NFPA code] goes into effect and is acceptable to the authority having jurisdiction." *Id.* § 3.3.75.1.

**CITY OF PORTLAND
HOUSING SAFETY OFFICE**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager 48 REVERE STREET LLC		Inspector Jason Duval		Inspection Date 3/7/2018	
Location 44 REVERE ST		CBL 124 1019001		Status Failed	
				Inspection Type Inspection	

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 210	Interior	Top			
Violation:	ESCAPE WINDOWS; Escape Windows - One and Two-Family Dwellings: Escape windows shall be a free and clear outside window or door operable from the inside without the use of tools, keys, or special effort. Windows shall be within 20 feet of the finished ground level or accessible by rescue apparatus (if approved), or opening onto an exterior balcony and when below ground level shall be provided with an accessible, free and clear, window well. NFPA 101 (2009) 24.2.2.3.3				
Notes:	Top floor unit bedroom window and fire escape window does not meet egress standards. See attached document for window policy.				
2) 207	Interior				
Violation:	CARBON MONOXIDE ALARMS / LEVEL; Carbon Monoxide Alarms - One and Two-Family Dwellings: Single-station or multiple-station (interconnected) Carbon Monoxide alarms must be powered by the (A) building electrical system, or (B) 10-year non-replaceable battery and shall be positioned correctly on walls or ceilings: (1) on each level of the dwelling unit, and (2) including the basement. NFPA 720 (2009) 9.5.1, 9.5.3, amended by State Law Title 25, Chapter 317 § 2468				
Notes:	CO alarm required for top floor unit. Smoke/CO alarm required for basement.				
3) 205	Interior			Basement	
Violation:	SMOKE ALARMS / LEVEL; Smoke Alarms - One and Two-Family Dwellings: Single-station or multiple-station (interconnected) photoelectric smoke alarms must be powered by the building electrical system or powered by a 10-year non-replaceable battery and shall be positioned correctly on walls or ceilings: (1) within 21 feet of any door to a sleeping room and (2) in living areas separated by doors on each level of the dwelling unit and (3) including the basement. NFPA 101 (2009) 24.3.4.1(2)(3), 9.6.2.10, amended by City Code of Ordinances Section 10-3(i)				
Notes:	Basement requires a smoke/CO alarm.				
4) 211					
Violation:	OTHER				
Notes:	Fuse cover required in basement electrical panel.				
Comments:	Field inspection 3/7/18- Smoke/CO combination alarm required in the basement. Fuse cover required for basement electrical panel. CO alarm required on the top floor unit. Top floor unit bedroom window does not meet egress. Fire escape window for top floor unit does not meet egress standards. Possible 2 illegal units, according to city records the property is a two-family dwelling.				