

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
 Application And
 Notes, if Any,
 Attached

E...STION

Permit Number: 050246

PERMIT

This is to certify that Piacitelli John Jr /Owner
 has permission to repair and replace sections of sidewalk porch
 AT 96 Lawn Ave 132 I005001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Notification of inspection must
 given and written permission procured
 before this building or part thereof
 is used or occupied. CLOSED-IN.
 NOTICE IS REQUIRED.

Apply to **Public Works** for **street line**
 and grade if nature of work **requires**
 such information.

A certificate of occupancy must be
 procured by owner before this build-
 ing or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____
 Health Dept. _____
 Appeal Board _____
 Other _____

DepartmentName

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

7002 2410 000 8129 4525

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To John Piacitelli, Jr
 Street, Apt. No.,
 or PO Box No. 96 Lawn Ave
 City, State, ZIP+4 Portland ME 04103

PS Form 3800, June 2002 See Reverse for Instructions

PERMIT ISSUED

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 05-0246	Issue Date: MAR 17 2005	CBL: 132 1003001
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Location of Construction: 96 Lawn Ave	Owner Name: Piacitelli John Jr	Owner Address: 96 Lawn Ave	Phone:
Business Name:	Contractor Name: Owner	Contractor Address: Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Dwellings	Zone: 2-5

Past Use: Residential 2 unit	Proposed Use: 2 unit dwelling/ repair and replace sections of front porch	Permit Fee: \$30.00	Cost of Work: \$950.00	CEO District: 5
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Proposed Project Description:
repair and replace sections of front porch

FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied Signature: <i>[Signature]</i>	INSPECTION: Use Group <i>R-3</i> Type <i>SB</i> <i>IRC 2003</i> Signature: <i>[Signature]</i>
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	

Permit Taken By: Idobson	Date Applied For: 03/14/2005	Zoning Approval
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1. 2. Building permits do not include plumbing, septic or electrical work. 3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>3/17/05</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>3/17/05</i>
	<i>OK Under 14-305</i>		

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT ADDRESS DATE PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 05-0246	Date Applied For: 03/14/2005	CBL: 132 I005001
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Location of Construction: 36 Lawn Ave	Owner Name: Piacitelli John Jr	Owner Address: 96 Lawn Ave	Phone:
Business Name:	Contractor Name: Owner	Contractor Address: Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Dwellings	

Proposed Use: 2 unit dwelling/ repair and replace sections of front porch	Proposed Project Description: repair and replace sections of front porch
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Dept: Zoning **Status:** Approved **Reviewer:** Tammy Munson **Approval Date:** 03/17/2005
Note: ok under section 14-385 **Ok to Issue:**

Dept: Building **Status:** Approved with Conditions **Reviewer:** Tammy Munson **Approval Date:** 03/17/2005
Note: **Ok to Issue:**

- 1) Construction shall be completed within 10 days in accordance with the Court Order.
- 2) As discussed, the roof porch header was not modified during the construction so does not need to be changed.
- 3) As discussed, the existing iron rails will be put back onto the open sides of the stairs.
- 4) As discussed, joists hangers will be installed on all floor joists.
- 5) As discussed, the guardrail system must be 36" high w/balusters less than 4" spacing.
- 6) As discussed, there will be two more sauna tubes added mid way under the porch in order to shorten the span of the beam.

Comments:

3/14/05-mjn: Reviewed documents, construction details incomplete, left message w/Mr. Piacitelli.

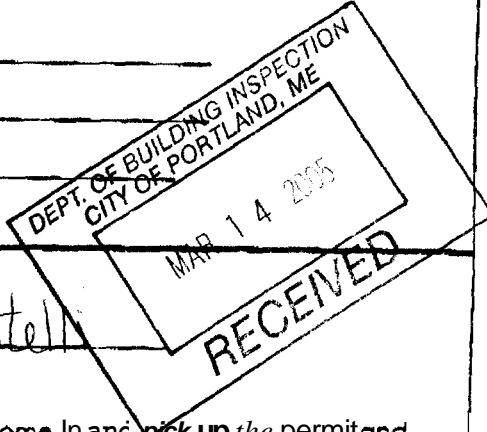
3/15/05-mjn: Spoke w/ Mr. Piacitelli, advised that our staff was enroute to the site to examine the construction and advised that we needed structural details. He stated he would fax them. Tammy Munson and Jon Reed found substantial noncompliance with the building code as documented by the letter sent dated 3/16/05

3/17/05-tmm: spoke w/owner - went over all corrective action required for permit - rec'd more info stating conformance.

All Purpose Building Permit Application

If you or the property owner owns real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>94-96 Law Ave.</u>		
Total square footage of Proposed Structure <u>1108 SF</u>	Square Footage of Lot <u>7800 SF +/-</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>132</u> Block# <u>I</u> Lot# <u>5</u>	Owner: <u>John Piacitelli, Jr.</u>	Telephone: <u>879-0438</u>
Lessee/Buyer's Name (if Applicable) <u>N/A</u>	Applicant name, address & telephone: <u>Same</u>	Cost Of Work: \$ <u>950</u> Fee: \$ <u>N/A</u>
Current use: <u>Covered Porch</u>		
If the location is current/vacant, what was prior use: <u>N/A</u>		
Approximately how long has it been vacant: <u>N/A</u>		
Proposed use: <u>Same as current use</u> Project description:		
Contractor's name, address & telephone:		
Who should we contact when the permit is ready: <u>John Piacitelli</u> Mailing address:		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>879-0438</u>		



IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of applicant: [Signature] Date: 3-19-05

This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Lee Urban-Director of Planning and Development
Aaron Shapiro-Director of Housing and Neighborhood Services
Michael J. Nugent-Director of Inspections*

March 16,2005

John Piacitelli, Jr.
96 Lawn Avenue
Portland, Maine 04103

RE: 96 Lawn Avenue

CBL: 132-1-005

Certified Mail Receipt: 7002 2410 0000 8132 4525

Dear Mr. Piacitelli:

An evaluation of your porch and your building permit application fails to comply with the following sections of the 2003 International Residential Building Code of the of the City of Portland:

- ✓ 1. The floor girder is a 4"x 6" spanning 11'-0". The allowable span in Table R502.5(2) is 4'-6".
- ↘ 2. The guardrail system is 27 ½" high. Section R312.1 requires 36" above the standing surface.
- ✓ 3. The floor joists are not bearing on joists hangers or a ledger strip. Section R502.6 requires a minimum of an 1 ½" bearing.
- ↘ 4. The roof header size is not visible. The header is spanning 11'-0". Your application states 2" x 8"-s beam. There is a 1" x 4" trim wrapping this beam which indicates it is only 4" thick. The maximum allowable span from Table R502.5(1) for 2- 2"x 8" is 5'-11".
- ✓ 5. There are no guardrails on the open sides of the stairs. Section R312.1 states a minimum of a 36" high guardrail is required.

The above referenced permit application is denied pursuant to Section R105.3.1. An application with code compliant plans addressing correction of the above noted structural inadequacies must be submitted to this office within 5 days of receipt of this notice per the Court's February 21, 2005 order attached here to. Failure to comply will result in the City of Portland filing a Motion to Enforce the Court's order.

Please feel free to contact me at 874-8706, if you wish to discuss the matter or have any questions.

Sincerely

Tammy Munson
Code Enforcement Officer/Plan Reviewer



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	132 1005001
Location	96 LAWN AVE
Land Use	TWO FAMILY
Owner Address	PIACITELLI JOHN JR 96 LAWN AVE PORTLAND ME 04103
Book/Page	18402/039
Legal	132-I-5 LAWN AVE 96 CONCORD ST 7800 SF

Valuation Information

Land	Building	Total
\$32,130	\$130,620	\$162,750

Property Information

Year Built	Style	Story Height	sq. Ft.	Total Acres	
1900	Old Style	2.5	3460	0.179	
Bedrooms	Pull Baths	Half Baths	Total Rooms	Attic	Basement
5	3		14	None	Full

Outbuildings

Type	Quantity	Year Built	Size	Grade	Condition
FLAT BARN	1	1900	24X24	D	F

Sales Information

Date	Type	Price	Book/Page
11/01/2002	LAND + BLDING		18402-39
02/01/1996	LAND + BLDING		12338-034
07/03/1992	LAND + BLDING	\$140,000	10157-148

Picture and Sketch

Picture Sketch Tax Map

[Click here to view Tax Roll Information.](#)

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

New Search!

FEB 28 2005
04-110

STATE OF MAINE
CUMBERLAND, ss

STATE OF MAINE
CUMBERLAND, SS
CLERK'S OFFICE

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-04-407

2005 FEB 24 A 9:29

CITY OF PORTLAND,)
)
Plaintiff,)
)
v.)
)
JOHN R. PIACITELLI, JR.)
Defendant)
)
)

ORDER

Definitions: For purposes of this Order the following terms have the following meanings:

Property: 94-96 Lawn Ave (including the garage located thereon), 152 Pleasant Avenue (private property owned by Michael Martin and which **was** the subject of a separate civil action pending in this Court sub nom, Martin v. Piacitelli, Re-04-46), and the following City streets and sidewalks: Lawn Ave, Pleasant Ave, and Concord Street.

Motor vehicle and/or boat repair business: the repair, restoration, refurbishment, or maintenance, routine or otherwise (including oil changes, tire changes, and other routine maintenance activities) of any motor vehicle as that term is defined by 29-A MRSA § 101, but including snowmobiles and all terrain vehicles, and of any craft designed for, or capable of use as, a means of water transportation, whether or not such activity is compensated for money, trade or otherwise and whether or not such activity is undertaken in relation to motor vehicles or boats owned by, or registered to the Defendant, individually.

The purpose of this Order is to prohibit the Defendant from engaging in the prohibited activity, on the Property for himself, friends, relatives, customers, business acquaintances, associates, employers, employees, or any other person.

It is hereby **ORDERED** that the City's Motion for Default Judgment is GRANTED.

A. The Defendant shall immediately cease, desist, and be permanently enjoined from **the** operation of a motor vehicle and/or boat repair business, tow lot and dead storage lot (referred to as the "prohibited activity") at the Property.

B. The Defendant is prohibited from placing, parking, storing or allowing to be placed, parked or stored on the Property: 1) any commercial vehicle not otherwise allowed in the **R-5** zone but specifically including the 1997 International Commercial

flatbed 4700 Tow Truck which is described in the Complaint 2) any unregistered, un-inspected or dealer-plated motor vehicle, 3) any unregistered, un-inspected or dealer-plated boat 5) any boat 6) any registered motor vehicle or boat which is parked or stored on the Property for the purpose of storage or repair.

C. The City of Portland is authorized, as long as this Order remains in force, and without further order of the Court, to enter onto the Property for purposes of inspecting the Property for prohibited activity, for acquiring VIN numbers from any motor vehicle or boat on the Property, and for the purpose of taking photographs of said Property, or vehicles, or boats, and any other activity within the scope of this Order being conducted on the Property.

D. No later than fifteen (15) days from the date of this Order, the Defendant shall apply for a building permit for the porch replacement at the property. Such permit application shall conform to all City requirements for new construction. The Defendant shall pay all applicable fees to the City for said building permit. If the Defendant shall fail to file a complete permit application by the date set forth herein, he shall be penalized \$100.00 per day for each day beyond this deadline it fails to file the application.

Within five (5) days of the receipt of a complete permit application, together with the requisite fees, from the Defendants, the City shall either approve or deny the application. If such an application is denied, the Defendants shall have five days to correct the application. No later than five days after the receipt of the corrected application, the City shall either approve or deny the application. If the application is denied, the City shall file a Motion to Enforce this Order and the Court shall take up the matter in an expeditious manner. If such application is approved, the Defendants shall complete the construction of said porch, in conformity with the requirements of the applicable building codes and ordinances of the City of Portland, no later than ten (10) days following the issuance of the building permit.

E. In the event of a violation of the terms of this Order, the City of Portland is authorized to enter the Property and remove any motor vehicle or boat which is located on the Property in violation of the terms of this Order. Upon removal the City shall notify the owner of the vehicle that it has been towed, the location and duration of its storage and the cost of its retrieval. In addition, at that time the City shall notify the Secretary of State of its possession of such vehicle or boat as if it were an abandoned vehicle pursuant to **29-A MRSA §1854**. Where the Secretary of State has no record of said vehicle the City shall provide notice by publication of the abandoned vehicle. The City shall retain the motor vehicle and/or boat in an appropriate storage facility for a period of fourteen (14) days. If the motor vehicle or boat is not claimed within fourteen (14) days after it is removed from the Property, the City may dispose of such motor vehicle or boat.

F. The Defendant shall take no action in retaliation against the individuals, or any of their family members, all of who submitted affidavits in this suit at the request of the City. Such retaliation precluded under this Order includes name calling, property

destruction, harassment, or any other form of activity which would place an ordinary individual in the same circumstances as the neighbors in fear, and in fact, does place a neighbor or any one of them in fear. Should such retaliation occur, the Defendant may be subject to monetary penalties of no less than \$100.00 for every such occurrence but in no way does this Order prevent any person from seeking any other remedy available at law or in equity, including but not limited to Protection Orders and/or a criminal complaint for such conduct.

G. The Defendant shall be subject to fines for any violation which occurs after the date of this Order.

H. The Defendant is responsible to the City for all expenses associated with enforcing this Order, including but not limited to the cost of removal, storage and disposal of any motor vehicle or boat or other property. The Defendant shall be responsible for all attorney's fees and costs incurred in enforcing this Order. The City may lien the Defendants' property in order to collect on any debt arising from a failure to pay such expenses and fees.

I. The Defendant shall pay to the City its attorney's fees and costs as follows as established by the Affidavit submitted by Attorney Penny Littell:

a.	\$2295.00	Attorneys Fees
b.	\$ 120.00	Filing Fee
c.	\$ 28.90	Service Fee
Total	_____	
	\$2443.90	

J. The Defendant shall pay to the City of Portland a penalty in the amount of \$_____ for the violations of the following Code provisions:

- a. 14-119 (Prohibited uses in the R-5 zone i.e. vehicle/boat repair business/tow lot/dead storage lot)
- b. **14-335** (Prohibited off street parking of truck body, commercial trailer, or similar commercial vehicle in the **R-5** zone)
- c. 6-108(d) (Failure to maintain the residential structure in good repair and safe condition)
- d. Section 107.1.1 and 1005.5 of the BOCA National Building Code/1999 (Failure to obtain a building permit)

This penalty is based on a number of factors. The Court has reviewed its authority to impose penalties under 30-A **MRSA** §4452 (3) which states that "The following provisions apply to violations of the laws and ordinances set forth in subsection 5.¹ ...monetary penalties may be assessed on a **per-day** basis and are **civil penalties**: (A) The minimum penalty for starting construction or undertaking land use activity without a

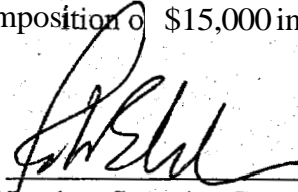
¹ **Subsection 5** applies to, among other things, local land use ordinances, local building codes and local zoning ordinances.

permit is \$100, and the maximum penalty is \$2,500.00. (B) The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. ... (E) In setting a penalty, the court shall consider, but is not limited to, the following: ... (3) The extent to which the violation continued following a municipal order to stop.” (emphasis added).

In this case, Mr. Piacitelli knew of the City’s orders to stop operating a motor vehicle and/or boat repair business on August 21, 2003 and to cease working on his porch without a permit as of September 18, 2003 (See Verified Complaint especially ¶¶12, 16). Moreover, at least since the date of service of this Complaint, August 3, 2004, the Defendant knew of the City’s orders. He has continued to operate the motor vehicle and/or boat repair business and continued to work on his porch without a permit up to the present time in direct contradiction to the City’s order to stop such activity and as set forth in the affidavits submitted in this case. In awarding penalties, the Court has also taken into account the effect of the Defendant’s conduct on the neighborhood. A review of the affidavits submitted in the case convinces the Court that the illegal activities undertaken by the Defendant have had a significant, detrimental impact on the neighborhood and the quality of life of the neighbors.

Considering the above factors, the Court’s imposition of \$15,000 in penalties is warranted.

Dated this 21st day of February, 2005.

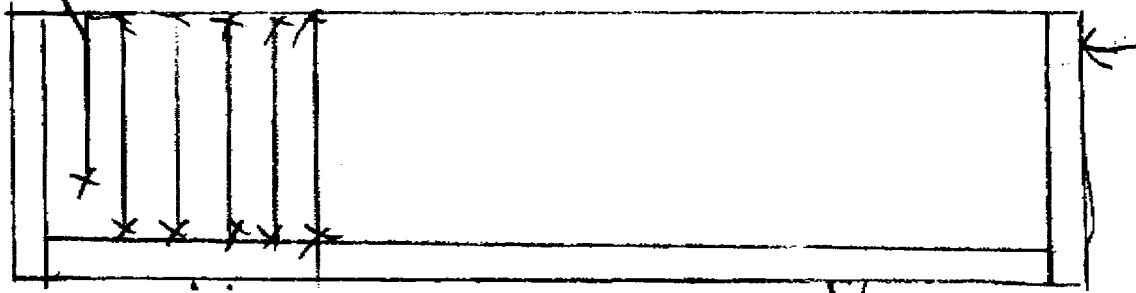


Justice, Superior Court

Pursuant to M.R.Civ.P. 79(a), this Order may be incorporated by reference into the docket.

Stair Railings are same Black Iron

fasteners all 2x8 Both Ends

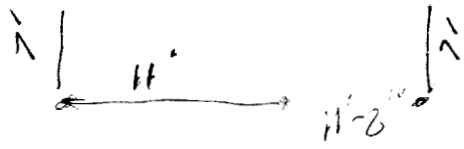


add
Two

@ 4' 11" 4' 11"

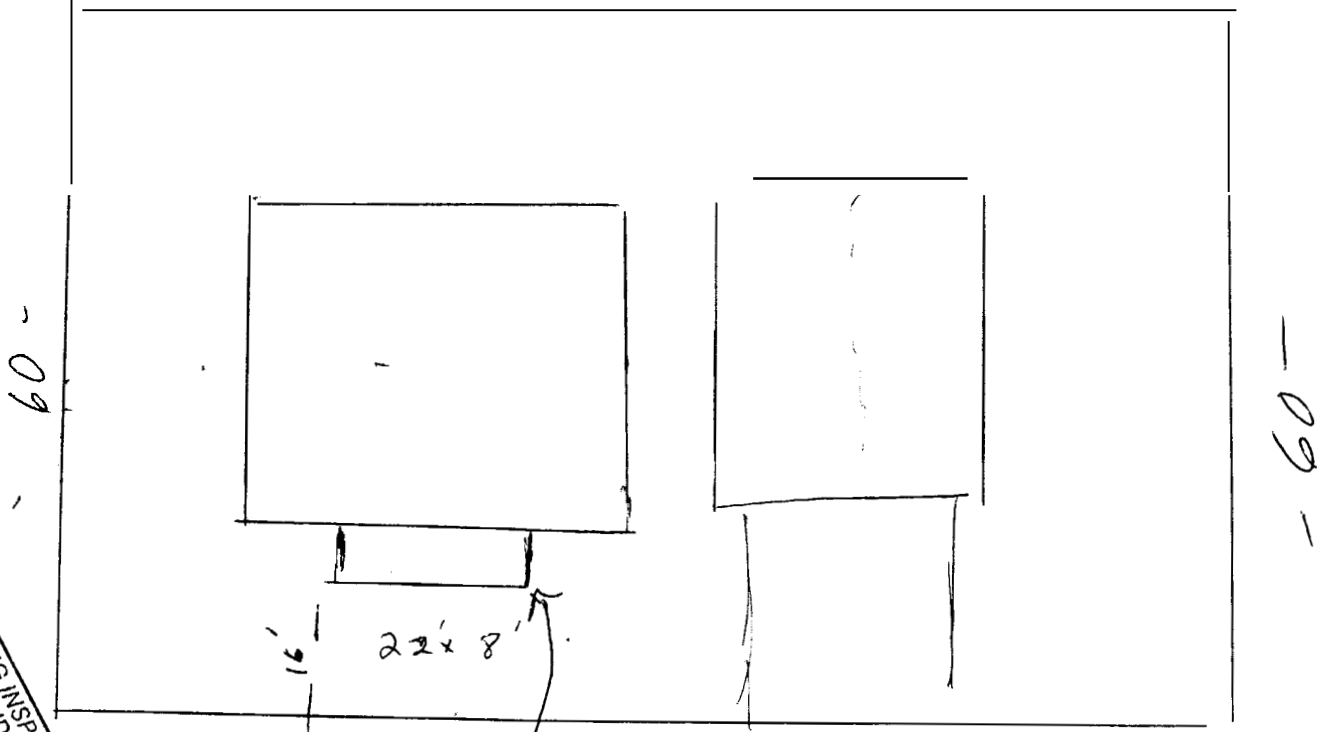
Stairs are not Rebuttl
use same Black Iron Rails
Roof Line not Touches

Guard - 27 1/2"
 2x6's - 16" oc Floor
~~2x6's~~ 12" oc
 No hangers



6x6 -
 3 1/4 x 5 1/2
 Floor Girder

130



2x8 Beams Porch 130'
 12" on center

6x6 Header 22 ft
 3 support Pilings