



PORTLAND MAINE

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

Acting Director of Planning and Urban Development
Gregory A. Mitchell

Inspection Services, Director
Tammy M. Munson

June 25, 2012

COPY

STEPHEN E. MARDIGAN
460 BAXTER BLVD.
PORTLAND, 04103
CBL: 150 C009001

CERTIFIED & REGULAR MAIL: 70080500000145878843

LOCATED AT: 80 BELL STREET
RE: HOUSING COMPLAINT

SECOND NOTICE OF VIOLATION

Dear Mr. Mardigan:

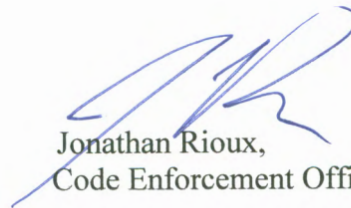
A re-evaluation of the above-referenced property on 05/29/2012 revealed that the structure remains non-compliant with the City's Building: Life Safety (Fire Prevention), and Zoning Codes specifically, §105.1 Permits Required, § 10-25, and §14-57. See attached list of violations.

This is a Second notice of violation pursuant to § 6-118 of the Code. All referenced violations shall be corrected. A re-inspection will occur within seven (7) days, at which time compliance will be required.

This is your final opportunity to correct these violations. If you fail to correct the violation noted on the (05/29/2012 Hand-Delivered Letter), the City will be forced to file a Land Use Citation and Complaint against you, as provided for in § 1-15 of the Code and in Title 30-A M.R.S.A ss 4452. Furthermore, our records indicate that you owe \$75.00 in assessed fees. This must be paid prior to re-inspection. Failure to pay the assessed fee within thirty (30) days shall cause the City to assess a lien against the property pursuant to § 1-16 of the Code.

This constitutes an appealable decision pursuant to § 6-127 of the Code. If you have any questions, please do not hesitate to contact me at 207.874.8702.

Sincerely,



Jonathan Rioux,
Code Enforcement Officer/ Plan Reviewer

cc: Tenants of 80 Bell Street
Danielle West-Chuhta, Associate Corporation Counsel
Ann Machado, Zoning Specialist
Brain LaFlamme, Code Enforcement Officer (Electrical)
Don McPherson, Code Enforcement Officer



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Director of Planning and Urban Development
Jeff Levine

Inspection Services, Director
Tammy M. Munson

January 10, 2013

STEPHEN E. MARDIGAN
460 BAXTER BLVD.
PORTLAND, 04103
CBL: 150 C009001

CERTIFIED MAIL: 70090820000141892287

LOCATED AT: 78-80 BELL STREET

POSTING NOTICE/ STOP WORK ORDER

Dear Mr. Mardigan:

A scheduled inspection of the above-referenced property on 01/02/2013 following multiple notices of violations- revealed that the structure fails to comply with § 105.1 of the IBC, 2009 (MUBEC), and § 10-107, and 6-120. (a), (b), & (c) of the Fire Prevention and Building Code of the City of Portland. Unfortunately, the four apartment units are unfit for human habitation and must be vacated.

The City is willing to work with you on this situation; however, there are minimal safety standards that must be met.

The following conditions must be met:

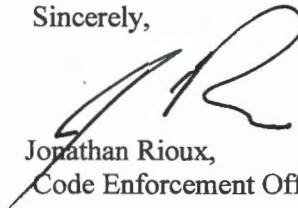
1. The apartment units must be vacated and properly secured from vandalism and remain so until conditions 2-4 are met.
2. All outstanding Life Safety (Fire) and Land-Use violations must be corrected, see attached notices of violations.
3. Appropriate permitting for the recent construction activities (verified on 01/02/2013) and all commercial spaces has not been issued for the property listed above; therefore all construction activity must stop immediately.
4. All appropriate permits for the recent construction activities and establishment of the legal use of all commercial spaces must be submitted to the city by 01/31/2013.

A re-evaluation of the property will occur on 01/17/2013 to verify that the residential apartment units remain secure.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Code in Title 30-A of M.R.S.A ss 4452. This constitutes a decision open to appeal pursuant to § 6-127 of the Code.

If you have any questions or concerns please contact me at 207.874.8702

Sincerely,



Jonathan Rioux,
Code Enforcement Officer/ Plan Reviewer

cc: Tenants of 80 Bell Street
Danielle West-Chuhta, Associate Corporation Counsel
Aaron Geyer, Senior Human Services Counselor
Chris Pirone, Captain/ Fire Prevention Officer
Ann Machado, Zoning Specialist
Brain LaFlamme, Code Enforcement Officer (Electrical)
John Martell, Firefighter/ Fire Prevention Officer



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Director of Planning and Urban Development
Jeff Levine

Inspection Services, Director
Tammy M. Munson

January 10, 2013

Tenants of 78-80 Bell Street
Portland, ME

Dear Tenant:

On January 2nd, at 10:00AM the City conducted a re-inspection of the property at 78-80 Bell Street. The City of Portland set a deadline within which corrections of Housing and Fire Code Violations including maintenance of a fully functioning fire suppression system, must be complete.

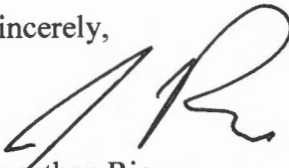
In the interim in order to protect tenants against the potential danger of a fire or other similar emergencies, the City required the building owner, Stephen E. Mardigan to: comply with the minimal standards for safety from fire in accordance with the Life Safety Code (NFPA 1 & 101, 2009), and apply for proper city permitting to establish the legal use of the un-permitted four (4) apartment units and multiple commercial tenement spaces. On August 7, 2012 the Owner Stephen E. Mardigan stated that all the apartment units were vacated, and would remain so throughout the permitting process.

This letter is to formally notify you that the City has posted the residential dwelling units at 78-80 Bell Street against occupancy. A copy of the notice of violation is attached to this letter. As stated in the notice, the reason for the posting is for serious life safety and building code violations that may expose you and others for whom you may have responsibility to physical injury. To ensure your safety, you should vacate the building as soon as possible.

If you have questions about your legal rights as a tenant in relation to relocation and its costs to you, you should contact an attorney to discuss those issues.

We encourage you to take whatever steps you deem necessary to protect yourself and others for whom you have responsibility. We hope that you are successful in finding another unit with as little trouble as possible. If you need assistance in finding another unit, please contact Aaron Geyer at (207) 775-7911.

Sincerely,



Jonathan Rioux,
Code Enforcement Officer/ Plan Reviewer

cc: Danielle P. West-Chuhta, Acting Corporation Counsel
Aaron Geyer, Senior Human Services Counselor
Chris Pirone, Captain/ Fire Prevention Officer
Ann Machado, Zoning Specialist
Brain LaFlamme, Code Enforcement Officer (Electrical)
John Martell, Firefighter/ Fire Prevention Officer

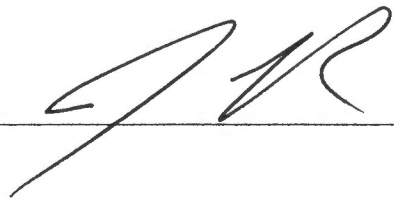
**City of Portland
Inspection Services
RETURN OF SERVICE**

On the 11th day of January, 2013 I made service of the posting notice
upon, Robert Greenlee, at 78-13.11 S /^{"80"}

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is _____.
- By (describe other manner of service) _____

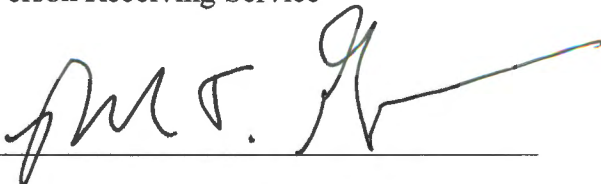
Signature of Person Making Service

DATED: 01/11/13



I have received the above referenced documents

Person Receiving Service



- Refused to sign
- Unable to sign



**City of Portland
Inspection Services
RETURN OF SERVICE**

On the 7th day of August, 2012, I made service of ~~Mr. Gary Brown~~ Stephen Mardigan
at 389 Congress Street, Rm 315, Portland, Maine.

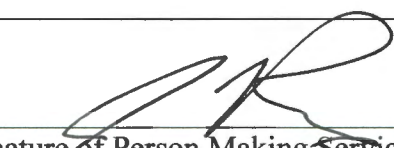
By delivering a copy in hand

By leaving copies at the individual's dwelling house or usual place of abode with a person of a suitable age or discretion who resides therein and whose is named _____.

By delivering a copy to an agent authorized to receive service of process, and whose name is _____.

By (describe other manner of service) _____

DATED 08/07/2012



Signature of Person Making Service

Code Enforcement Officer/ Plan Reviewer
Title

I have received the above referenced documents



Person Receiving Service

Refused to Sign
 Unable to Sign

**CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT DEPARTMENT
 389 CONGRESS STREET
 PORTLAND, MAINE 04101**

INSPECTION VIOLATIONS

Owner STEPHEN E. MARDIGAN		Code Enforcement Officer J. Rioux	Inspection Date 05-29-2012
Location 78-80 Bell St.	CBL 150 C009001	Status OPEN	Case Number HI-42693

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Sec. 6-116. No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the minimum standards for safety from fire found in subsections (a) through (f)

(f) Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.

Sec. 10-25 (a) Any person who shall violate any of the provisions of the Fire Code and/or the Life Safety Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively pay a penalty as provided in section 1-15 of the city code or as provided under state law. The imposition of any penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sec. 14-57. Violations. Any person being the owner or occupant of, having control of or the use of any building or premises or part thereof, who violates any of the provisions of this article, shall be guilty of an offense.



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Acting Director of Planning and Urban Development
Gregory A. Mitchell

Inspection Services, Director
Tammy M. Munson

May 25, 2012

COPY

THE BELL STREET COMPANY
89 WOODLANDS DR
FALMOUTH ME 04105
CBL: 150 C009001

CERTIFIED MAIL 70080500000145878669

LOCATED AT: 80 BELL STREET
RE: HOUSING COMPLAINT

NOTICE OF VIOLATION

Dear Mr. Dave Smith:

The City of Portland Fire Department responded to a complaint at 80 Bell Street on 04/23/2012, and requested the City's Inspections Division to evaluate the overall housing conditions. Your building at 80 Bell Street fails to comply with the City's Building: Life Safety (Fire Prevention), and Zoning Codes specifically, §105.1 Permits Required, § 10-25, and §14-57. See attached list of violations.

The Inspection revealed that the structure's current uses are: (4) residential dwelling units, vacuum repair and storage, vehicle storage, and two (2) miscellaneous rented tenement storage areas. Our files indicate that the current legal use of the property is (1): manufacturing/ storage, (2) commercial laundry, and (3), K-9 training. Based a review of the City's files, these uses have not been permitted by the City.

We understand these tough economic times; however, there are minimal zoning, fire prevention, and housing standards that must be met to ensure the safety and welfare of each resident, and response from emergency personnel. Failure to obtain proper City permitting and required inspections jeopardizes the health and safety of the people living at 80 Bell Street.

Please contact me by **Friday, June 1, 2012**, so that we can discuss the permit process. You must file for and obtain after-the-fact permits for these uses on or before **Monday, June 18, 2012**. Failure to do so will result in the City initiating an enforcement action against you to remedy these violations. This action may lead

to a Court order requiring you to vacate the premises and further allowing the City to remove you if you fail to do so.

Also, as a result of the existence of these violations, we encourage your tenants to take whatever steps they deem necessary to protect themselves and others for whom they have responsibility. If they need assistance in finding another unit within the City, please have them contact Aaron Geyer at (207) 775-7911.

If you have any questions or concerns please contact me at (207) 874.8702.

Sincerely,



Jonathan Rioux,
Code Enforcement Officer/ Plan Reviewer

cc: Tenants of 80 Bell Street
Danielle West-Chuhta, Associate Corporation Counsel
Ann Machado, Zoning Specialist
Brain LaFlamme, Code Enforcement Officer (Electrical)
Don McPherson, Code Enforcement Officer

Inspection Information:

Inspection date . . . : 6/05/03
Inspection type . . . : ROUTINE INSPECTION
Inspector 1 name . . . : DAVID S. NICHOLS
Inspecting station : Allen Avenue Station
Inspecting shift . . . : Platoon 2
Inspecting apparatus: L4

Property Information:

Property number . . . : 70368
Property name . . . : MULTI-UNIT APTS
Address : 0080 BELL ST, PORTLAND ME 04103
Phone number : 000-781-4651
Contact person . . . : MR DAVE SMITH
Phone number : 207-781-4651

Owner Information:

Owner name : MR DAVE SMITH
Address : 89 WOODLANDS DR, FALMOUTH ME 04105
Phone number : 207-781-4651

**** VIOLATIONS ****

Violation number . . : 1
Violation class . . . : Electric Wiring
Violation type . . . : Open electrical junction box
Code reference . . . : NFPA70
Location : entire basement area
Compliance date . . : 7/07/03
Compliance remedy . : Per City Ordinance

Violation number . . : 2
Violation class . . . : Fire Protection Equipment
Violation type . . . : Sprinkler head blocked
Code reference . . . : NFPA13
Location : entire basement area
Compliance date . . : 7/07/03
Compliance remedy . : Per City Ordinance

Violation number . . : 3
Violation class . . . : Fire Extinguishers
Violation type . . . : FIRE EXTINGUISHER(S) REQUIRE(S) MOUNTING
Code reference . . . : 1-6-6.1.4.
Location : entire basement area
Compliance date . . : 7/07/03
Compliance remedy . : Per City Ordinance

Violation number . . : 4
Violation class . . . : Building Construction Violation
Violation type . . . : Hole in wall needs repair
Code reference . . . : 6-2.3.2.4

Violation number . . : 4 (Continued)
Location : basement and first floor
Compliance date . . : 7/07/03
Compliance remedy . . : Per City Ordinance

Violation number . . : 5
Violation class . . : Building Construction Violation
Violation type . . : Ceiling tiles missing
Code reference . . : 6-2.3.2.4
Location : first floor area
Compliance date . . : 7/07/03
Compliance remedy . . : Per City Ordinance

Violation number . . : 6
Violation class . . : Building Construction Violation
Violation type . . : Hole in ceiling needs repair
Code reference . . : 6-2.3.2.4
Location : first floor and basement area
Compliance date . . : 7/07/03
Compliance remedy . . : Per City Ordinance

Inspection Information:

Inspection date . . . : 4/05/12
Inspection type . . . : ROUTINE INSPECTION
Inspector 1 name . . . : JOHN S. BRENNAN
Inspector 2 name . . . : DAVID M. PERRY
Inspecting station . . : Allen Avenue Station
Inspecting shift . . . : Platoon 3
Inspecting apparatus: L4
Reinspection date . . : 5/07/12

Property Information:

Property number . . . : 70368
Property name : MULTI-UNIT APTS
Address : 0080 BELL ST, PORTLAND ME 04103
Phone number : 000-781-4651
Contact person . . . : MR DAVE SMITH
Phone number : 207-781-4651

Owner Information:

Owner name : MR DAVE SMITH
Address : 89 WOODLANDS DR, FALMOUTH ME 04105
Phone number : 207-781-4651

**** VIOLATIONS ****

Violation number . . : 1
Violation class . . . : APARTMENT BUILDINGS
Violation type . . . : FIRE DOORS MUST BE SELF-CLOSING & SELF-LATCHING
Location : ALL DOORS APARTMENT DOORS LEADING TO THE
COMMON AREA HALLWAY
Compliance date . . : 5/07/12
Compliance remedy . : Per City Ordinance

Violation number . . : 2
Violation class . . . : BUILDING CONSTRUCTION VIOLATION
Violation type . . . : HOLE IN WALL NEEDS REPAIR
Location : EXISTING DOOR ABOVE STAIRWELL NEEDS TO BE
FRAMED UP AND SHEETROCKED TO COVER VOIDS
Compliance date . . : 5/07/12
Compliance remedy . : Per City Ordinance

Violation number . . : 3
Violation class . . . : ELECTRIC WIRING
Violation type . . . : EXPOSED LIVE ELECTRICAL WIRES
Location : OUTSIDE BUILDING IN THE ALLY WAY LEADING
TO THE REAR OF THE BUILDING
Compliance date . . : 5/07/12
Compliance remedy . : Per City Ordinance

Violation number . . : 4
Violation class . . . : FIRE PROTECTION EQUIPMENT

Violation number . . : 10 (Continued)

NG CONDITIONS

(1)A SINGLE MEANS OF EGRESS SHALL BE PERMITTED WHERE PERMITTED IN CHAPTERS 11 THROUGH 43 OF NPFA 1011.

(2)A SINGLE MEANS OF EGRESS SHALL BE PERMITTED FOR A MEZZANINE OR BALCONY AND THE COMMON PATH OF TRAVEL LIMITATIONS OF CHAPTERS 11 THROUGH 43 OF NPFA 101 ARE MET.

Code reference . . . : 1-14.9.1

Location : ROOF EGRESS NEEDS TO BE REPAIRED TO PROVIDE A SAFE WAY OFF THE ROOF.

Compliance date . . : 5/07/12

Compliance remedy . : Per City Ordinance

Violation number . . : 11

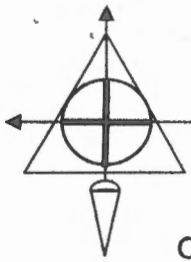
Violation class . . : APARTMENT BUILDINGS

Violation type . . : PLUG OPENINGS IN FUSE PANEL

Location : PANEL LABELED GARAGE WAREHOUSE

Compliance date . . : 5/07/12

Compliance remedy . : Per City Ordinance



ROBERT T. GREENLAW, PLS

October 19, 2012

The City of Portland
389 Congress Street
Portland, Maine 04101
Planning and Inspections

Attn: Jonathan Rioux
Code Enforcement Officer/Plan Reviewer

RECEIVED
OCT 19 2012
Dept. of Building Inspections
City of Portland Maine

Subject: 78 -80 Bell Street

Dear Jonathan,

I have the letters the City of Portland sent my client, Stephen E. Mardigan and visited the site to tour the inside of the building in question and have found the following.

There are currently 4 apartment units in the building, one on the first floor the remainder on the second floor, located at 80 Bell Street.

The basement of the building is clean and kempt with antique automobiles being stored by a renter. The automobiles are on wheel dollies with no gas present and no batteries connected.

The first floor, with the exception of one apartment of the 4 total) is rented by a cleaning company that stores their vacuums and cleaning supplies.

Recently tested fire suppression in the form of a water sprinkler system is installed throughout the entire building including the basement, halls and apartments.

A plan of action has already been implemented with cleaning of the apartments. Carpets have been removed and a major cleaning is underway. No debris or stored items were observed in any of hallways or fire escape walks.

The sprinkler heads that are currently covered by a suspended ceiling will be exposed by raising the ceiling to expose the sprinkler heads.

Any other requirements of the National Fire Protection Association Life Safety Code – Fire Prevention Code will be completed in a timely manner as soon as an Application for Legalization of Nonconforming Dwelling Units is filed and hopefully after the fact permits are issued.

134 Portland Ave.
Old Orchard Beach, Maine 04064
Bobgreenlaw@myfairpoint.net
207-749-9471

ROBERT T. GREENLAW, PLS

We are attaching a receipt dated during the 1980's that supports the existence of these dwelling units prior to 04/01/1995.

We will be developing floor plans of the rental units this coming week and plan on submitting them along with an Application for Legalization of Nonconforming Dwelling Units and supporting documents as well.

Thank you for taking time to meet with me this week. If you have any questions or comments please forward them to me so I may deal with them promptly.

Sincerely,

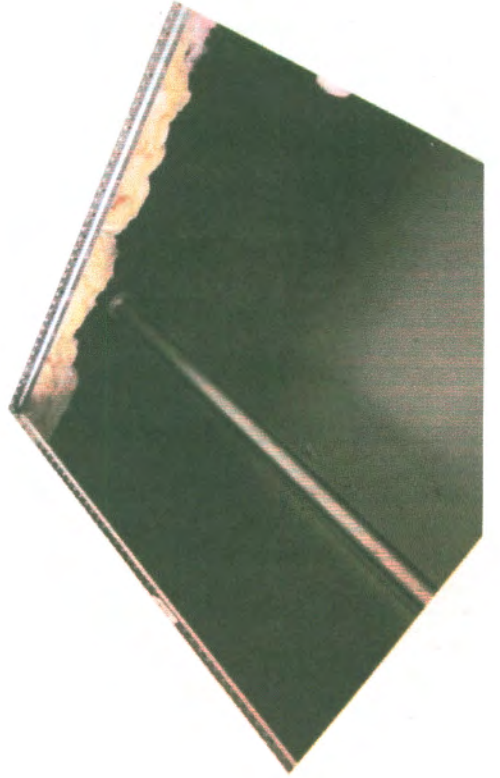
A handwritten signature in black ink, appearing to read 'R. T. Greenlaw', followed by a long horizontal line extending to the right.

Robert T. Greenlaw PLS

134 Portland Ave.
Old Orchard Beach, Maine 04064
Bobgreenlaw@myfairpoint.net
207-749-9471



01/02/2013 11:17



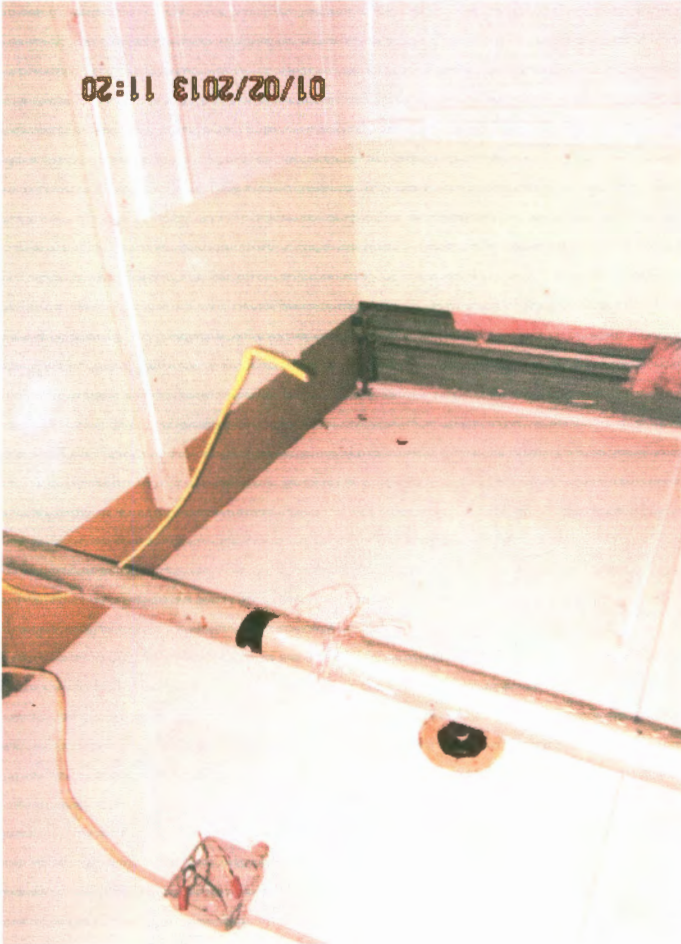
01/02/2013 11:19

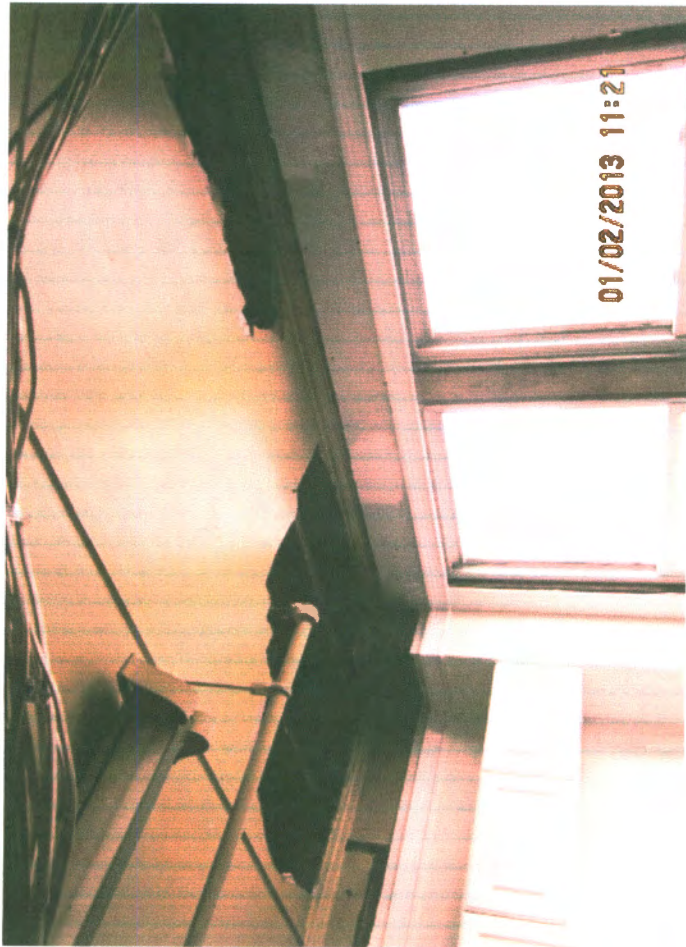
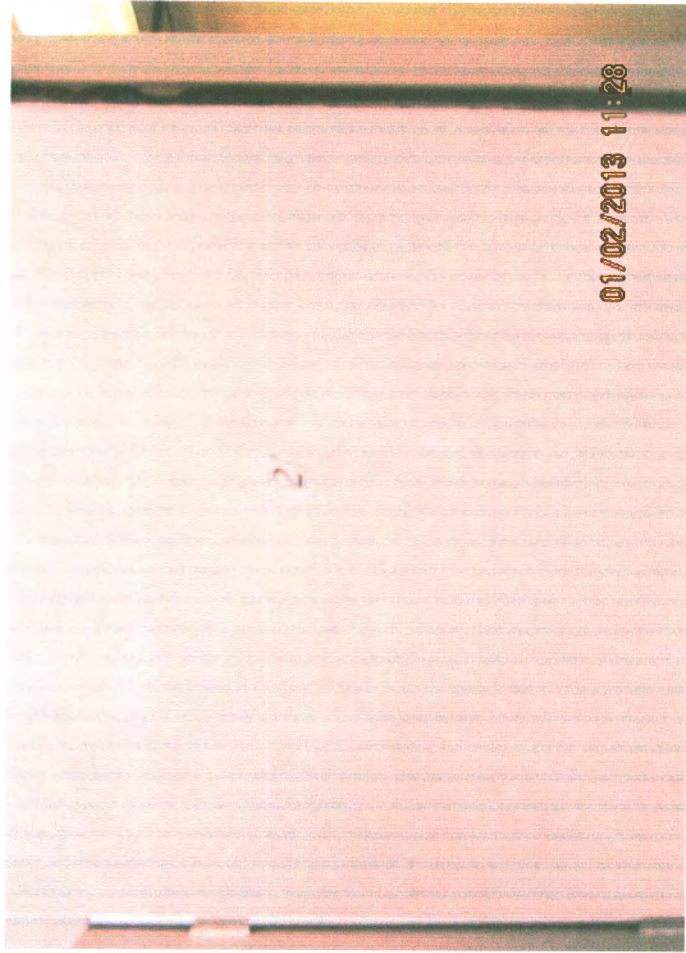


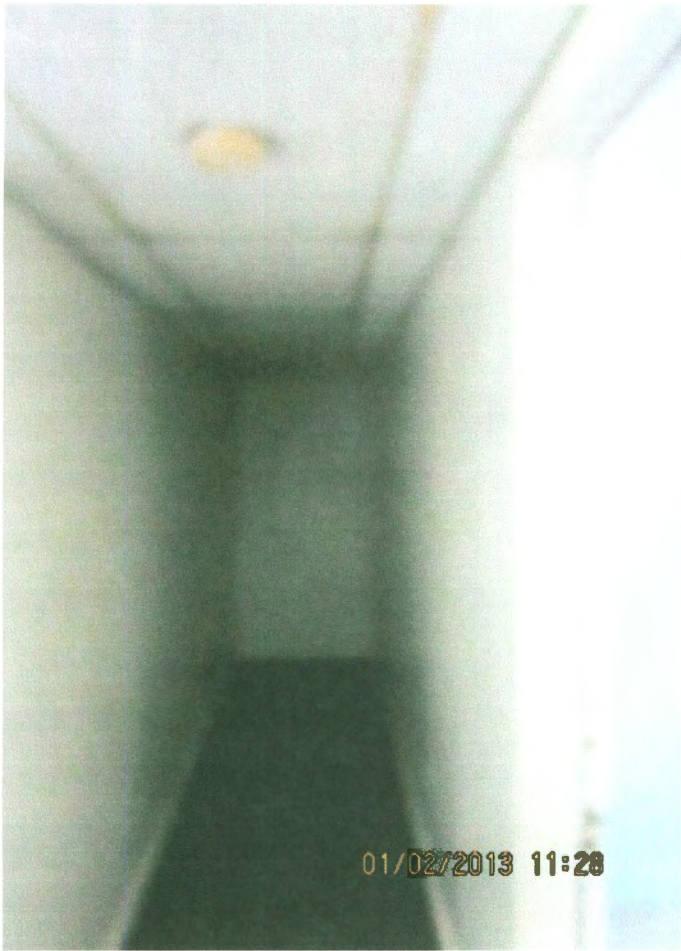
01/02/2013 11:19



01/02/2013 11:20







01/02/2013 11:28



01/02/2013 11:29



01/02/2013 11:29



01/02/2013 11:30

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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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:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [Q & A](#)

CBL 150 C009001
Land Use Type RETAIL & PERSONAL SERVICE
Property Location 78 BELL ST
Owner Information MARDIGAN STEPHEN E
 460 BAXTER BLVD
 PORTLAND ME 04103
Book and Page 29573/246
Legal Description 150-C-9
 BELL ST 78-96
 FOREST AVE 1123
 57718
Acres 1.325

Current Assessed Valuation:

[browse city services a-z](#)

TAX ACCT NO.	21654	OWNER OF RECORD AS OF APRIL 2012
LAND VALUE	\$169,400.00	MARDIGAN STEPHEN E
BUILDING VALUE	\$725,100.00	460 BAXTER BLVD
NET TAXABLE - REAL ESTATE	\$894,500.00	PORTLAND ME 04103
TAX AMOUNT	\$16,834.50	

[browse facts and links a-z](#)



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

Building Information:

Best viewed at 800x600, with Internet Explorer

Building 1

Year Built 1905
Style/Structure Type MIXED RES/COMM
Units 4
Building Num/Name 1 - 4 APARTMENTS
Square Feet 18623

[View Sketch](#) [View Map](#) [View Picture](#)

Building 2

Year Built 1975
Style/Structure Type AUTO SERVICE
Building Num/Name 1 - DE PETERS AUTO BODY
Square Feet 10504

[View Sketch](#) [View Map](#) [View Picture](#)

Exterior/Interior Information:

Building 1

Levels B1/B1
Size 5202
Use SUPPORT AREA

Height 8
Heating NONE
A/C NONE

Building 1

Levels 01/01
Size 5202
Use APARTMENT
Height 8
Walls FRAME
Heating HW/STEAM
A/C NONE

Building 1

Levels 02/02
Size 2100
Use APARTMENT
Height 8
Walls FRAME
Heating HW/STEAM
A/C NONE

Building 1

Levels 01/01
Size 6119
Use MULTI-USE STORAGE
Height 10
Walls FRAME
Heating UNIT HEAT
A/C NONE

Building 2

Levels 01/01
Size 4371
Use AUTO PARTS/SERVICE
Height 16
Walls CONC. BLOCK
Heating UNIT HEAT
A/C NONE

Building 2

Levels 01/01
Size 3096
Use AUTO PARTS/SERVICE
Height 16
Walls CONC. BLOCK
Heating UNIT HEAT
A/C NONE

Building 2

Levels 01/01
Size 3037
Use AUTO PARTS/SERVICE
Height 14
Walls CONC. BLOCK
Heating UNIT HEAT
A/C NONE

Other Features:**Building 1**

Structure OVERHEAD DOOR - WD/MT

Size	10X10
	Building 1
Structure	GARAGE - FRAME
Size	22X66
	Building 1
Structure	GARAGE - FRAME
Size	29X65
	Building 2
Structure	OVERHEAD DOOR - WD/MT
Size	10X10
	Building 2
Structure	OVERHEAD DOOR - WD/MT
Size	10X10
	Building 2
Structure	OVERHEAD DOOR - WD/MT
Size	10X12
	Building 2
Structure	OVERHEAD DOOR - WD/MT
Size	10X10

Outbuildings/Yard Improvements:

	Building 2
Year Built	1960
Structure	ASPHALT PARKING
Size	20000
Units	1
Grade	C
Condition	2

	Building 2
Year Built	1960
Size	1X720
Units	1
Grade	C
Condition	2

Sales Information:

Sale Date	Type	Price	Book/Page
5/9/2012	LAND + BUILDING	\$500,000.00	29573/246
5/1/1993	LAND + BUILDING	\$0.00	10704/124

[New Search!](#)