

Portland, Maine



Yes. Life's good here.

Jerome F. LaMoria  
Fire Chief, Fire Department

Portland Fire Department  
Fire Prevention Bureau  
380 Congress St  
Portland, ME 04101

May 27, 2015

Breakwater School  
Attn: David Sullivan  
856 Brighton Ave  
Portland, ME 04102

#### NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at 858 Brighton Ave on May 26, 2015 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](http://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 summons to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

Portland Fire Department  
Fire Prevention Bureau

# 353795

CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT

380 Congress Street  
Portland, Maine 04101

Inspection Violations

<b>Owner/Manager</b> BREAKWATER SCHOOL		<b>Inspector</b> Scott Corey	<b>Inspection Date</b> 5/26/2015
<b>Location</b> 856 BRIGHTON AVE	<b>CBL</b> 259 D001001	<b>Status</b> Follow up Required	<b>Inspection Type</b> Fire Company-FP School Inspect

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 8.037

**Violation:** NFPA 13- 8.1.1 SPRINKLER SYSTEM REQUIRED; The requirements for spacing, location, and position of sprinklers shall be based on the following principles:

- (1) Sprinklers shall be installed throughout the premises.
- (2) Sprinklers shall be located so as not to exceed the maximum protection area per sprinkler.
- (3) Sprinklers shall be positioned and located so as to provide satisfactory performance with respect to activation time and distribution.
- (4) Sprinklers shall be permitted to be omitted from areas specifically allowed by this standard.
- (5) When sprinklers are specifically tested and test results demonstrate that deviations from clearance requirements to structural members do not impair the ability of the sprinkler to control or suppress a fire, their positioning and locating in accordance with the test results shall be permitted.
- (6) Clearance between sprinklers and ceilings exceeding the maximums specified in this standard shall be permitted, provided that tests or calculations demonstrate comparable sensitivity and performance of the sprinklers to those installed in conformance with these sections.
- (7) Furniture, such as portable wardrobe units, cabinets, trophy cases, and similar features not intended for occupancy, does not require sprinklers to be installed in them. This type of feature shall be permitted to be attached to the finished structure.

**Notes:** VIOLATION FROM 2010, TO CONTINUE SPRINKLER SYSTEM IN ATTIC SPACE.

**Comments:** Need to submit plan for sprinkler system in attic storage area

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,

v.

Breakwater School  
Defendant

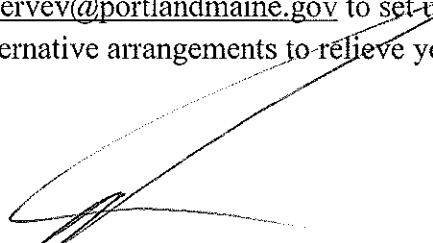
**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

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

SUMMONS NUMBER: 353795

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 July 13, 2015. I strongly urge you to contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at [meservev@portlandmaine.gov](mailto: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 July 13, 2015.

Dated:



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

John Elias Baldacci  
Governor



Maine Department of Public Safety  
State Fire Marshal's Office  
52 State House Station  
Augusta, Maine 04333-0052

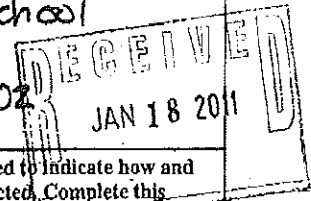


Anne H. Jordan  
Commissioner  
Chief John C. Dean  
State Fire Marshal  
Fax 207-287-6251

Phone 207-626-3880

Statement of Deficiencies and Plan of Corrections

Facility Name: Breakwater School Location: 856 Brighton Ave Portland, ME 04102 Facility Type: DCC Telephone : (207) 772-8689 Resource ID:	Owner Name: Breakwater School Address: 856 Brighton Ave. Portland, ME 04102
During an inspection of your facility a certified State Inspector has found the following violations.	In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.



# 41848

1. General clean-up in the Boiler room is required. Area is being used as storage for combustible material

All combustible material removed and space cleared

2. The rear exit to the Kindergarten classroom was obstructed by mats. This area must be kept clear for immediate use at all

All materials removed from exit ways.

3. The hallway in the basement was obstructed as well as the hallway in the front of Jessie area.

All materials removed from exit and passageways.

4. Several emergency lights were found to not be working. These lights must be tested once per month and maintained to work at all times the normal lighting is not working.

Emergency lights checked and serviced to be fully operational.

5. the upstairs area of Jessie building is not fully sprinkled. The unused attic area is only partially sprinkled. This area must be fully sprinkled or separated by a two hour fire wall.

getting estimate and budgeting for installation.

CERTIFIED  
JAN 18 2011

JMK

BY \_\_\_\_\_

PENDING

OK TO ISSUE  
DATE 1/18/11  
BY [Signature]

Date of Inspection: 14 Oct 2010  
Inspector: Klages

Owner/Occupant Signature [Signature]  
Date: 12.31.10



**INSPECTION SHEET**  
**STATE OF MAINE - DEPARTMENT OF PUBLIC SAFETY**  
**OFFICE OF STATE FIRE MARSHAL**

**FIRE MARSHAL'S OFFICE INSPECTIONS**

**INSPECTION: MAC581188 - BREAKWATER SCHOOL**

Inspection Start : 06/07/2010      Req'd By: 07/07/2010      Status: INSPECTION HAS BEEN REQUESTED

Type: STATE INSPECTION

Location: 856 BRIGHTON AVENUE  
 PORTLAND, ME 04102

Phone: +1 (207) 772-8689 x230

Directions: 772-8689 (EXT. 235) EXIT 8 OFF RT 95. TAKE TWO LEFTS. GO THROUGH 5 LIGHTS. SCHOOL IS ON THE RIGHT.

Territory: JON KLAGES

Req'd Insp Attributes: Rec'd DHHS Date: 06/04/2010

Field date: 06/07/2010

Inspection type: RENEWAL

Attributes (General):

File Number: 41848

DHHS Provider: 211315

Size: 49

Type of facility: Day Care Center - 13 or more Children

DEC 16 2010

Contacts:

ANDERSEN (DHHS)  
 CENTRAL OFFICE, ME

Phone: +1 (207) 287-5060

Date/Insp.	Code	Violation
		1 general clean-up Boiler
		2 Kindergarten Classroom Rear Exit blocked.
		3 Hall obstructed in Basement + Front Jassie.
		4 E-LIGHTS - OUT.
		upstairs. Jassie not fully sprinkled.

OK to Issue:

Plan of Correction required:

Revisit is required before approval:

Date of Inspection: 10-14-10

Date of Revisit: \_\_\_\_\_

Exit Interview w/: \_\_\_\_\_

Inspector: Klages

(signature of owner or rep.) X