

my copy

interoffice

MEMORANDUM

to: Kathy Staples, City Engineer, Alex Jaegerman, Chief Planner
cc: Joe Gray, Jr., Director of Planning & Urban Dev.
from: Marge Schmuckal
re: 168 Curtis Road - Zoning Board appeal Application
date: January 7, 1997

Today I received an appeal application for 168 Curtis Road. This appeal will be heard on January 23, 1997 at 7:00 pm. Page three outlines some of the appealants concerns. If I could have a memo from each of you addressing the items that concern you, I'm sure you would not be needed to show up at the appeal meeting. I am also having Kevin Carroll, the Code Enforcement Officer on this particular job, prepare a memo for the Board.

If you need any more information on this, please don't hesitate to contact me at ext.8695.

from the desk of...

Marge Schmuckal
Assistant Chief of Codes/ Zoning Administ.
City of Portland, Maine
389 Congress Street - City Hall, room 315
Portland, Maine 04101

(207) 874-8300 ext. 8695
Fax: 874-8716

389-G-024

MISCELLANEOUS APPEAL APPLICATION ATTACHMENT

The basis for this appeal is as follows:

1. As shown on Mr. Berube's own application (Exhibit A), his proposed footprint of the building is located only 12 feet from Lot 5, which is owned by Mr. and Mrs. Mull. However, when the Planning Board approved this subdivision in 1994, it established a "limit of building window" for each lot, requiring that the building be set back 14 feet from the sideline. This condition of approval was overlooked by City Hall in issuing the building permit. See the attached portion of the subdivision plan showing Lot 4 and the legend describing the meaning of the lines attached as Exhibit B1 and B2.

2. The City has apparently decided to allow Mr. Berube to build within the limits of the 30-foot wide sewer easement held by the City of Portland. This decision conflicts with normal City policy and is inconsistent with another decision in the same neighborhood. Specifically, Lot 7 at Presumpscot Place which belongs to Wilfred and Nancy Gagnon is also affected by the easement, and is directly behind the Berube lot. At the time of the Gagnon's Building Permit Application, they were required to reduce the size of the garage on their lot to avoid building on the easement. For the City to now allow Mr. Berube to build on the same easement is both arbitrary and capricious.

3. Based on the best available information to date, the conditions of approval for the building permit have still not been complied with. Specifically, on December 10, 1996 the City Engineer issued a memorandum to the Building Inspections Administrator setting forth a detailed set of requirements before the building could be moved. At this time, the foundation is already under construction, but some of the conditions of that December 10, 1996 memorandum have not been complied with.

4. There is no evidence that the height of the building is below the 35-foot maximum required in the R-2 zone.

5. The building proposed to be moved to the site was formerly used as an office building in the B-1 Zone (see attached photos). According to the 1996 BOCA Building Code Section 3405.0, before a structure can have its use changed, the Code Officer must certify that the building construction meets its proposed use and that the change of occupancy will not result in a greater hazard to the public health, safety and welfare. Furthermore, BOCA Building Code Section 3407.8 requires that plumbing and electrical upgrades be made to meet current code requirements. There is no evidence that any of these requirements have been met or will be met.

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Samuel Hoffses, Chief of Building Inspections

FROM: Arthur Addato, Code Enforcement Officer

DATE: July 23, 1990

SUBJECT: 20 Custom House Wharf Fire

As a result of a fire, an inspection was performed at Boones Restaurant, Porthole Restraunt and offices above.

The Porthole Restaurant was ordered to discard all food affected by smoke and a general clean up. At 11:30 A.M., this day, all affected items were discarded. Classic Wash Inc. was contracted to do clean up, which is to be done today. Instructed Mr. John MacGowan to install a 2 hour fire rated wall at immediate rear of restaurant with a fire rated door. The owner of premises, Mr. John MacGowan and his contractor reviewed fire damage with me to determine repairs needed to bring building into code compliance. The main girder sustained damage to approximately 10' of span. Connecting headers and joist within same span have to be replaced or scabbed in with new members. Headers appear to be okay. Stairs have to be replaced because of severe damage to strigers and headers going to 2nd floor office area. Windows have to be replaced due to breakage and sliding door to roof damaged. All ceilings on first level burnt and damaged.

Instructed contractor to install fire rated doors on 2nd floor to offices. Advised tenants and owners that entire rear of structure is closed against occupancy until repairs are complete. Cautioned owner that stairs are unsafe for any heavy moving of furniture and that other means are to be considered for exits. Work is to proceed right away. Advised owner to procure permits.

Forward: At the time of permit issued to the Porthole Restaurant for alterations only and no expansion of premises, the owner sub-leased the area above for non-marine related purposes. No permit was issued for a change of use to the Porthold or its owners or property owner John MacGowan. There was several code violations in relation to life, safety in offices and areas leading to them

Advised all responsible parties that these offices are to remain vacant until permits for change of use are approved and issued. Letters to be addressed to all responsible parties. Will follow up.

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Mr. Rod Berube
295 Forest Avenue
Portland, Maine 04103

January 7, 1997

RE: 168 Curtis Road, Portland, ME - Appeal Application

Dear Mr. Berube,

As I mentioned to you on December 30, 1996 when you were in our office, the neighbors to the above property at 168 Curtis Road have retained an attorney and have submitted a miscellaneous appeal as of today's day. I have enclosed a copy of that appeal for your information.

That appeal will be heard on January 23, 1997. Appeal meetings begin at 7:00 pm and are usually held in room 209. We will put you on our mailing list so that you will receive the final agenda with the rest of the appeal information. You should be present to answer any questions that the Appeal Board members might have. Please be aware, as I mentioned to you previously, that any work you do on this property is at your own risk and would be subject to the Board of Appeal's decision.

Feel free to call me if you have any questions regarding this matter.

Very Truly Yours,

Marge Schmuckal
Zoning Administrator

cc to: Joseph Gray, Jr, Dir. of Planning & Urban Dev.
P. Samuel Hoffses, Chief of Inspection Services
Charlie Lane, Corporation Counsel

VERRILL & DANA

ATTORNEYS AT LAW
ONE PORTLAND SQUARE
P.O. BOX 586
PORTLAND, MAINE 04112-0586
(207) 774-4000
FACSIMILE (207) 774-7499

OFFICES IN:
AUGUSTA, MAINE
KENNEBUNK, MAINE
WASHINGTON, D.C.

CHRISTOPHER S. NEAGLE
PARTNER
E-MAIL: CSN@VERDAN.COM

January 3, 1997

City of Portland Zoning Board of Appeals
Building Inspections, Room 315
City of Portland
389 Congress Street
Portland, ME 04101

Re: 168 Curtis Road - Building Permit

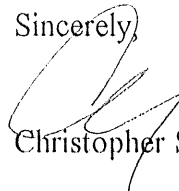
Greetings:

I represent several residents in the neighborhood of 168 Curtis Road, who would like to appeal the issuance of a building permit to Rod Berube on December 12, 1996. I have enclosed a Miscellaneous Appeal Application with a \$50 filing fee, and an attachment with exhibits consisting of the site plan for the building submitted with the application in November 1996, and photographs of the property and house that it proposed to be moved to the site.

I have included 10 packets with this mailing, consisting of one original set of materials and 9 copies.

If you need anything else, please let me know. I understand that this appeal will be heard by the Zoning Board of Appeals at its meeting on January 23, 1997.

Sincerely,



Christopher S. Neagle

CSN/sab

Enclosures

cc: Mr. Charles W. Mull
Mr. Rod Berube

P:\CSN\MULL\CITYPTLD.LTR

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



MISCELLANEOUS APPEAL APPLICATION

Applicant's name and address: Charles W. Mull; Jennifer T. Mull; Paul Gillis;
Carol Gillis; John Burton; Sarah Burton; Howard Strong; Katherine Strong;
Linda Morris; Christine Foley; Kevin Foley
Applicant's interest in property (e.g., owner, purchaser, etc.):

abutters and neighbors

Owner's name and address (if different): _____

Address of property and Assessor's chart, block and lot number:

162-168 Curtis Road; Map 389, Block G, Lot 24

Zone: R-2 Present Use: Vacant
Past Use
(if different) _____

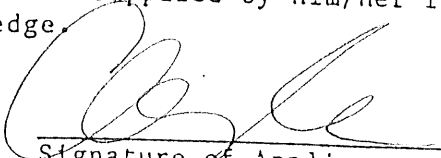
Appeal pertains to: Section 14- 471(1) and 14-80

Basis for Appeal and relief requested: Appeal of Building Permit 961214
issued December 12, 1996 to Rod Berube. See attached.

NOTE: If site plan approval is required, attach proposed or final site plan.

The undersigned hereby makes application for an appeal as above described, and certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge.

Date: January 3, 1997



Signature of Applicant
Christopher S. Neagle, Esq.
Attorney

MISCELLANEOUS APPEAL APPLICATION ATTACHMENT

The basis for this appeal is as follows:

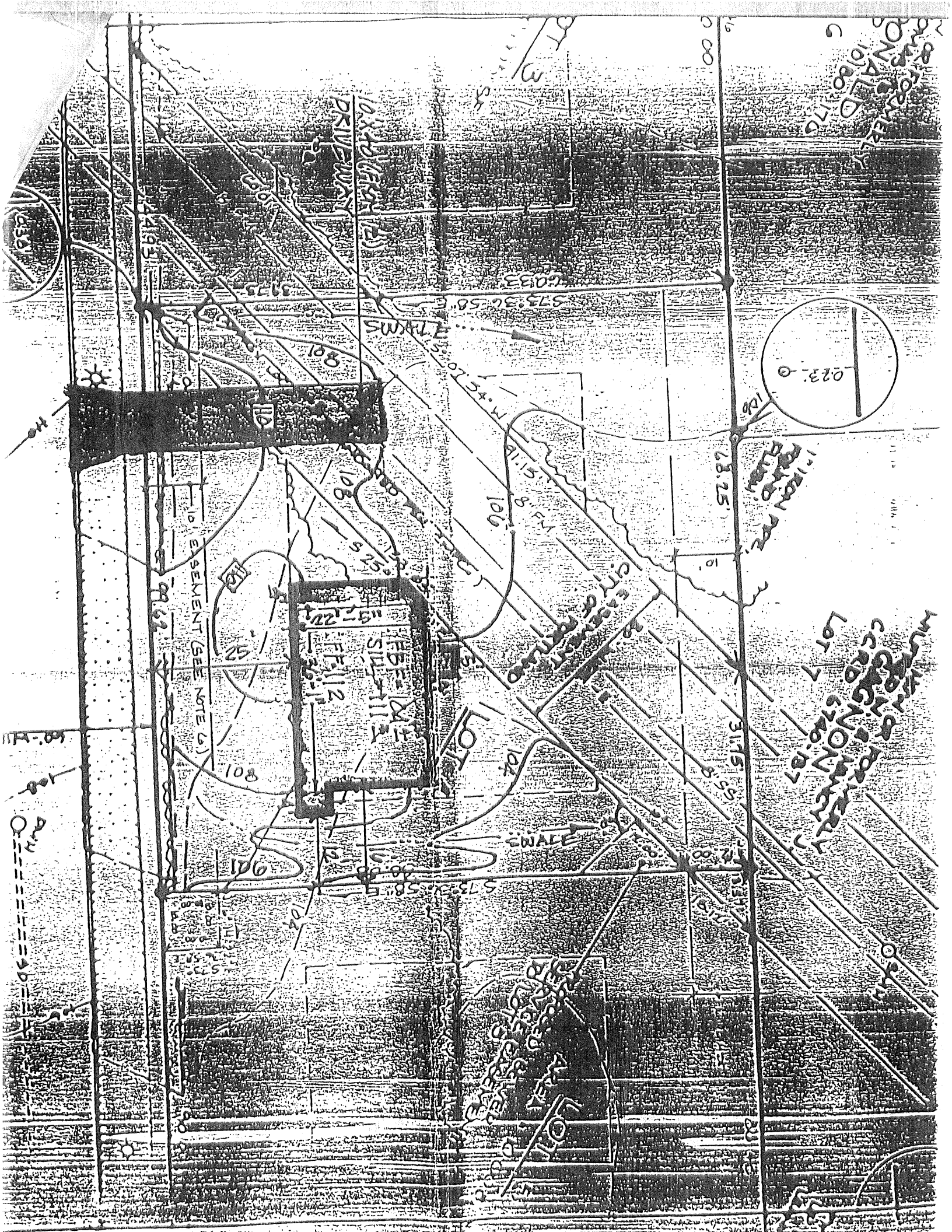
1. As shown on Mr. Berube's own application (Exhibit A), his proposed footprint of the building is located only 12 feet from Lot 5, which is owned by Mr. and Mrs. Mull. However, when the Planning Board approved this subdivision in 1994, it established a "limit of building window" for each lot, requiring that the building be set back 14 feet from the sideline. This condition of approval was overlooked by City Hall in issuing the building permit. See the attached portion of the subdivision plan showing Lot 4 and the legend describing the meaning of the lines attached as Exhibit B1 and B2.

2. The City has apparently decided to allow Mr. Berube to build within the limits of the 30-foot wide sewer easement held by the City of Portland. This decision conflicts with normal City policy and is inconsistent with another decision in the same neighborhood. Specifically, Lot 7 at Presumpscot Place which belongs to Wilfred and Nancy Gagnon is also affected by the easement, and is directly behind the Berube lot. At the time of the Gagnon's Building Permit Application, they were required to reduce the size of the garage on their lot to avoid building on the easement. For the City to now allow Mr. Berube to build on the same easement is both arbitrary and capricious.

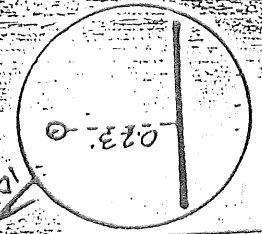
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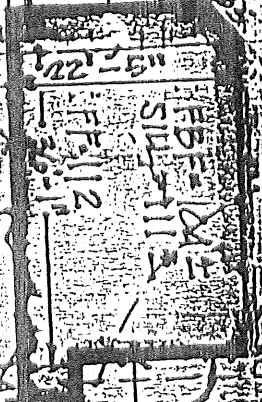
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ON 10/18/17
10/18/17
10/18/17



MUNICIPAL ...
CITY OF ...
LOT 7



EASEMENT (SEE NOTE 6)

033

034

035

036

037

038

039

040

041

042

043

044

045

046

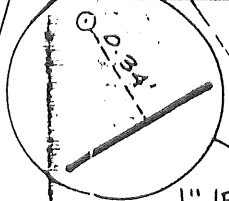
047

048

049

050

BEARINGS AS STATED ON THIS PLAN ARE REFERENCED TO TRUE NORTH PER PLAN REFERENCE #4



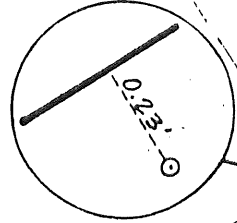
1" IRON PIPE, FD. UP 6" LEANING

NOW OR FORMERLY WILFRED W. & NANCY J. GAGNON C.C.R.D. 6740-137

LOT 7

LO' AREA =

PROPOSED SEWE SERVICE EASEM TO LOT 5



1" IRON PIPE, FOUND, FLUSH

EASEMENT CITY OF PORTLAND

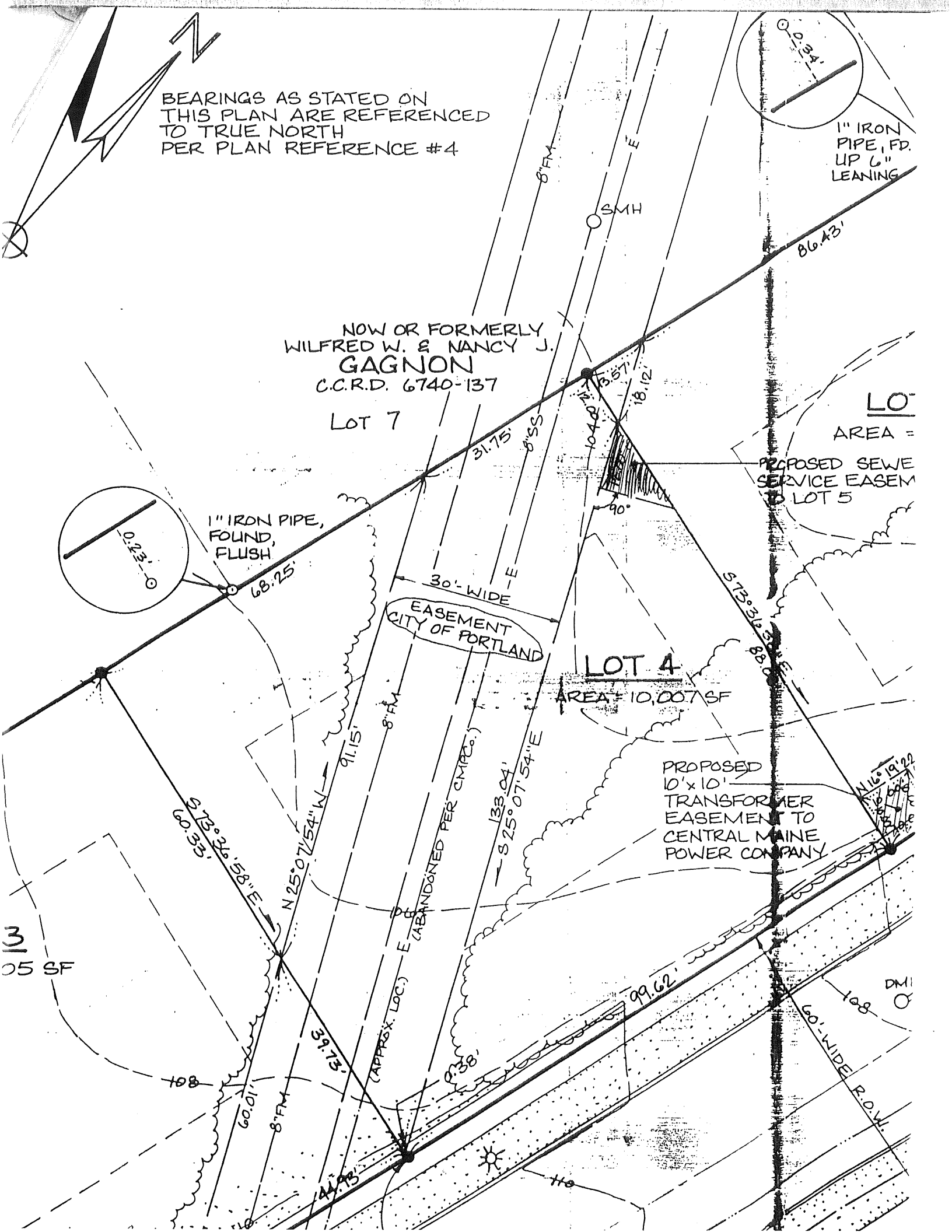
LOT 4

AREA = 10,007 SF

PROPOSED 10' x 10' TRANSFORMER EASEMENT TO CENTRAL MAINE POWER COMPANY

13 05 SF

DM O



LEGEND

	PROPERTY BOUNDARY
	EASEMENT LINE
	ROAD RIGHT OF WAY SIDELINE
	ROAD RIGHT OF WAY CENTERLINE
	ABUTTER'S PROPERTY LINE
	EDGE OF PAVEMENT
	GRANITE CURBING
	SANITARY SEWER W/MANHOLE
	STORM DRAIN W/MANHOLE & CATCH BASIN
	WATER MAIN W/HYDRANT
	UNDERGROUND ELECTRIC, TELEPHONE & CABLE TV
	SURVEY MARKERS, FOUND
	5/8" STEEL REBAR, SET OR TO BE SET
	TREELINE
	SEWER FORCE MAIN
	STREET LIGHT
	UTILITY POLE
	LIMIT OF BUILDING WINDOW
	EXISTING SURFACE CONTOUR
	EXISTING UNDERGROUND ELECTRICAL CONDUIT

NOTES

1. RECORD CLUMBER
2. PROJECT
3. TOPOGR ON-SITE PHOTOG
4. UTILITY RIVER F BY REC PRESUN
5. BENCH SCOT R CITY OF

PLAN REFERENCES

1. "PLAN OF PROPERTY LOCATED IN VALLEY VIEW HEIGHTS EXTENSION 4 CURTIS ROAD," MADE FOR PHILIP E. HAMLIN, BY CARL E. EMERY, DATED MAY 1968 (C.C.R.D. PLAN BOOK 079, PAGE 16).
2. "PRESUMPCOT RIVER PLACE, AMENDED RECORDING PLAT," BY LAND USE CONSULTANTS, INC., DATED MAY 10, 1983 (C.C.R.D. PLAN BOOK 141, PAGE 42).
3. "PRESUMPCOT RIVER PLACE II, RECORDING PLAT," BY LAND USE CONSULTANTS, INC., DATED JUNE 26, 1984 (C.C.R.D. PLAN BOOK 149 PAGE 44) EXHIBIT.



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Professional Land Surveyor

- Pager - 11:00

To: Marge Schmyckal, Zoning Administrator
From: Kevin W. Caswell, C.E.O. Dist #17
Re: 168 Curtis Rd
Date: 21 Jan 97

In response to your request here - with all my responses to the file items listed on the memorandum titled "Miscellaneous Appeal Application Attachment"

1- I inspected the site in question and all setbacks meet the criteria stated on the ~~and~~ approved Bldg permit. In addition, because of the sensitivity of this case, I not only did my own measurements but had them verified and signed off by

2- The question of encroachment into the sewer easement was resolved in a memo from Kathy Staples, City Engineer. All requirements set forth in Ms. Staples memo of 10 Dec 1996 have been met, so far, to her satisfaction

3- See #2 above

4- This is a 1 1/2 = 2 story bldg which

When placed on the foundation as designed will meet the height requirements

5- The Bldg was inspected ^{By me} in early December and will, when completed, meet the code requirements for a single family dwelling unit. An inspection will be made to assure code compliance before a certificate of occupancy is issued.

3404.2.3 Structural loads: The structural *loads* shall comply with Sections 1614.4 and 1614.5.

3404.2.4 Electrical: The design and construction of *alterations* to existing wiring systems shall comply with Section 2701.1.

3404.2.5 Sewer and water supply: The design and construction of *alterations* to existing plumbing systems shall comply with Section 2903.0.

3404.2.6 Signs: Alterations to signs shall comply with Section 3102.4.2.

SECTION 3405.0 CHANGE OF OCCUPANCY

3405.1 Approval: A *change of occupancy* shall not be made to any structure which will subject the structure to any special provisions of this code without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy, and that such *change of occupancy* does not result in any greater hazard to the public health, safety or welfare.

SECTION 3406.0 HISTORIC STRUCTURES

3406.1 Compliance: The provisions of this code relating to the construction, repair, *alteration*, *addition*, restoration and movement of structures shall not be mandatory for existing buildings and structures identified and classified by the federal, state or local government authority as historic buildings where such buildings are judged by the code official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, *alteration*, repair, *addition* and relocation.

SECTION 3407.0 MOVED STRUCTURES

3407.1 Compliance: Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures or shall comply with Section 3408.0, provided that the siting and *fire separation distance* comply with the requirements for new structures.

SECTION 3408.0 COMPLIANCE ALTERNATIVES

3408.1 Compliance: The provisions of this section are intended to maintain or increase the current degree of public safety, health and general welfare in existing buildings while permitting repair, *alteration*, *addition* and *change of occupancy* without requiring full compliance with Chapters 2 through 33, or Sections 3403.0 through 3407.0, except where compliance with other provisions of this code is specifically required in this section.

3408.2 Applicability: Structures existing prior to [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION], in which there is work involving *additions*, *alterations* or *changes of occupancy*, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.

The provisions in Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are

proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.

3408.2.1 Change in use group: Where an existing building is changed to a new use group classification and this section is applicable, the provisions of this section for the new use group shall be used to determine compliance with this code.

3408.2.2 Part change in use group: Where a portion of the building is changed to a new use group classification, and that portion is separated from the remainder of the building with *fire separation assemblies* having a fire-resistance rating as required by Table 313.1.2 for the separate use groups, or with approved compliance alternatives, the portion changed shall be made to conform to the provisions of this section.

Where a portion of the building is changed to a new use group classification, and that portion is not separated from the remainder of the building with *fire separation assemblies* having a fire-resistance rating as required by Table 313.1.2 for the separate use groups, or with approved compliance alternatives, the provisions of this section which apply to each use group shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

3408.2.3 Additions: *Additions* to existing buildings shall comply with all of the requirements of this code for new construction. The combined *height* and *area* of the existing building and the new *addition* shall not exceed the *height* and *area* allowed by Section 503.0. Where a *fire wall* that complies with Section 707.0 is provided between the *addition* and the existing building, the *addition* shall be considered a separate building.

3408.2.4 Alterations and repairs: An existing building or portion thereof which does not comply with the requirements of this code for new construction shall not be *altered* or repaired in such a manner that results in the building being less safe or sanitary than such building is currently. If, in the *alteration* or repair, the current level of safety or sanitation is to be reduced, the portion *altered* or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

3408.2.5 Accessibility requirements: All portions of the buildings proposed for *change of occupancy* shall conform to the accessibility provisions of Section 1110.0.

3408.3 Acceptance: For repairs, *alterations*, *additions* and *changes of occupancy* to existing buildings that are evaluated in accordance with this section, compliance with this section shall be accepted by the code official.

3408.3.1 Hazards: Where the code official determines that an unsafe condition exists, as provided for in Section 119.0, such unsafe condition shall be abated in accordance with Section 119.0.

3408.3.2 Compliance with other codes: All buildings that are evaluated in accordance with this section shall comply

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Where a portion of the building is changed to a new use group classification, and that portion is not separated from the remainder of the building with *fire separation assemblies* having a fire resistance rating as required by Table 313.1.2 for the separate use groups, or with approved compliance alternatives, the provisions of this section which apply to each use group shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

3408.2.3 Additions: *Additions* to existing buildings shall comply with all of the requirements of this code for new construction. The combined *height* and *area* of the existing building and the new *addition* shall not exceed the *height* and *area* allowed by Section 503.0. Where a *fire wall* that complies with Section 707.0 is provided between the *addition* and the existing building, the *addition* shall be considered a separate building.

3408.2.4 Alterations and repairs: An existing building or portion thereof which does not comply with the requirements of this code for new construction shall not be *altered* or repaired in such a manner that results in the building being less safe or sanitary than such building is currently. If, in the *alteration* or repair, the current level of safety or sanitation is to be reduced, the portion *altered* or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

3408.2.5 Accessibility requirements: All portions of the buildings proposed for *change of occupancy* shall conform to the accessibility provisions of Section 1110.0.

3408.3 Acceptance: For repairs, *alterations*, *additions* and *changes of occupancy* to existing buildings that are evaluated in accordance with this section, compliance with this section shall be accepted by the code official.

3408.3.1 Hazards: Where the code official determines that an unsafe condition exists, as provided for in Section 119.0, such unsafe condition shall be abated in accordance with Section 119.0.

3408.3.2 Compliance with other codes: All buildings that are evaluated in accordance with this section shall comply

3404.2.3 Structural loads: The structural *loads* shall comply with Sections 1614.4 and 1614.5.

3404.2.4 Electrical: The design and construction of *alterations* to existing wiring systems shall comply with Section 2701.1.

3404.2.5 Sewer and water supply: The design and construction of *alterations* to existing plumbing systems shall comply with Section 2903.0.

3404.2.6 Signs: Alterations to signs shall comply with Section 3102.4.2.

SECTION 3405.0 CHANGE OF OCCUPANCY

3405.1 Approval: A *change of occupancy* shall not be made to any structure which will subject the structure to any special provisions of this code without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy, and that such *change of occupancy* does not result in any greater hazard to the public health, safety or welfare.

SECTION 3406.0 HISTORIC STRUCTURES

3406.1 Compliance: The provisions of this code relating to the construction, repair, *alteration*, *addition*, restoration and movement of structures shall not be mandatory for existing buildings and structures identified and classified by the federal, state or local government authority as historic buildings where such buildings are judged by the code official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, *alteration*, repair, *addition* and relocation.

SECTION 3407.0 MOVED STRUCTURES

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The provisions in Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are

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CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Marge Schmuckal, Zoning Administrator
FROM: Kevin Carroll, Code Enforcement Officer, District 7
SUBJECT: 168 Curtis Road
DATE: January 21, 1997

Following are my responses to the five items mentioned in memo titled "Miscellaneous Appeal Application Attachment" regarding subject property.

1. I inspected the site in question and all setbacks meet the criteria stated on the approved building permit. Due to the sensitivity of this case, I had the measurements verified and signed off by E. Lawrence, PLS.
2. The question of encroachment into the sewer easement was resolved in a memo from Kathy Staples, City Engineer. All requirements set forth in Ms. Staples' memo of December 10, 1996 have, so far, been met to her satisfaction.
3. See #2 above
4. This structure is a 1 1/2 - 2 story building which, when placed on the foundation, as designed, will meet the height requirements.
5. I inspected the building in early December 1996 and when completed it will meet the City of Portland code requirements for a single family dwelling unit in an R-2 Zone. When completed, I shall inspect again to assure code compliance before issuing a certificate of occupancy.

cc: Joseph Gray, Dir, PUD
P. Samuel Hoffses, C, Insp Svcs Div



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Sam Hoffses, Chief, Inspection Services Division

FROM: Kevin Carroll, Code Enforcement Officer, District 7

SUBJECT: 162-168 Curtis Road
Field Inspections, Chronology of Events

DATE: January 23, 1997

12/02/96 - Permit filed for single family dwelling to be moved onto a new foundation

12/09/96 - Single family dwelling located at 357 Allen Avenue was inspected in preparation for move to new location. Building was found to be structurally sound and was approved for move.

12/12/96 - Permit #96-1214, to "construct foundation and move building" was issued with memo outlining DPW conditions to be met prior to installing foundation. Permit was accompanied by a warning from M. Schmuckal, Asst. Chief, Inspection Services, that all conditions were to be followed to the letter.

12/17/96 - Checked lot - no activity

12/23/96 - Bulldozer and backhoe on lot - no work being done

12/24/96 - Excavating at back of lot. Mike Wiesman, excavator stated "they are excavating to verify actual location of utilities as required by DPW. I notified M. Schmuckal who in turn informed J. Gray.

12/26/96 - Arrived at the site to find M. Wiesman excavating foundation hole. Informed Sam Hoffses and Kathy Staples, "pre-construction requirements had not been met". Todd Merkle, DPW Assoc. Engr arrived on site, verified that DPW conditions had not been met. I issued a "Stop Work Order" and posted it on site, notified Sam Hoffses of my action. M. Wiesman stopped work as order. Later in the afternoon, Mr. Berube, owner, came into the office and was served with a copy of the "Stop Work Order".

12/27/96 - Met with Todd Merkle on site where we spoke to Kathy Staples by phone. She felt that the intent of her pre-construction requirements were met. I lifted "Stop Work Order", workers proceeded to dig foundation. A memo from Kathy Staples followed.

12/30/96 - Mr. Berube submitted an amendment to original plans moving building to the right. At that time, Sam Hoffses and Marge Schmuckal informed Mr. Berube that appeal papers were requested and that an appeal, possibly for January 23, 1997 meeting date, was eminent and that he was to proceed at his own risk.

01/03/97 - Amendment to Building Permit # 96-1214 was approved and issued.

01/07/97 - Foundation forms placed. Location verified and print signed-off by Edward M. Lawrence, PLS #2189.

01/09/97 - Specifications received from Mr. Berube and stamped by James A. Thibodeau, RPE, Maine #5795, showing structural support design for the left rear corner of the house and porch which is not supported by foundation. Plans were reviewed and approved.

01/10/97 - DPW was notified that all building inspection requirements had been met to date and that the building was cleared to be moved. Bill Bray, DPW stated that he wanted the house moved during daylight hours on a Saturday or Sunday. No evening or weekday moves would be allowed. Weather permitting, Mr. Berube hoped to move the building this weekend.

01/13/97 - Due to poor road conditions, building could not be moved. Will aim for the following weekend.

01/21/97 - Building was moved over the weekend. It will take 2-3 days to get the structure set up and safe for inspection.
Attended neighborhood meeting with Ms. Schmuckal, Messrs. Ganley, Gray, Hoffses, Wood and others to respond to neighbors concerns. Two structural issues were brought up by a gentleman at this meeting. They were: 1) sono tubes were dug to support the porch in the easement area and 2) the building had no lally column support.
Due to safety reasons and the late hour, I told the group that I would check out their concerns on January 22, 1997.

01/22/97 - Arrived on site at 6:45 a.m. to investigate the above mentioned concerns. Building was still be supported by the steel carrying beams from the move. Five of the six lally columns were in place and at the sixth support point, there was bracing. Obviously workers were still in the process of installing supports and leveling the structure.
In regards to the lally column support concern, the porch overhangs the easement and is being held up by bracing until the steel bridging, designed by Mr. Thibodeau is put in place. There are no sono tubes in the ground in the easement area.

COMMENT: After carefully reviewing this project, I explained to Mr. Berube the possible neighborhood concerns in regards to having an older building moved to that lot. I asked him if he would consider selling the lot to the neighborhood. Mr. Berube stated that he was open to selling the lot, had even approached the neighbors about a possible sale, but had no takers. As far as the Zoning Board of Appeal process, the house was moved before the next scheduled Board of Appeals meeting. (**P. Samuel Hoffses**)

cc: R. Ganley, City Manager
J. Gray, Dir, PUD
G. Wood, Corp Counsel
K. Staples, Engr, DPW
M. Schmuckal, Asst. C, Insp Svcs Div
Mr. Neagle, Attorney (sent via facsimile)



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