

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

PERMIT NOTIFICATION

Permit Number: 080018

This is to certify that PROPRIETORS OF CUSTODY HOUSE has permission to Commercial - Multi - use - add AT 86 COMMERCIAL ST - Conedy provided that the person or persons, of the provisions of the Statutes of the construction, maintenance and use of this department.

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

OTHER REQUIRED APPROVALS

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

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...JAN...
...2008

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

CITY OF PORTLAND

PENALTY FOR REMOVING THIS CARD

1/2/08 *Clh 104*
Director - Building & Inspection Services

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No:	08-0018	Issue Date:	1/15/08	CBL:	030 A001001
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Location of Construction:	86 COMMERCIAL ST	Owner Name:	PROPRIETORS OF CUSTOM HO	Owner Address:	5 EASTERN PROMENADE	Phone:	
Business Name:		Contractor Name:	property owner	Contractor Address:	Portland	Phone:	
Lessee/Buyer's Name		Phone:		Permit Type:	Alterations - Commercial	Zone:	RS2

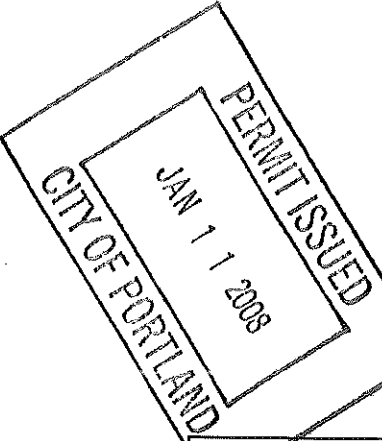
Past Use:	Commercial - Multi - use	Proposed Use:	Commercial - Multi - use- add fire doors	Permit Fee:	\$50.00	Cost of Work:	\$3,000.00	CEO District:	1
Proposed Project Description:	Commercial - Multi - use- add fire doors			FIRE DEPT:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION:	Use Group: A-2 Type: SP		

Signature:	Signature:	Date:
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	<i>1/15/08</i>	<i>CRM</i>
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Signature:	Date:

Permit Taken By:	Date Applied For:	Zoning Approval		
Idobson	01/07/2008			

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Major <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
- Building permits do not include plumbing, septic or electrical work.
- 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..



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

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

_____ Footing/Building Location Inspection: Prior to pouring concrete

_____ Re-Bar Schedule Inspection: Prior to pouring concrete

_____ Foundation Inspection: Prior to placing ANY backfill

_____ Framing/Rough Plumbing/Electrical: Prior to any insulating or drywalling

_____ Final/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects **DO** require a final inspection

_____ If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

[Signature] _____ 1-11-09
Signature of Applicant/Designee Date
[Signature] _____ 1.11.2008
Signature of Inspections Official Date

CBL: 30-A 001 Building Permit #: 08-6018

City of Portland, Maine - Building or Use Permit

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

Permit No:	Date Applied For:	CBL:
08-0018	01/07/2008	030 A001001

Location of Construction:	Owner Name:	Owner Address:	Phone:
86 COMMERCIAL ST	PROPRIETORS OF CUSTOM HO	5 EASTERN PROMENADE	
Business Name:	Contractor Name:	Contractor Address:	Phone:
	property owner	Portland	
Lessee/Buyer's Name	Phone:	Permit Type:	
		Alterations - Commercial	

Proposed Use:	Proposed Project Description:
Commercial - Multi - use- add fire doors	Commercial - Multi - use- add fire doors

Dept:	Zoning	Status:	Approved	Reviewer:	Chris Hanson	Approval Date:	01/08/2008
Note:						Ok to Issue:	<input checked="" type="checkbox"/>
Dept:	Building	Status:	Approved with Conditions	Reviewer:	Chris Hanson	Approval Date:	01/08/2008
Note:						Ok to Issue:	<input checked="" type="checkbox"/>

- 1) This permit DOES NOT certify the use of the property or building. It only authorizes the construction activities.
- 2) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.

Comments:
 1/7/2008-Idobson: Electrical items mentioned needs seperate permits. Mr. MacGowan was informed at counter



General Building Permit Application

If you or the property owner owes 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>86 Commercial St / Custom House Wharf</u>		Total Square Footage of Proposed Structure/Area: <u>12005 SF</u>		Square Footage of Lot: _____	
Tax Assessor's Chart, Block & Lot: <u>Comedy Connection</u>		Applicant *must be owner, Lessee or Buyer*		Telephone: _____	
Chart# <u>30</u>	Block# <u>A</u>	Lot# <u>1</u>	Name Prop of Custom House Wharf	Address <u>18 Custom House Wharf</u>	
Lessee/DBA (If Applicable): <u>Cogge Management</u>			City, State & Zip <u>Portland ME 04101</u>	Telephone: <u>831-0169</u>	
Current legal use (ie single family): <u>Multi: use / Commercial</u>		Owner (if different from Applicant)		Cost Of Work \$ <u>3,000</u>	
If vacant, what was the previous use? _____		Name <u>Oliver Keihly</u>		C of O Fee \$ _____	
Proposed Specific use: <u>club/bar/restaurant</u>		Address <u>18 Custom House Wharf</u>		Total Fee \$ _____	
Is property part of a subdivision? <u>No</u>		City, State & Zip <u>Portland ME 04101</u>			
Project description: <u>install emergency lights in main building room + front back lobby + exit emergency light + door to outside from upstairs</u>		If yes, please name _____			
Contractor's name: <u>Prop at Custom House Wharf</u>		Address _____			
Address: <u>18 Custom House Wharf</u>		City, State & Zip <u>ME 04101</u>		Telephone: <u>831-0169</u>	
Who should we contact when the permit is ready: <u>Ken McGowan</u>		City, State & Zip _____		Telephone: _____	
Mailing address: <u>Same</u>		City, State & Zip _____		Telephone: _____	

Please submit all of the information outlined on the applicable Checklist Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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: [Handwritten Signature] Date: 1-4-08

This is not a permit; you may not commence ANY work until the permit is issued.

PLUMBING APPLICATION

Department of Health and Human Services
Division of Environmental Health

PROPERTY ADDRESS

Town or Plantation: PORTLAND ME
 Street: 14 COLMAN BLVD UNIT 2
 Subdivision Lot #: PROPERTY OWNERS NAME
 Last: CONROY First: CONNOR
 Applicant Name: DAVE L CONROY
 Mailing Address of Owner/Applicant (if Different): 14 COLMAN BLVD UNIT 2 PORTLAND ME 04102

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspectors to deny a Permit.

Signature of Owner/Applicant: _____

Date: 11/20/11

Local Plumbing Inspector Signature: _____

Date Approved: _____

Caution: Inspection Required
I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

PORTLAND PERMIT # 10445 TOWN COPY
 Date Permit Issued: 11/19/11
 Local Plumbing Inspector Signature: [Signature] L.P.I. # 6101051
 Fee: \$ 1124 If Double Fee Charged
30 A 11/20/11

PERMIT INFORMATION

This Application is for:

1. NEW PLUMBING
 2. RELOCATED PLUMBING

Type of Structure To Be Served:

1. SINGLE FAMILY DWELLING
 2. MODULAR OR MOBILE HOME
 3. MULTIPLE FAMILY DWELLING
 4. OTHER - SPECIFY _____

Plumbing To Be Installed By:

1. MASTER PLUMBER
 2. OIL BURNERMAN
 3. MFGD. HOUSING DEALER/MECHANIC
 4. PUBLIC UTILITY EMPLOYEE
 5. PROPERTY OWNER
 IWS900 LICENSE # 069320

Hook-Up & Pipe: Maximum of 1 H.P.	Number	Column 2 Type of Fixture	Number	Column 1 Type of Fixture
OR HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District. HOOK-UP: to an existing subsurface wastewater disposal system. PIPING RELOCATION: of sanitary lines, drains, and piping without new fixtures.		Hose/bb / Sillcock		Bathtub (and Shower)
		Floor Drain		Shower (Separate)
		Urinal		Sink <u>3</u>
		Drinking Fountain		Wash Basin
		Indirect Waste		Water Closet (Toilet)
		Water Treatment Softener, Filter, etc.		Clothes Washer
		Grease / Oil Separator		Dish Washer
		Roof Drain		Garbage Disposal
		Bidet		Laundry Tub
		Other: _____		Water Heater
	Fixtures (Subtotal) Column 2		Fixtures (Subtotal) Column 1	
	Fixtures (Subtotal) Column 2		Fixtures (Subtotal) Column 1	
	Total Fixtures			
		Fixture Fee		
		Transfer Fee		
		Hook-Up & Relocation Fee		
		Permit Fee		
		(Total)		

TRANSFER FEE
 1002 22 130 (0.56.00)
OR
 DEPT. OF COMMUNITY DEVELOPMENT & PLANNING
 1002 22 130 (0.56.00)
 NOTICE: THIS FEE IS FOR THE PERMIT ONLY.

SEE PERMIT FEE SCHEDULE FOR CALCULATING FEE

Fixture Fee	
Transfer Fee	
Hook-Up & Relocation Fee	
Permit Fee	
(Total)	<u>24</u>

TOWN COPY

ELECTRICAL PERMIT

City of Portland, Me.



To the Chief Electrical Inspector, Portland Maine:
 The undersigned hereby applies for a permit to make electrical installations
 in accordance with the laws of Maine, the City of Portland Electrical Ordinance,
 National Electrical Code and the following specifications:

Date 2008-04-31
 Permit # 2008-4131
 CBL # 30 A1

LOCATION: 16 CUSTOM HOUSE WARE METER MAKE & #
 CMP ACCOUNT # PORTHOLE/COMEDY CONNECTION OWNER OLIVER KIETHLY
 TENANT PORTHOLE/COMEDY CONNECTION PHONE # 831-3521

TOTAL EACH FEE

OUTLETS	Receptacles	Switches	Smoke Detector	.20
FIXTURES	Incandescent	Fluorescent	Strips	.20
SERVICES	Overhead	Underground	TTL AMPS	<800 15.00
	Overhead	Underground		>800 25.00
Temporary Service	Overhead	Underground	TTL AMPS	25.00
METERS	(number of)			25.00
MOTORS	(number of)			1.00
RESID/COM	Electric units	Interior	Exterior	2.00
HEATING	oil/gas units	Cook Tops	Wall Ovens	1.00
APPLIANCES	Ranges	Water heaters	Fans	5.00
	Insta-Hot	Disposals	Dishwasher	2.00
	Dryers	Spa	Washing Machine	2.00
	Compactors			2.00
	Others (denote)			2.00
MISC. (number of)	Air Cond/win		Pools	3.00
	Air Cond/cent	EMS	Thermostat	10.00
	HVAC			5.00
	Signs			10.00
	Alarms/res			5.00
	Alarms/com			5.00
	Heavy Duty(CRKT)			15.00
	Circus/Carnv			2.00
	Alterations			25.00
	Fire Repairs			5.00
	E Lights			15.00
	E Generators			1.00
				20.00
PANELS	Service	Remote	Main	4.00
TRANSFORMER	0-25 Kva			5.00
	25-200 Kva			8.00
	Over 200 Kva			10.00
			TOTAL AMOUNT DUE	
			MINIMUM FEE	45.00

CONTRACTORS NAME TEFF LEAF MASTER LIC. # MS 60019385
 ADDRESS 184 MITCHELL RD. S.P. LIMITED LIC. # _____
 TELEPHONE 939-9207
 SIGNATURE OF CONTRACTOR [Signature]
 White Copy - Office • Yellow Copy - Applicant

PLUMBING APPLICATION

PROPERTY ADDRESS

Town: Holland
 Street: 1000 Riverside Drive
 Subdivision Lot #: 1000 Riverside Drive Subd.
PROPERTY OWNERS NAME

Last: _____ First: _____

Applicant Name: James Stettin
 Mailing Address of Owner/Applicant (If Different): 321 Exchange St. 50. Park Road, 11106

Owner/Applicant Statement

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspectors to deny a Permit.

Signature of Owner/Applicant: James Stettin Date: _____

30-4-1

Department of Health and Human Services
 Division of Environmental Health

2008-8221

PORTLAND PERMIT # 10726 TOWN COPY

Date Permit Issued: 8/18/08 \$ 1194 If Double Fee Charged

Local Plumbing Inspector Signature: [Signature] L.P.I. # 3621

36A1

Caution: Inspection Required

I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

Local Plumbing Inspector Signature: _____ Date Approved: _____

PERMIT INFORMATION

This Application is for: **PLUMBING**

Type of Structure To Be Served:

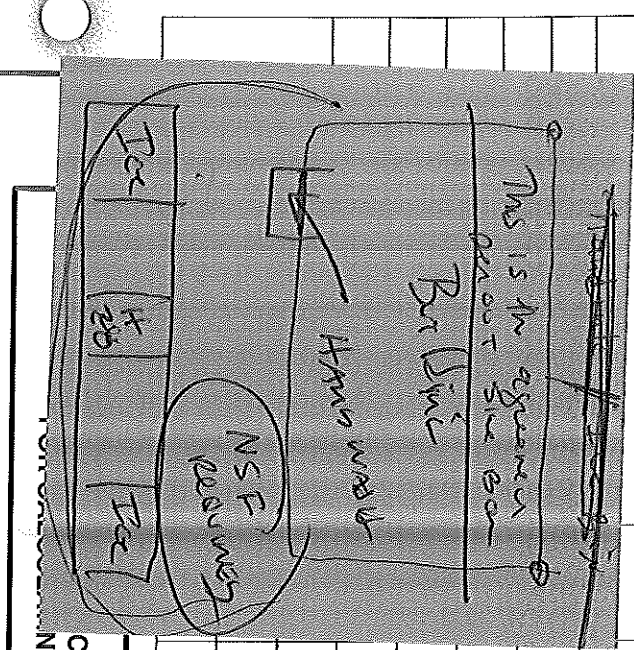
<input type="checkbox"/> NEW PLUMBING	<input type="checkbox"/> SINGLE FAMILY DWELLING	<input checked="" type="checkbox"/> MASTER PLUMBER
<input type="checkbox"/> RELOCATED PLUMBING	<input type="checkbox"/> MODULAR OR MOBILE HOME	<input type="checkbox"/> OIL BURNER/MAN
	<input type="checkbox"/> MULTIPLE FAMILY DWELLING	<input type="checkbox"/> MFGD. HOUSING DEALER/MECHANIC
	<input type="checkbox"/> OTHER - SPECIFY _____	<input type="checkbox"/> PUBLIC UTILITY EMPLOYEE
		<input type="checkbox"/> PROPERTY OWNER

PLUMBING TO BE INSTALLED BY: _____ LICENSE # 1406

Hook-Up & Piping Relocation
 Maximum of 1 Hook-Up

HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District.

OR



Number	Column 2 Type of Fix...	Column 1
	Hosebib / Silcock	
	Floor Drain	
	Urinal	
	Drinking Fountain	
	Indirect Waste	
	Water Treatment Softener	
	Grease / Oil Separator	
	Roof Drain	
	Bidet	
	Other: _____	
	Fixtures (Subtotal) Column 2	
	Fixtures (Subtotal) Column 1	
	Fixtures (Subtotal) Column 2	
	Total Fixtures	
	Fixture Fee	
	Transfer Fee	
	Hook-Up & Relocation Fee	
	Permit Fee (Total)	

Handwritten notes: NSF, 1 = Hand sink outside, 2 = Ice sink, 3 = Water sink, Water Heater, Hand Converter, Chari - 807 3668, Call or Shop 755-2228, Wann + walk

TOWN COPY

ELECTRICAL PERMIT

City of Portland, Me.



To the Chief Electrical Inspector, Portland Maine:
 The undersigned hereby applies for a permit to make electrical installations
 in accordance with the laws of Maine, the City of Portland Electrical Ordinance,
 National Electrical Code and the following specifications:

Date _____

Permit # 2008-4025

CBL# 30A1

LOCATION: 16 Custom House Meter Make & # EF 64850219

CMP ACCOUNT # _____ OWNER KEP Mc CAULEY

TENANT Conedy Carpeting PHONE # _____

TOTAL EACH FEE

OUTLETS	6	Receptacles	6	Switches	Smoke Detector	.20
FIXTURES	3	Incandescent	3	Fluorescent	Strips	.20
SERVICES		Overhead		Underground	TTL AMPS	<800 15.00
		Overhead		Underground		>800 25.00
Temporary Service		Overhead		Underground	TTL AMPS	25.00
METERS		(number of)				25.00
MOTORS		(number of)				1.00
RESID/COM		Electric units		Interior	Exterior	2.00
HEATING		oil/gas units		Ranges	Wall Ovens	5.00
APPLIANCES		Insta-Hot		Water heaters	Fans	2.00
		Dryers		Disposals	Dishwasher	2.00
		Compactors		Spa	Washing Machine	2.00
		Others (denote)				2.00
MISC. (number of)		Air Cond/win			Pools	3.00
		HVAC		EMS	Thermostat	10.00
		Signs				5.00
		Alarms/res				10.00
		Alarms/com				5.00
		Heavy Duty(CRKT)				15.00
		Circus/Carnv				2.00
		Alterations				25.00
		Fire Repairs				5.00
		E Lights				15.00
		E Generators				1.00
						20.00
PANELS		Service		Remote	Main	4.00
TRANSFORMER		0-25 Kva				5.00
		25-200 Kva				8.00
		Over 200 Kva				10.00
					TOTAL AMOUNT DUE	
					MINIMUM FEE	45.00

CONTRACTORS NAME SEAROLD CIRARDO MASTER LIC. # 03580

ADDRESS 407 A SAGE AVE OOB LIMITED LIC. # _____

TELEPHONE 838 7417

SIGNATURE OF CONTRACTOR [Signature]



STATE OF MAINE
DEPT OF PROFESSIONAL & FINANCIAL REGULATION
ELECTRICIANS' EXAMINING BOARD

LICENSE # MS60003580

GERALD C. CICARDO
MASTER ELECTRICIAN

ISSUED Aug 09, 2006 EXPIRES May 31, 2008

3/26/08

Second Floor
Inspection w/ Greg Co
+ Ken McGowan.

Knee Brace - Shed roof

Port Island Realty - vacant.
prints for deck -

Custom Modern - Stone - Mantis - 3rd floor
= @ Office / Apartment - Bedroom
deck - 15 yrs. (+/-) (office to Por.
Cassie Day Lines)
Legal use - prints from Johnston

Custom Seaford. SeaRailway near other dock

City of Portland
Inspection Services
RETURN OF SERVICE

On the 11th day of December, 2007 I made service of the stop work order no building permit
030-A-001

upon, MR Ken Macgowan at 86 Commercial St.

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: 12/11/07 _____
Charles J. Mc

I have received the above referenced documents

Person Receiving Service

[Signature]

_____ Refused to sign

_____ Unable to sign



PORTLAND MAINE

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

*Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspections Division Director*

December 11, 2007

PROPRIETORS OF CUSTOM HOUSE
5 EASTERN PROMENADE
PORTLAND, ME 04101

CBL: 030 A001001
Located at 86 COMMERCIAL ST

Hand Delivery

Dear Dear Mr. Macgowan,

STOP WORK ORDER

An evaluation of the above-referenced property on 12/11/2007 revealed that building construction was being conducted without benefit of a valid building permit as required by Section 105.1 of the 2003 International Building Code and the 2003 International Residential Code of the City of Portland.

Appropriate permitting has not been issued for the property listed above, therefore all construction activity at that property must STOP immediately. This is a STOP WORK ORDER pursuant to Section 114. of 2003 International Building Code and the 2003 International Residential Code of the City of Portland.

You may resume construction activity only after issuance of the appropriate building permit and the subsequent lifting of this order. Building Permit Applications are available in this office, Room 315 at Portland City Hall, from 8:00 a.m. to 4:00 p.m. weekdays except holidays.

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 Section 1-15 of the Code and in Title 30-A of M.R.S.A. Section 4452. This constitutes an appealable decision pursuant to Section 112 of the City of Portland Building Code.

If you wish to discuss this matter, or you have any questions, please feel free to contact me.

Sincerely,

Chris Hanson @ (207) 874-8696
CEO/Plan Review

City of Portland
Inspection Services
RETURN OF SERVICE

On the 11th day of December, 2007 I made service of the stop work order no building permit

030-A-001

upon, Mr Ken Macgowan at 86 Commercial St.

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: 12/11/07 _____
Charles J. M.

I have received the above referenced documents

Person Receiving Service

Refused to sign

Unable to sign



LEGAL NOTICE

WHEREAS, violations of Article 1, Section 114 of the 2003 TBC Code of the City of Portland Code that all persons cease, desist from, and accordance with the above Code

STOP WORK

AT ONCE PERTAINING TO CONSTRUCTION, ALTERATIONS OR REPAIRS ON THESE PREMISES KNOWN AS Comedy Connection Pier + Rite replacement

All persons acting contrary to this order or removing or mutilation of this notice are liable to arrest unless such action is authorized by the City of Portland Division of Inspection Services.

Code Enforcement Officer *Alf & M*
City of Portland 389 Congress Street Room 315 Portland, Maine 04101 (207) 874-9703
Date *12/11/07*



PORTLAND MAINE

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

*Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspections Division Director*

December 11, 2007

PROPRIETORS OF CUSTOM HOUSE
5 EASTERN PROMENADE
PORTLAND, ME 04101

CBL: 030 A001001
Located at 86 COMMERCIAL ST

Hand Delivery

Dear Dear Mr. Macgowan,

STOP WORK ORDER

An evaluation of the above-referenced property on 12/11/2007 revealed that building construction was being conducted without benefit of a valid building permit as required by Section 105.1 of the 2003 International Building Code and the 2003 International Residential Code of the City of Portland.

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Sincerely,

Chris Hanson @ (207) 874-8696
CEO/Plan Review

City of Portland
Inspection Services
RETURN OF SERVICE

On the 11th day of December, 2007 I made service of the stop work order no building permit

030-A-001

upon, MR Ken Macgowan at 816 Commercial St.

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: 12/11/07 _____
Charles J. M.

I have received the above referenced documents
Person Receiving Service

X _____

Refused to sign

Unable to sign



LEGAL NOTICE

WHEREAS, violations of Article 1, Section 114 of the 2003 TBC Code of the City of Portland has been found on these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

STOP WORK

AT ONCE PERTAINING TO CONSTRUCTION, ALTERATIONS OR REPAIRS ON THESE PREMISES

KNOWN AS Comedy Connection Pier + Rite replacement

All persons acting contrary to this order or removing or mutilation of this notice are liable to arrest unless such action is authorized by the City of Portland Division of Inspection Services.

Code Enforcement Officer Chh & M

City of Portland 389 Congress Street Room 315 Portland, Maine 04101 (207) 874-8703

Date 12/1/07



PORTLAND MAINE

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

*Lee Urban - Director of Planning and Development
Jeanie Bouke - Inspections Division Director*

December 11, 2007

PROPRIETORS OF CUSTOM HOUSE
5 EASTERN PROMENADE
PORTLAND, ME 04101

CBL: 030 A001001
Located at 86 COMMERCIAL ST

Hand Delivery

Dear Dear Mr. Macgowan,

STOP WORK ORDER

An evaluation of the above-referenced property on 12/11/2007 revealed that building construction was being conducted without benefit of a valid building permit as required by Section 105.1 of the 2003 International Building Code and the 2003 International Residential Code of the City of Portland.

Appropriate permitting has not been issued for the property listed above, therefore all construction activity at that property must STOP immediately. This is a STOP WORK ORDER pursuant to Section 114. of 2003 International Building Code and the 2003 International Residential Code of the City of Portland.

You may resume construction activity only after issuance of the appropriate building permit and the subsequent lifting of this order. Building Permit Applications are available in this office, Room 315 at Portland City Hall, from 8:00 a.m. to 4:00 p.m. weekdays except holidays.

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 Section 1-15 of the Code and in Title 30-A of M.R.S.A. Section 4452. This constitutes an appealable decision pursuant to Section 112 of the City of Portland Building Code.

If you wish to discuss this matter, or you have any questions, please feel free to contact me.

Sincerely,

Chris Hanson @ (207) 874-8696
CEO/Plan Review

City of Portland
Inspection Services
RETURN OF SERVICE

On the 11th day of December, 2007 I made service of the stop work order no building permit

030-A-001

upon, Mr Ken Macgowan, at 816 Commercial St.

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: 12/11/07 _____
Charles M

I have received the above referenced documents

Person Receiving Service

_____ Refused to sign

_____ Unable to sign



LEGAL NOTICE

WHEREAS, violations of Article 1, Section 114 of the 2003 Code of the City of Portland Code of Ordinances has been found on these premises. IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

STOP WORK

AT ONCE PERTAINING TO CONSTRUCTION, ALTERATIONS OR REPAIRS ON THESE PREMISES

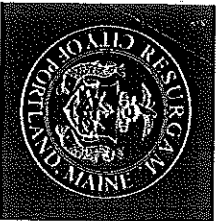
KNOWN AS Comedy Connection Pier + Rite Replacment

All persons acting contrary to this order or removing or mutilation of this notice are liable to arrest unless such action is authorized by the City of Portland Division of Inspection Services.

Code Enforcement Officer Off & M

City of Portland 389 Congress Street Room 315 Portland, Maine 04101 (207) 874-8700

Date 12/1/07



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www.portlandmaine.gov

Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littlell
James R. Adolf
Mary E. Costigan

December 18, 2007

Edward MacColl, Esq.
Thompson Bull Furey Bass & MacColl, LLC, PA
P.O. Box 447
Portland, ME 04112-0447

Via fax and U.S. Mail

Re: Custom House Wharf

Dear Ed:

Thank you for your letter to me of Saturday December 15, 2007 and your e-mail of same date. Please be assured the City does not, as you put it, "have it out for Mr. McGowan." In fact, the City has spent years trying to work with the owner of Custom House Wharf, with limited success. Indeed, prior to your abrupt end to our telephone conversation of Tuesday evening, December 11, I encouraged you to come to City Hall and take a look at the City's files on the Custom House Wharf property. It is replete with references to the questionable structural integrity of Custom House Wharf. It also contains notes and correspondences with assurances from your client that certain issues would be addressed. One that comes to mind is the assurance that the derelict and unsafe structure towards the end of the pier would be removed. As we all know, that structure still remains in its derelict and unsafe condition and, unless concrete plans are submitted to the City for dealing with that building, the same will be presented to the City Council for an Order of Demolition.

I am amazed at your intimation that the City somehow delayed its review of your client's application to repair pilings under the Comedy Connection. In fact, the City reviewed the same immediately upon its receipt; it responded the same day with a request for additional information, specifically, a layout of the wharf in order to accurately determine where the work was being undertaken, and a specification of the materials to be used for such work, and engineer-stamped drawings – all of which is common practice for commercial applications. The next day we received this information and the City

Edward MacColl, Esq.

12/18/07

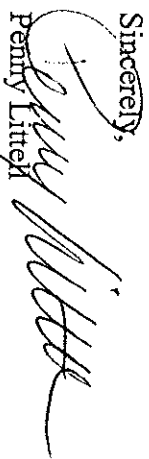
Page 3

conclusions, a portion of the Sea Bags leased space is being posted against occupancy. The City looks forward to receiving applications to repair all other portions of the Wharf noted in Mr. Duffett's correspondence of December 15.

The City has received nothing to date on the condition of the wharf in the areas beyond the Porthole Restaurant on the east/north side and Sea Bags to the west/south side. Please respond on the condition of the pier under what is commonly referred to as Custom House Lobster.

Finally, it is obvious from the inspection of Tech Associates that work needs to be done to the pier both "immediately" and "in the near future." The City would like to work with you, your engineer and your contractor to arrive at a schedule for work commencement and completion so that there will be no interruption of business activities. We understand that your client has contracted with both Tech Associates and Fore River Dock and Dredge Company to engineer and undertake the proposed work. Please let me know your availability for such a meeting if you feel the same would be productive.

Thank you for your time and attention. Hopefully we can get Custom House Wharf in a safe and habitable condition in a reasonable period of time.

Sincerely,

Penny Little
Associate Corporation Counsel

Cc: Joe Gray

Gary Wood

Chris Hanson

Greg Cass

O:\office\penny\2007 letters\mccoll121707.doc

15 December 2007

Ms. Penney Littell
Corporation Counsel
City of Portland
389 Congress Street
Portland, ME 04101

Re: Custom House Wharf

Dear Ms. Littell:

I have made observations of Custom House Wharf during low tides last night and this morning to determine if certain areas of the timber structure were adequate for the present uses.

On the west side, Harbor Fish is supported by bents 1-26. I observed 15 piles randomly located throughout this section that I believe should be replaced in the near future. The random placement of these piles, however, does not materially affect the capacity of the wharf and Harbor Fish remains safe for occupancy.

On the west side, Sea Bags is supported by bents 27-31. I observed 16 piles in this section that I believe should be replaced immediately. Twelve of these piles are concentrated in bents 27 and 28 with each 8-pile bent requiring six new piles. This concentration of poor piles is inadequate for the present loading. Use of this area should cease until repairs are made. The present use of this area is office, kitchen, and storage area for Sea Bags. The remaining area is the Sea Bags production floor, which remains safe for occupancy. I met and spoke with Ms. Beth Shissler, owner of Sea Bags, and she has agreed to remove items stored in this area and physically barricade it from use until bents 27 and 28 are repaired. It is my recommendation that Sea Bags be allowed to continue occupancy of its production floor area. I made no further inspection on the west side.

On the east side, repairs to bents 28-30 under the Comedy Connection are in progress. The contractor performing the work is the Fore River Dock and Dredge Company of South Portland and they are qualified for this task. On completion, I will inspect the work for conformity with the plans and provide a report to you. No work is ongoing at bents 13-25 under the former Boones Restaurant and that area remains closed to the public.

Jim Cloutier

-----Original Message-----

From: mainelegal@aol.com

To: PL@portlandmaine.gov

Bcc: oliver@mainecomedy.com; MaineLegal@aol.com

Sent: Thu, 20 Dec 2007 11:19 am

Subject: Oliver Keithley

Hi Penny

After our talk a couple days ago, the fire inspectors and an inspector from Building Inspections completed an inspection this morning and had a brief discussion with Oliver Keithley about issues that remain in the Comedy Connection facility.

At this point, it appears the major structural issues are being addressed, the structure meets the requirements described by TEC Associates? and there are apparently secondary issues to be addressed as well.

I would like to understand when the secondary issues get to a status where they are managed through a remediation agreement with Oliver.

As you know, the Comedy Connection is closed pending life safety issues, however, there are such issues throughout the city and even with several other businesses at the pier. ? Oliver believes he has been reasonably responsive to safety requirements throughout the many years that he has been operating this business at this location, and he would be diligent in pursuing remediation of any pending matters now.

Knowing your understanding of the city's outlook on this would be helpful. ? Oliver had the impression that the State official acknowledged the considerable improvement already accomplished but the city inspectors seemed to indicate that any judgments they would make required review at city hall. ? If a session reviewing the outstanding matters and details of remediation issues would help clarify all this, I would be glad to participate.

Thanks.

Jim Cloutier

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More new features than ever. Check out the new AOL Mail! - <http://webmail.aol.com>

CC: Chris Hanson; Gary Wood; Gregory Cass

POTENTIAL FOR OPENING ON NEW YEARS EVE ONLY

1. B.I. will verify on a daily basis that structural work is ongoing. (KMI will follow the construction schedule noted in Tech Assoc December letter.)
2. B.I. will contact O.K. daily (when he goes down to inspect structure) to obtain information about any progress which would facilitate the opening over New Years.
3. Fire will call D. Leasure to obtain occupancy capacity loading and will review the same.
4. After discussing with D. Leasure, and after consultation with State Fire Marshall's Office, Fire Dept will make final call as to occupancy load for CC.
5. Posting will only be lifted if the following are absolutely met:
 - a. Licensed electrician to review the wiring system and disconnect any service to the second floor.
 - b. Post fire watch for second floor for entire operating hours and operate according to Fire Watch Rules. Provide name of individual to Fire Dept
 - c. No use of the upstairs. No use of lights, electrical, etc to temporarily prevent fire hazards
 - d. Install fire door between Porthole and CC
 - e. Unvented fuel fire heaters throughout facility to be removed

How many tickets are for sale?

I, Oliver Keithly, owner of Cogee Management, acknowledge the City of Portland is permitting the opening of the Comedy Connection on the evening of December 31, 2007 (New Year's Eve). This is a temporary occupancy of the space and is being permitted only upon the following conditions:

1. The use of the space known as the Comedy Connection is for Monday, December 31, 2007, only, and shall thereafter remain closed until the posting has been lifted by the Portland Building Inspections Department and the Fire Department. This posting shall be lifted upon the satisfaction completion of the installation of Life Safety measures in accordance with an approved Life Safety Plan.
2. David Leasure shall provide to the City, no later than December 28, 2007, a proposed plan to address occupancy load within the Comedy Connection for the evening of December 31, 2007. The City shall review the same and shall consult with the State Fire Marshall's Office. The City Fire Dept will make the final call as to occupancy load for Comedy Connection.
3. A licensed electrician shall review the wiring system within the Comedy Connection and the entire upstairs area and provide an analysis to the City Building Inspections Department. The electrician shall disconnect any service to the second floor.
4. Cogee Management shall post a fire watch for second floor for entire operating hours on New Year's Eve. the Fire Watch shall conduct himself in accordance with Fire Watch Rules provided by the Portland Fire Department. Cogee Management shall provide the name of individual to Fire Dept.
5. There shall be no use of the upstairs area on New Year's Eve. This includes no use of lights, electrical
6. A fire door shall be installed between the Porthole and Comedy Connection.
7. All un-vented fuel fire heaters throughout facility shall be removed.

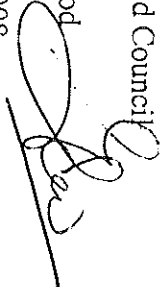
Cogee Management understands that the temporary occupancy of the Comedy Connection, with the above conditions and restrictions in place, does not permit ongoing or continuous use of the Comedy Connection beyond December 31, 2007. The above is implemented only to allow New Year's Eve activities in this space and the conditions are imposed as a temporary fire prevention method .

Seen and agreed to:

Cogee Management

By: _____
Oliver Keithly
Its: President

CITY OF PORTLAND
M E M O R A N D U M

TO: Mayor and Council
FROM: Gary Wood 
DATE: June 5, 2008

RE: Staff Recommendations Re: Application for Liquor, Food Service and Entertainment Licenses for Harbor's Edge, d/b/a The Comedy Connection and the Porthole Restaurant/Request for Outside Seating and Entertainment Use

NB: The Council must act on the liquor license renewal application at the June 16th meeting or it will automatically be renewed under state law.

Staff recommends that the Council take the following action on this application:

- (1) Grant the liquor license renewal application for inside the buildings and for outside service in a limited area for not more than 40 people as shown in the cross-lined section on Attachment 1.

The structures are safe for this use and there have been no issues raised by the Police Department or Health Inspection Department.

Food and beverage service and consumption outside the building is not a permitted use under the current zoning nor has this applicant ever presented any clear facts to support its claim that these uses are grandfathered in the outside area sought to be licensed. Anecdotal evidence in the form of statements from various individuals is that when this area was used many years ago by the Casco Bay Island Transit some people did consume small amounts of food served through a window while waiting for one of the ferries. It was based upon that evidence that staff forged what it thought was a more than reasonable comprised agreement several years ago allowing the limited food and beverage consumption recommended for the outside area in this memo.

The area recommended by staff does not include a long raised deck next to the Comedy Connection (see Attachments 2 and 3) that has been used, apparently for several years for the service and consumption of alcohol served through beer taps that run through the wall of the building (Attachment 4).

That use apparently started after Mr. Keithly submitted a liquor license application that included the outside area that was not part of the compromise and staff did not pick up the differences thus leading to the approval of the liquor license.

(2) Grant the entertainment use for inside the buildings only.

Outside entertainment uses are not allowed by the City's zoning in this area.

These recommendations and some of the background for them are stated in more detail in the April 10, 2008 letter (attached) that Penny and I sent to Mr. Oliver Keithly the owner of Coge Entertainment, Inc. which owns, manages and operates the Comedy Connection and the Porthole Restaurant.

There is a lot more background and data available should the Council wish to review it but none of it supports either Mr. Keithly or Mr. Macgowan's claim that the uses are permitted or grandfathered in the areas outside of the buildings. In fact, the legal background and facts include formal denials of applications to permit these uses as far back as 1989 by the City's Board of Appeals and the denial of a contract zone application by the Planning Board in 2001.

As noted in our April 10, 2008 letter, staff does not oppose these particular uses in these locations; as a matter of law it is simply not up to staff to decide that issue. That is a decision that falls only within the jurisdiction of the Council under its zoning authority and the DEP under its statewide shoreland zoning authority. If and when the general zoning in this area is changed or a contract zone is approved, the applicant can reapply to use the outside area shown in this application.

GCW:tlb

Cc: Joe Gray

Linda Cohen

Tim Burton

Penny Littell

Jeanne Bourke ✓

Chris Hanson

Alexandra Murphy

Oliver Keithly

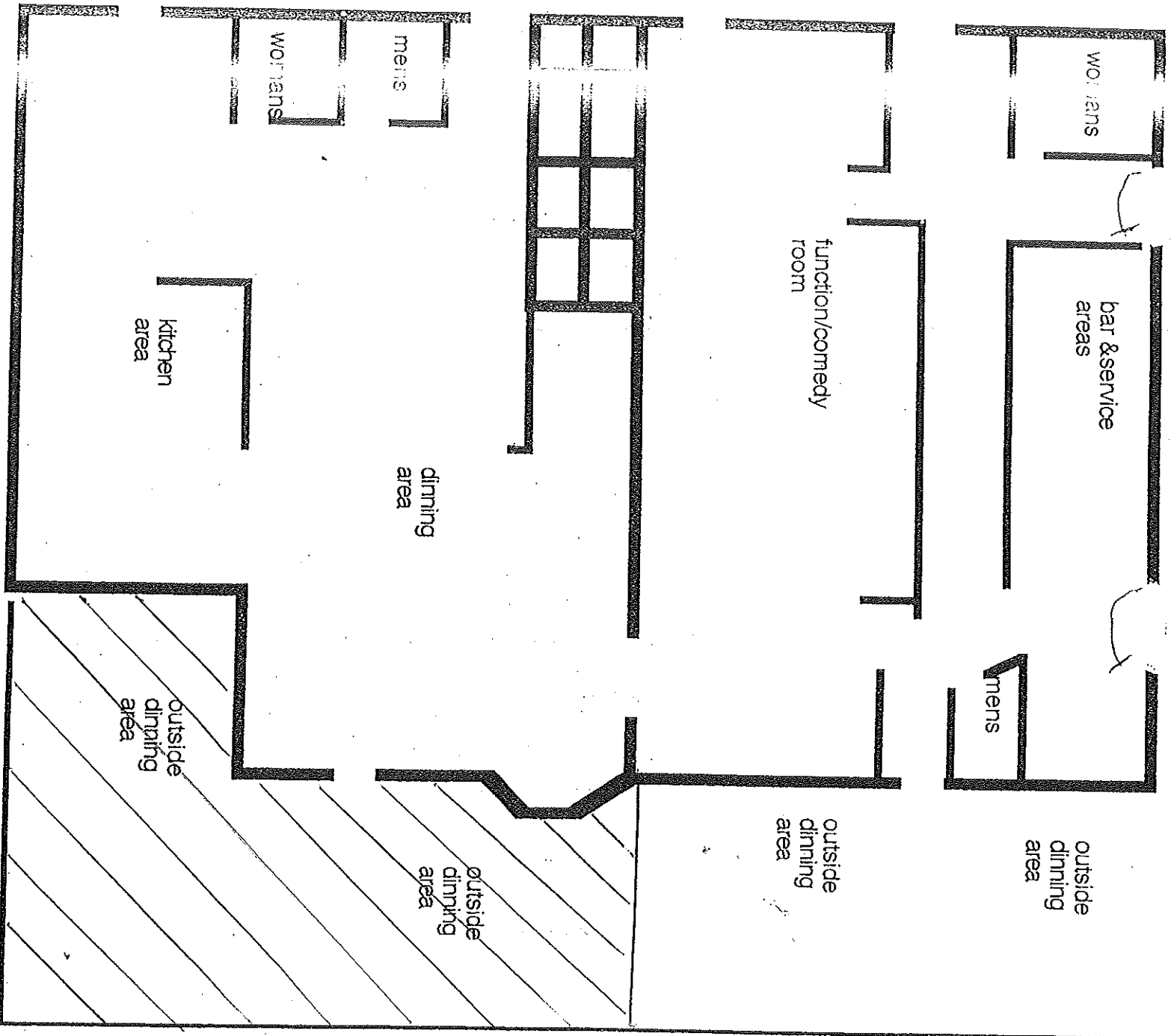
James Cloutier, Esq.

Ken McGowen

1 custom house wharf
Portland, Maine 04104

New Door

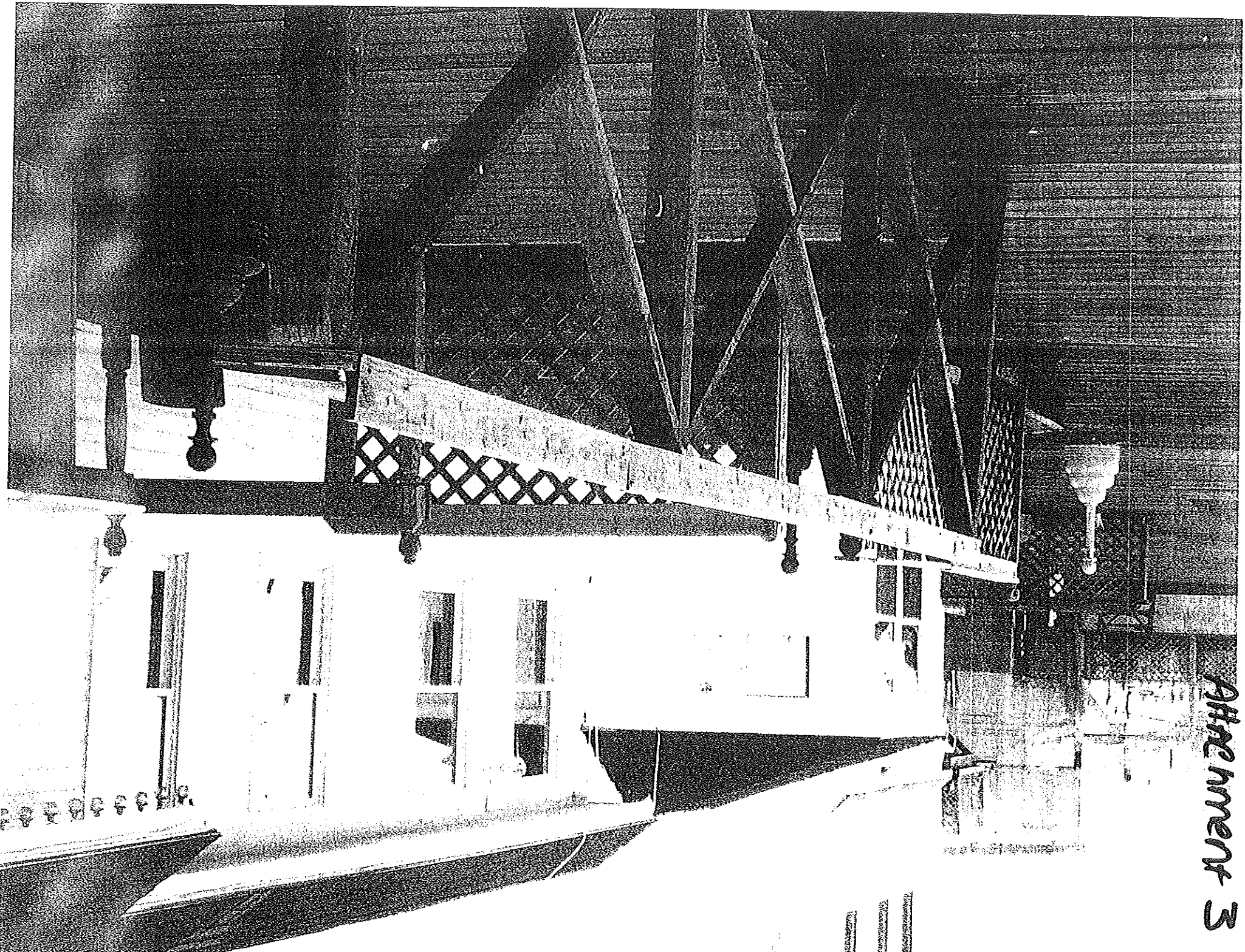
Attachment 1
New Door



5/2/08

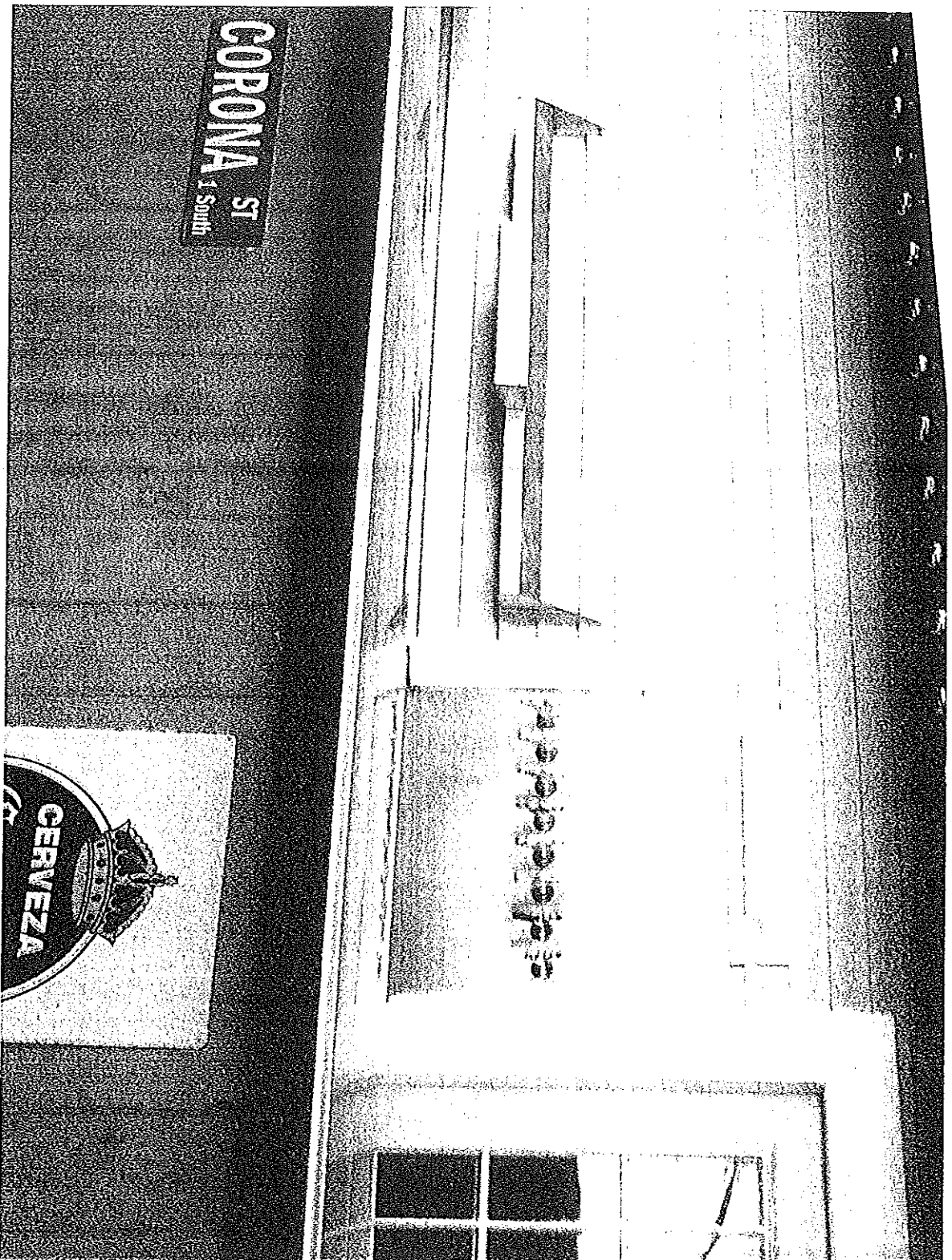


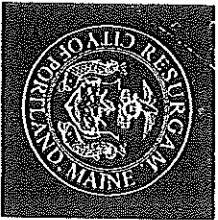
Amelia 2



Attachment 3

Attachment 4/





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www.portlandmaine.gov

27-125

Corporation Counsel
Gary C. Wood

April 10, 2008

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

Oliver Keithly
Cogee Entertainment, Inc.
96 Cresview Drive
South Portland, Maine 04106

RE: Application for Liquor, Food Service and Entertainment Licenses for Harbor's Edge, the Comedy Connection and the Port Hole Restaurant/ Request for Outside Seating and Entertainment Use

Dear Oliver:

The City's License Administrator, Alexandra Murphy, brought it to my attention that you recently filed a renewal application seeking a license that would allow both outside seating and entertainment on the walkway and deck area next to the Comedy Connection and the Porthole Restaurant (Class XI Restaurant/Lounge, Entertainment with Dance). She said that when she pointed out to you that outside seating was not going to be allowed for those uses that you were upset and somewhat angry.

I am at this point confused about your reaction and the application that you filed with Ms. Murphy. When you and your attorneys, and Mr. Macgowan and his attorney, met with me and City Attorney Gary Wood about two weeks ago I thought that the following points were very clear:

- (1) Outside entertainment uses are not allowed by the City's zoning in that area;
- (2) The outside use of a limited amount of area for a limited amount of food service may be permitted under a grandfathering concept once the City has reviewed the additional information that you and your attorney are putting together for us to review;
- (3) No outside use of those areas other than use for normal ingress and egress from the Comedy Connection and the Porthole Restaurant are to be allowed unless and until an engineering plan is created to render that area safe for such a use.

In that regard I have attached the letter dated January 2, 2008 from Wayne Duffett, P.E. to Mr. Ken Macgowan which clearly implies that without the creation and implementation of an engineering plan that the area in question could not possibly be safe for any other use because of the weight of people, tables, equipment, etc., engaged in outside dining or entertainment.

As part of our meeting, Gary and I agreed that in relation to grandfathering we will review the facts that you present along with whatever legal arguments and sources are provided. However, I thought that we all agreed that you need to address and get a decision from the Zoning Administrator, Marge Schmuckal, on what uses are permitted by the City's current zoning and our grandfathering clause before it makes sense for either you or the property owner to invest substantial sums of money in making the area outside of the Comedy Connection and the Porthole Restaurant safe for the uses that you are proposing. In that regard it seems to us that your best legal avenue for ultimate success is to approach both the Planning Board and the City Council for a contract zone, but if you do that please keep in mind that the current zoning restrictions in that area are also within the jurisdiction of the Department of Environmental Protection under the State's Shoreland Zoning law. DEP would therefore, in our opinion, have to also sign onto whatever proposed changes and use are part of the contract rezoning proposal.

William Needelman of our Planning Department is extremely well versed and familiar with the zoning in that area and the reasons for it in terms of both the DEP role and that of the City Council should you or Jim Cloutier have any questions.

I am sending this to you now because I do not want you to undertake activities that are clearly illegal under current zoning as that will result in prosecution by our office.

As we also said at the meeting, it is not within the authority of either our office or the Planning Department to allow the uses that have gone on illegally to continue nor do we have authority to approve them, even though we as individuals might have no personal objections or concerns about those uses. The approval that you need can only come from the City's legislative body which is the City Council, following a review and recommendation from the City's Planning Board.

My recommendation to you at this time is that you file an amended application with the License Administrator seeking a liquor license, food service license, entertainment license and any other licenses that you need for just the inside of the premises currently occupied by the Porthole Restaurant and the Comedy Connection. To the extent that we are able to resolve both the use issues and the safety issues related to the outside area, you can then file an application to add those areas to your existing licenses and we will bring them to the Council as quickly as possible for action.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Joe Gray, City Manager
Gary Wood, Corporation Counsel
Alexandra Murphy, License Administrator
Fred Lamontagne, Fire Chief
William Needelman, Planning
Chris Hanson, Inspections
James Cloutier, Esq.
Ed MacColl, Esq.

2 January 2008

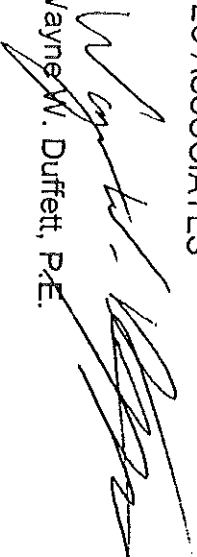
Mr. Ken Macgowan
18 Custom House Wharf
Portland, ME 04101

Re: Exterior Decks

Dear Ken:

This letter is to clarify my position on use of the east side exterior decks from bent 13 to bent 40 adjacent to Harbor's Edge, the Comedy Connection, and the Porthole Restaurant. This deck is presently adequate for normal ingress and egress from these businesses provided the entire area is kept free of snow load. This area does have a few poor piles that need to be addressed as part of normal maintenance prior to next summer.

Very truly yours,
TEC ASSOCIATES


Wayne W. Duffett, P.E.



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Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspection Division Services Director

December 7, 2007

MR. KEN MACGOWAN
PROPRIETORS OF CUSTOM HOUSE
5 EASTERN PROMENADE
PORTLAND, ME 04101

CBL: 030 A001001
Located at 86 COMMERCIAL ST
Known as Custom House Wharf - Comedy Connection

POSTING NOTICE/HAND DELIVERED

Dear Mr. Macgowan:

An evaluation of the above-referenced property on December 5, 2007 by Wayne Duffett, P.E. of TEC Associates revealed that the pier under Comedy Connection fails to comply with Section 115.2 of the Building Code of the City of Portland.

Attached is the engineering report from TEC Associates Consulting Engineers. Based on that report and pursuant to Section 6-120.1 & 3, this office declares the structure unfit for occupancy by the public and immediate action is necessary.

Therefore, in addition to the formerly posted Boones Restaurant, The Comedy Connection must be totally vacated and secured from entry and vandalism until further notice.

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 Section 1-15 of the Code in Title 30-A of M.R.S.A ss 4452.

This constitutes an appealable decision pursuant to Section 6-127 of the Code. Please feel free to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

Chris Hanson @ 874-8696
Code Officer/Plan Reviewer

Cc. Penny Little
Gary Wood
Joseph Gray
Lee Urban
Fred Lamontagne
Greg Cass
Marge Schmuckal

5 December 2007

Mr. Ken Macgowan
18 Custom House Wharf
Portland, ME 04101
Via fax: 253-5111

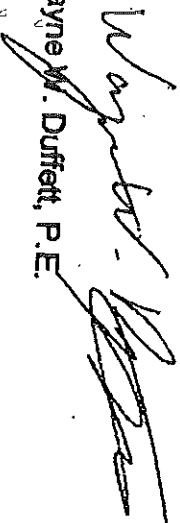
Dear Ken:

I examined the work done at bents 13-25 under the former Boone's Restaurant this afternoon. There are numerous omissions and deviations from the plans that need to be addressed. I will send you a marked-up set of plans.

I also looked at the pier beyond bent 25 under the Comedy Connection. I was alarmed at the number of piles rotted through or buckling. The helper bent driven outside the building line is carrying most of the load. This bent consists of a 12x12 cap on piles spaced approximately every 18 feet. It is overloaded as evidenced by the deflection in the cap.

It is my opinion that the pier under the Comedy Connection is not fit for occupation by the public and that immediate action is required. It is also my opinion that the remaining portions of the timber pier should be examined for their ability to support the loads imposed. In the absence of immediate action, I have an obligation under the "Rules of the State of Maine Board of Licensure for Professional Engineers" to notify "other authority as may be appropriate" where the "life, health, property, or welfare of the public is endangered." I strongly recommend that immediate corrective action, by a qualified contractor, be made under the Comedy Connection and other areas as may be appropriate before these areas are used by the public.

Very truly yours,
TEC ASSOCIATES


Wayne W. Duffett, P.E.

FAKED
12/5/07

From: Gregory Cass
To: Chris Hanson; Penny Littell
Date: 6/13/2008 9:59:06 AM
Subject: Porthole

To follow through with our conversation yesterday,
I reinspected the Porthole 6/12/08
The remaining Life Safety Code violations are:

- 1] The floor / ceiling assembly separating the business use on the second floor needs to be verified it meets code. " this should be a 2 hr. fire rated separation."
- 2] Storage area requires separation. " 1 hr. required "
- 3] Extension cords used for permanent wiring. " Routed to the to of the cooler?"
- 4] the hood and duct work needs to be cleaned. " the grease is literally dripping off"

These are relatively easy fixes except for the separation issues. When Oliver sends a written plan of correction for this I will approve the license.
Oliver was called as soon as I walked in and the manager handed me her cell phone to speak with him. He stated Mr. Leisure would review the separation issues, the hood would be cleaned, and extension cord removed. I expect him to call next week to verify.

Captain Greg Cass
Portland Fire Dept.
Fire Prevention Officer

From: Jeanie Bourke
To: Alexandra MURPHY; Gayle Guertin; Lannie Dobson; Lisa Danforth; Suzanne Hunt
Date: 6/13/2008 9:49:30 AM
Subject: outside dining reminder - WCZ sone

Keep in mind that outside dining, whether it is on public or private property in the Waterfront Central Zone requires a review. This zone is on Commercial St water side.

Public property - a permit is required
Private property - Gayle please have Marge sign off on zoning for all WCZ license renewals.

Thanks

Jeanie Bourke
Inspection Services Division Director

City of Portland
Planning & Development Dept./ Inspections Division
389 Congress St. Rm 315
Portland, ME 04101
jmb@portlandmaine.gov
(207)874-8715

CC: Chris Hanson; Marge Schmuckal

From: Gary Wood
To: Penny Littell
Date: 6/13/2008 12:19:50 PM
Subject: Porthole/Comedy connection applications/next Monday night

let's talk about whether the inspections people have to be here.

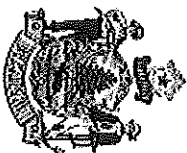
This item is probably not going to come up until 10-11 pm if the Council follows my recommendation to table it to the end of the meeting which I think they will do.

Chris came by yesterday and said the need for the second toilet depends on what the council does in terms of the occupancy allowed outside. He didn't think the fire separation issue was fixed but said that is Gregg's call. Chris thinks Oliver was waiting to see what the council did before spending any more money because Oliver's position is that he will be out of business if the Council follows my recommendation about the outside service and entertainment.

Given the toilet and fire separation issue which I think you and I can present if necessary, with a short memo from Chris and Greg to back us up, and the zoning issues, I believe the Council will follow my recommendation and tell them to re-apply later for the outside uses if and when they can prove their claim to grandfathered status. If I'm wrong, I don't think the toilet and fire separation issue are going to make a difference.

what do you think?

CC: Chris Hanson; Gregory Cass; Jeanie Bourke



JOHN ELIAS BALDACCII
GOVERNOR

STATE OF MAINE
Department of Public Safety
Office of State Fire Marshal
52 State House Station
Augusta, ME 04333-0052

ANNE H. JORDAN
COMMISSIONER
JOHN C. DEAN
STATE FIRE MARSHAL

December 20, 2007

To: Captain Greg Cass
City of Portland Fire Department

RE: Comedy Connection/The Porthole/Harbor's Edge, 16 Custom House Wharf, Portland, ME
Captain Cass:

This letter is to confirm the status of the dance license application for The Comedy Connection/The Porthole/Harbor's Edge facility located at 16 Wharf Street in Portland.

As of December 20, 2007 our office has not received a Plan of Correction indicating an action plan for correcting various fire and life safety deficiencies noted in an inspection of the facility on October 18, 2007. The inspection of the facility was conducted for renewal of a State Dance License.

The Statement of Deficiencies requesting that a Plan of Correction be submitted was sent to the facility on October 26, 2007.

On December 7, 2007 a notice was sent to the facility from our office indicating that we have not yet received a Plan of Correction. Again, as mentioned above, as of December 20, 2007 our office has not received a response. Should the facility fail to send an approved Plan of Corrections to our office, our office will fail the inspection and place the facility on notice that continued operation (or future operation) of the facility could be placed in jeopardy.

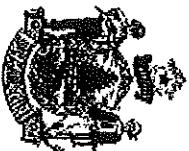
Should you have any questions, please feel free to contact me.

Sincerely,

Mark J. Stevens, Jr.
Fire Inspector I, CFI
Maine State Fire Marshal's Office
Inspections Division
(207) 626-3880 (voice)
(207) 287-6251 (fax)
mark.j.stevens@maine.gov

cc: City of Portland Maine Planning and Development Department

PREVENTION * MITIGATION/SUPPRESSION * LAW ENFORCEMENT
OFFICES LOCATED AT: 45 COMMERCE DRIVE, SUITE ONE, AUGUSTA, MAINE 04330
(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD (207) 287-6251 FAX
(207) 626-3880 INSPECTIONS/ PLANS REVIEW



JOHN ELIAS BALDACCII
GOVERNOR

STATE OF MAINE
Department of Public Safety
Office of State Fire Marshal
52 State House Station
Augusta, ME 04333-0052

ANNE H. JORDAN
COMMISSIONER
JOHN C. DEAN
STATE FIRE MARSHAL

December 20, 2007

To: Captain Greg Cass
City of Portland Fire Department

RE: Comedy Connection/The Porthole/Harbor's Edge, 16 Custom House Wharf, Portland, ME
Captain Cass:

This letter is to confirm the status of the dance license application for The Comedy Connection/The Porthole/Harbor's Edge facility located at 16 Wharf Street in Portland.

As of December 20, 2007 our office has not received a Plan of Correction indicating an action plan for correcting various fire and life safety deficiencies noted in an inspection of the facility on October 18, 2007. The inspection of the facility was conducted for renewal of a State Dance License.

The Statement of Deficiencies requesting that a Plan of Correction be submitted was sent to the facility on October 26, 2007.

On December 7, 2007 a notice was sent to the facility from our office indicating that we have not yet received a Plan of Correction. Again, as mentioned above, as of December 20, 2007 our office has not received a response. Should the facility fail to send an approved Plan of Corrections to our office, our office will fail the inspection and place the facility on notice that continued operation (or future operation) of the facility could be placed in jeopardy.

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CONSENT AGREEMENT/COMPLIANCE ORDER
Porthole/Comedy Connection
86 Commercial Street

This document constitutes an agreement between Oliver Keithly and the City of Portland, by and through its certified Code Enforcement Officer, Chris Hanson (hereafter referred to as "City") for purposes of enforcing and resolving violations of the NFPA 101 "Life Safety Code" and the IBC 2003 "Building Code" adopted by the City of Portland.

Keithly agrees as follows:

- 1) Cogee Entertainment has been approved by the City for 250 outside seats associated with License #587 for Porthole Restaurant and Comedy Connection, Order #298-07/08, per the City Council.
- 2) Keithly will submit a revised outside Life Safety Plan by a licensed design professional and a Life Safety Evaluation as required by Capt. Gregory Cass, Portland Fire Department, per NFPA 101.13.4.1.1 2006 ed. As adopted by the City.
- 3) Keithly will submit a Life Safety Plan to the State of Maine State Fire Marshall's Office. Keithly will address all deficiencies previously noted by that agency (dated December 4, 2007) and submit a plan of correction.
- 4) Keithly will obtain all necessary permits associated with proposed work on plans received by the City and revisions noted on the plan dated January 30, 2008 and received on March 21, 2008.
- 5) Keithly will submit a letter from a licensed engineer station the Pier will support live load with 250 plus people dancing.

Based on the above agreement, the Code Enforcement Officer for the City of Portland orders Oliver Keithly to comply with this agreement as outlined no later than July 3, 2008 for paragraphs 4 and 5, and no later than July 25, 2008 for paragraphs 2 and 3.

Dated: _____

Oliver Keithly



PORTLAND MAINE

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

07-185

Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Little
James R. Adair
Mary E. Costigan

April 10, 2008

Oliver Keithly
Cosee Entertainment, Inc.
96 Crestview Drive
South Portland, Maine 04106

RE: Application for Liquor, Food Service and Entertainment Licenses for Harbor's Edge, the Comedy Connection and the Port Hole Restaurant/ Request for Outside Seating and Entertainment Use

Dear Oliver:

The City's License Administrator, Alexandra Murphy, brought it to my attention that you recently filed a renewal application seeking a license that would allow both outside seating and entertainment on the walkway and deck area next to the Comedy Connection and the Porthole Restaurant (Class XI Restaurant/Lounge, Entertainment with Dance). She said that when she pointed out to you that outside seating was not going to be allowed for those uses that you were upset and somewhat angry.

I am at this point confused about your reaction and the application that you filed with Ms. Murphy. When you and your attorneys, and Mr. Macgowan and his attorney, met with me and City Attorney Gary Wood about two weeks ago I thought that the following points were very clear:

- (1) Outside entertainment uses are not allowed by the City's zoning in that area.
- (2) The outside use of a limited amount of area for a limited amount of food service may be permitted under a grandfathering concept once the City has reviewed the additional information that you and your attorney are putting together for us to review;
- (3) No outside use of those areas other than use for normal ingress and egress from the Comedy Connection and the Porthole Restaurant are to be allowed unless and until an engineering plan is created to render that area safe for such a use.

In that regard I have attached the letter dated January 2, 2008 from Wayne Duffert, P.E. to Mr. Ken Macgowan which clearly implies that without the creation and implementation of an engineering plan that the area in question could not possibly be safe for any other use because of the weight of people, tables, equipment, etc. engaged in outside dining or entertainment.

As part of our meeting, Gary and I agreed that in relation to grandfathering we will review the facts that you present along with whatever legal arguments and sources are provided. However, I thought that we all agreed that you need to address and get a decision from the Zoning Administrator, Marge Schmuckal, on what uses are permitted by the City's current zoning and our grandfathering clause before it makes sense for either you or the property owner to invest substantial sums of money in making the area outside of the Comedy Connection and the Porthole Restaurant safe for the uses that you are proposing. In that regard it seems to us that your best legal avenue for ultimate success is to approach both the Planning Board and the City Council for a contract zone, but if you do that please keep in mind that the current zoning restrictions in that area are also within the jurisdiction of the Department of Environmental Protection under the State's Shoreland Zoning law. DEP would therefore, in our opinion, have to also sign onto whatever proposed changes and use are part of the contract rezoning proposal.

William Needelman of our Planning Department is extremely well versed and familiar with the zoning in that area and the reasons for it in terms of both the DEP role and that of the City Council should you or Jim Cloutier have any questions.

I am sending this to you now because I do not want you to undertake activities that are clearly illegal under current zoning as that will result in prosecution by our office.

As we also said at the meeting, it is not within the authority of either our office or the Planning Department to allow the uses that have gone on illegally to continue nor do we have authority to approve them, even though we as individuals might have no personal objections or concerns about those uses. The approval that you need can only come from the City's legislative body which is the City Council, following a review and recommendation from the City's Planning Board.

My recommendation to you at this time is that you file an amended application with the License Administrator seeking a liquor license, food service license, entertainment license and any other licenses that you need for just the inside of the premises currently occupied by the Porthole Restaurant and the Comedy Connection. To the extent that we are able to resolve both the use issues and the safety issues related to the outside area, you can then file an application to add those areas to your existing licenses and we will bring them to the Council as quickly as possible for action.

Sincerely,



Penny Linell
Associate Corporation Counsel

April 10, 2008

Cc: Joe Gray, City Manager
Gary Wood, Corporation Counsel
Alexandra Murphy, License Administrator
Fred Lamontagne, Fire Chief
William Needelman, Planning
Chris Hanson, Inspections
James Cloutier, Esq.
Ed MacColl, Esq.

CITY OF PORTLAND
M E M O R A N D U M

TO: Mayor and Council

FROM: Gary Wood 

DATE: June 5, 2008

RE: Staff Recommendations Re: Application for Liquor, Food Service and Entertainment Licenses for Harbor's Edge, d/b/a The Comedy Connection and the Porthole Restaurant/Request for Outside Seating and Entertainment Use

NB: The Council must act on the liquor license renewal application at the June 16th meeting or it will automatically be renewed under state law.

Staff recommends that the Council take the following action on this application:

- (1) Grant the liquor license renewal application for inside the buildings and for outside service in a limited area for not more than 40 people as shown in the cross-lined section on Attachment 1, if the applicant has resolved two public safety issues.

The public safety issues are the need for better fire separation and an additional toilet in the Porthole. The structures are otherwise safe for this use and there have been no issues raised by the Police Department.

Food and beverage service and consumption outside the building is not a permitted use under the current zoning nor has this applicant ever presented any clear facts to support its claim that these uses are grandfathered in the outside area sought to be licensed. Anecdotal evidence in the form of statements from various individuals is that when this area was used many years ago by the Casco Bay Island Transit some people did consume small amounts of food served through a window while waiting for one of the ferries. It was based upon that evidence that staff forged what it thought was a more than reasonable comprised agreement several years ago allowing the limited food and beverage consumption recommended for the outside area in this memo.

The area recommended by staff does not include a long raised deck next to the Comedy Connection (see Attachments 2 and 3) that has been used, apparently for several years for the service and consumption of alcohol served through beer taps that run through the wall of the building (Attachment 4).

That use apparently started after Mr. Keithly submitted a liquor license application that included the outside area that was not part of the compromise and staff did not pick up the differences thus leading to the approval of the liquor license.

(2) Grant the entertainment use for inside the buildings only.

Outside entertainment uses are not allowed by the City's zoning in this area.

These recommendations and some of the background for them are stated in more detail in the April 10, 2008 letter (attached) that Penny and I sent to Mr. Oliver Keithly the owner of Cogee Entertainment, Inc. which owns, manages and operates the Comedy Connection and the Porthole Restaurant.

There is a lot more background and data available should the Council wish to review it but none of it supports either Mr. Keithly or Mr. Macgowan's claim that the uses are permitted or grandfathered in the areas outside of the buildings. In fact, the legal background and facts include formal denials of applications to permit these uses as far back as 1989 by the City's Board of Appeals and the denial of a contract zone application by the Planning Board in 2001.

As noted in our April 10, 2008 letter, staff does not oppose these particular uses in these locations: as a matter of law it is simply not up to staff to decide that issue. That is a decision that falls only within the jurisdiction of the Council under its zoning authority and the DEP under its statewide shoreland zoning authority. If and when the general zoning in this area is changed or a contract zone is approved, the applicant can reapply to use the outside area shown in this application.

GCW:tlb

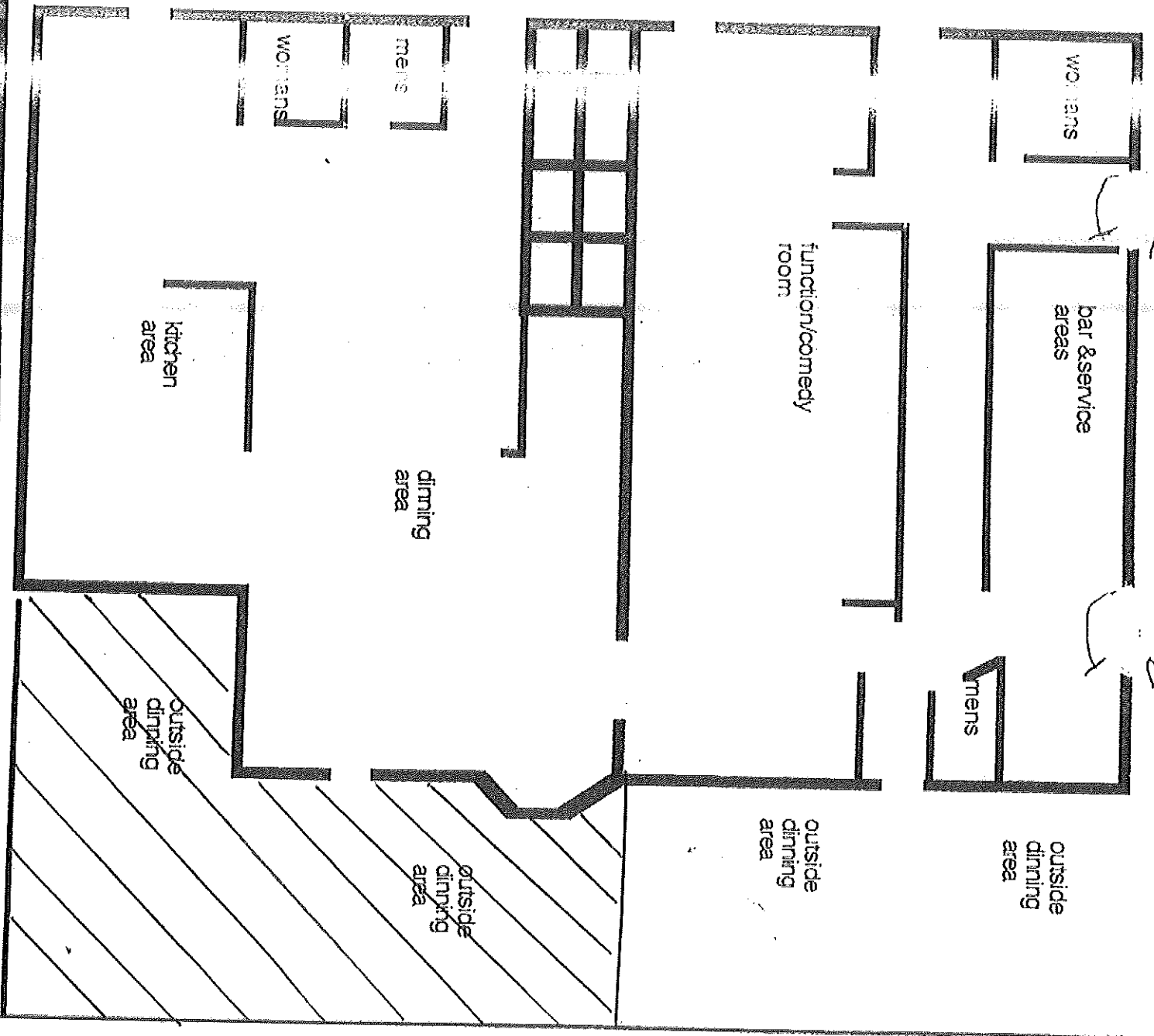
Cc: Joe Gray
Linda Cohen
Tim Burron
Penny Littell
Jeannie Bourke
Chris Hanson
Alexandra Murphy
Oliver Keithly
James Cloutier, Esq.
Ken McGowen

1. custom house wharf
Portland, Maine 04104

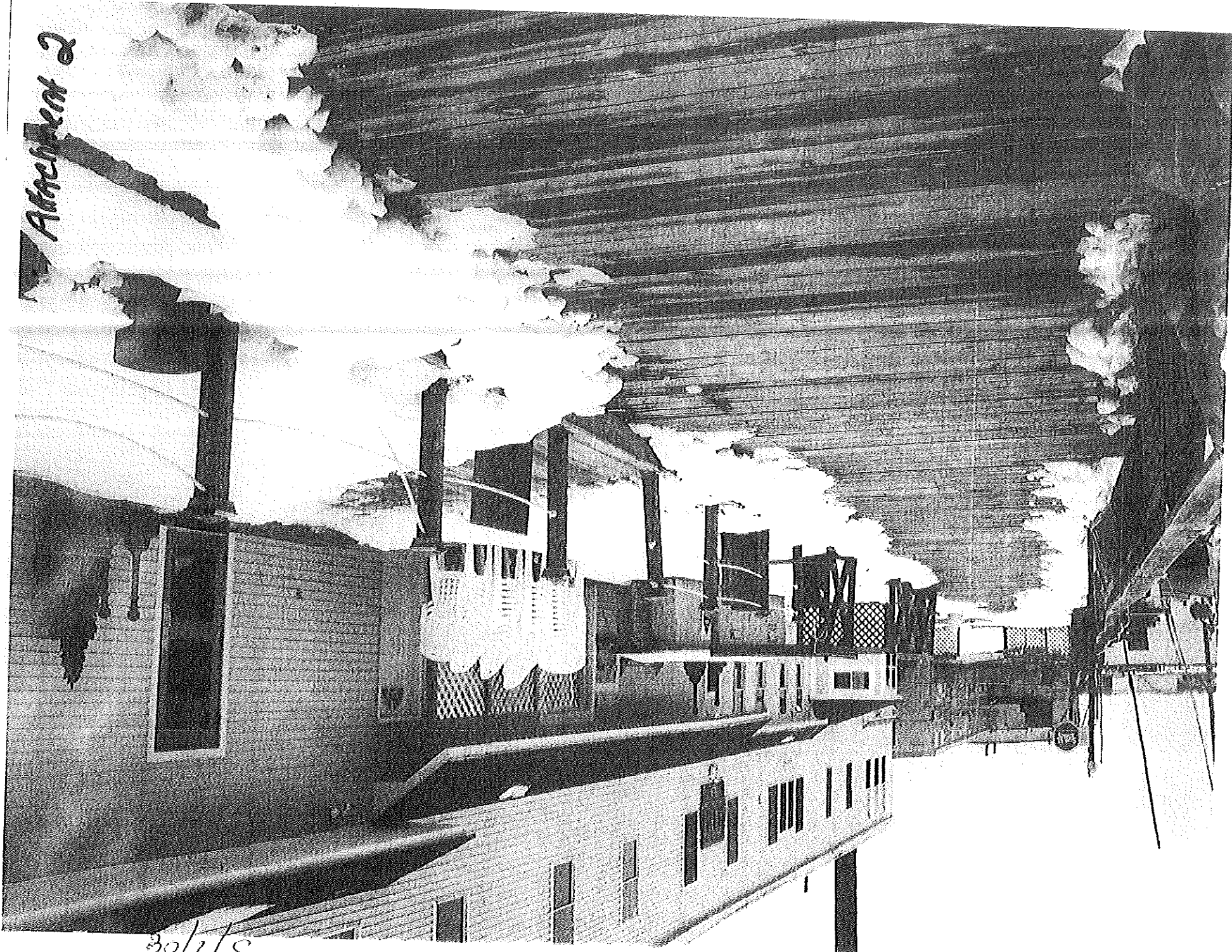
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New Door

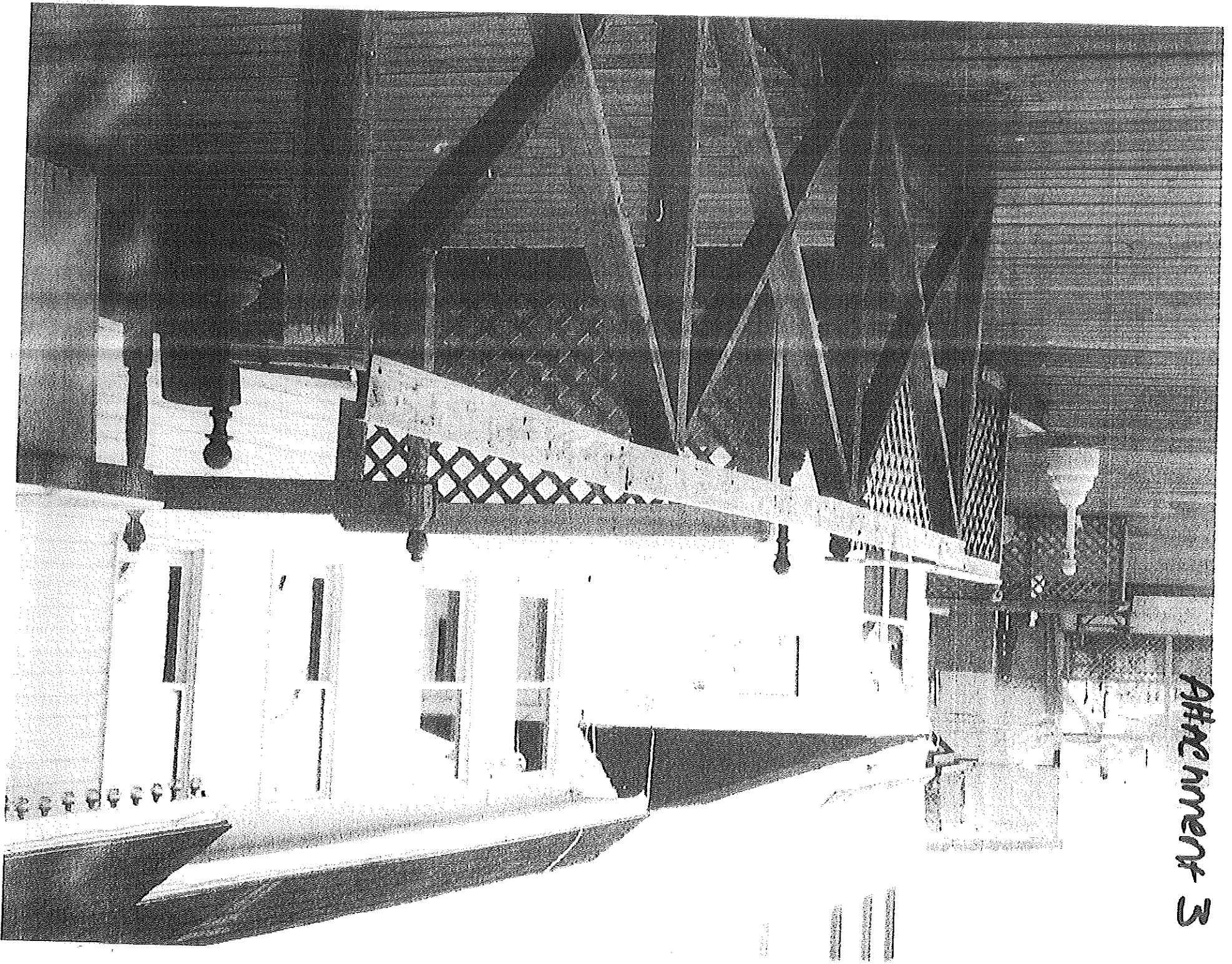
Attachment 1



Attachment 2

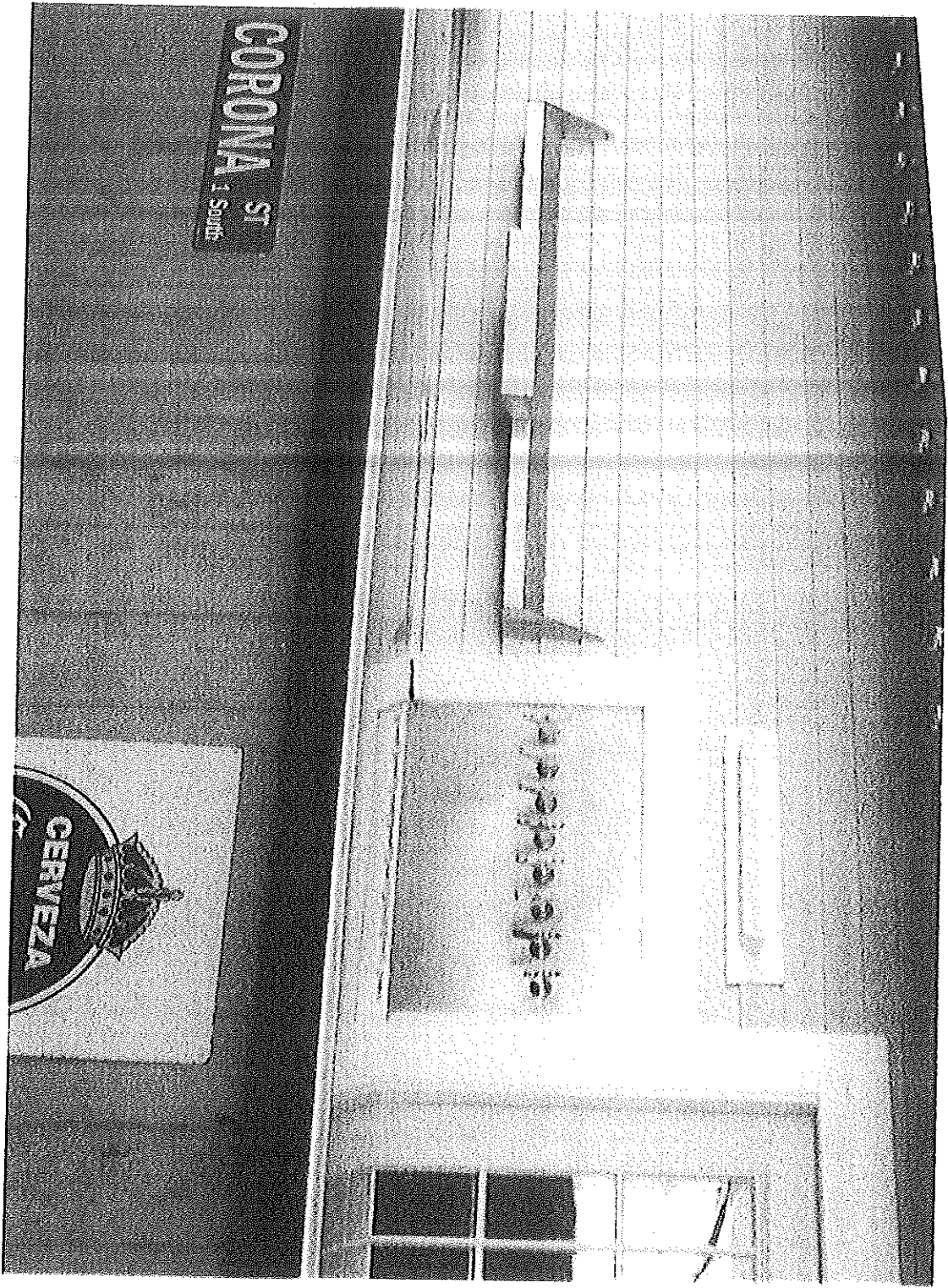


30/1/9



Attachment 3

Анагмөн 4/



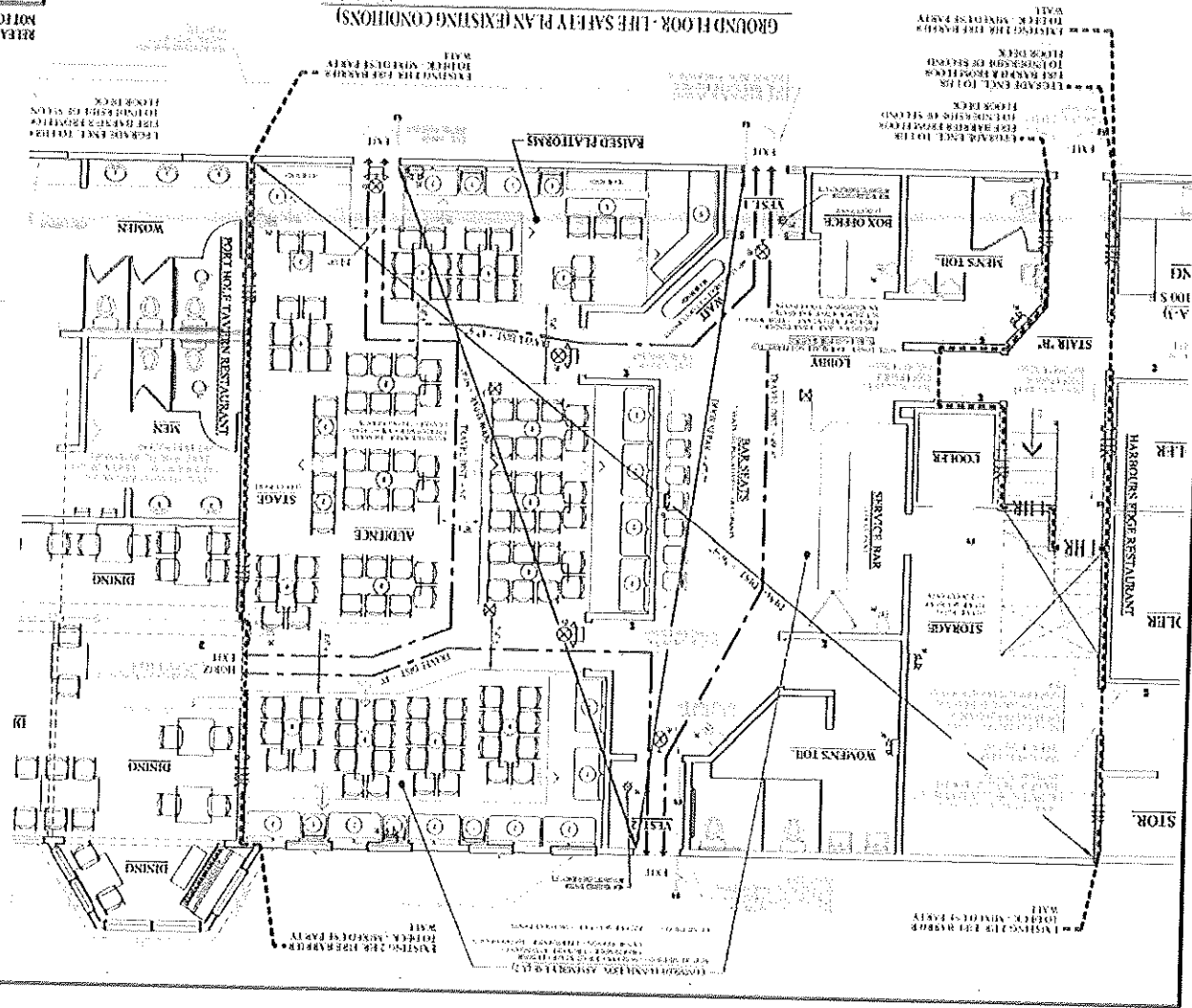
LS-200

THE SAFETY STUDY FOR GREAT ENTERTAINMENT LOCATION WHEREAS NORTH AND MAIN

RELEASED FOR REVISION - DECEMBER 21, 2007
NOT FOR CONSTRUCTION

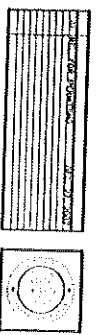
3/8" = 1'-0"

GROUND FLOOR - LIFE SAFETY PLAN (EXISTING CONDITIONS)



- THE SAFETY STUDY FOR GREAT ENTERTAINMENT**
- GENERAL NOTES**
1. ALL ROOMS SHALL BE PROVIDED WITH SMOKE DETECTORS.
 2. ALL EXITS SHALL BE UNOBSTRUCTED AT ALL TIMES.
 3. ALL EXITS SHALL BE MARKED WITH EXIT SIGNS.
 4. ALL EXITS SHALL BE KEPT CLEAR OF OBSTRUCTIONS.
 5. ALL EXITS SHALL BE KEPT OPEN AT ALL TIMES.
 6. ALL EXITS SHALL BE KEPT UNLOCKED AT ALL TIMES.
 7. ALL EXITS SHALL BE KEPT CLEAR OF OBSTRUCTIONS.
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DAVID D. LEASURE - ARCHITECTURAL ASSOCIATES INC.
 1001 W. WASHINGTON AVENUE, PORTLAND, MAINE 04108
 TEL: 603.733.1111 FAX: 603.733.1112
 WWW.DDLA.COM



COMBDY CONNECTION FIRE AREA - LIFE SAFETY DATA

CONSTRUCTION TYPE: BOCA SB, NFPA V (00)	HEIGHT AND AREA LIMITATIONS:	FIRE PROTECTION:	OCCUPANCY CLASSIFICATION:	FIRE BARRIER SEPARATION WALLS (NON-SPRINKLERED)	SEPARATION FROM HAZARDS:	OCCUPANCY CLASSIFICATION:	USE AREA:	PERFORMANCE AREA WITH FAILURES & CHANGES	NOTE: THIS AREA SHALL NOT BE USED FOR WAITING	STORAGE AREA	TOTAL OCCUPANCY LOAD (COMBDY CONNECTION)	151.1 OCCUPANTS (PATRONS + STAFF)	ACTUAL = 164 OCCUPANTS (PATRONS + STAFF)
<ul style="list-style-type: none"> • CONSTRUCTION TYPE: BOCA SB, NFPA V (00) • 1 STORY 20, 4200 SF FLOOR • 2024 INCLAS - TWO STORY MAX. (W/ AUTOMATIC SPRINKLER) - 1760 SF/FLOOR PERMITTED 	<ul style="list-style-type: none"> • FIRE PROTECTION: • ASSEMBLY (A-2) USE (BAR WITH LIVE ENTERTAINMENT) - SPRINKLER SYSTEM • REQUIRED PER NFPA 101-306 	<ul style="list-style-type: none"> • OCCUPANCY CLASSIFICATION: • COMBDY CONNECTION - ASSEMBLY (A-2) USE (BAR WITH LIVE ENTERTAINMENT) 	<ul style="list-style-type: none"> • FIRE BARRIER SEPARATION WALLS (NON-SPRINKLERED) • VERTICAL OPENINGS (INCL. DOCT CHASIS) - 1 HR. (IF LESS THAN 2 STORIES) • ELEVATOR SHAFTS - 2 HR. • STAIR ENCLOSURES - 1 HR. (IF LESS THAN 2 STORIES) • STORAGE ROOMS - 1 HR. IF THE STORAGE ROOMS ARE NOT AUTOMATICALLY EXTINGUISHING BY MEANS OF A RISER • BOTTLE RECIPE ROOM - 1 HR. OR SPRINKLER 	<ul style="list-style-type: none"> • SEPARATION FROM HAZARDS: • STORAGE OF HAZARDOUS MATERIALS OR COMBUSTIBLE LIQUIDS - 1 HR. (IF THE STORAGE ROOMS ARE NOT AUTOMATICALLY EXTINGUISHING BY MEANS OF A SPRINKLER) • VERTICAL OPENINGS MAY BE EXISTING (IF NOT EXISTING, EXISTING OPENINGS MUST BE SPRINKLERED) 	<ul style="list-style-type: none"> • OCCUPANCY CLASSIFICATION: • CODE: NFPA-101 - ASSEMBLY (A-2) USE WITH LIVE ENTERTAINMENT 	<ul style="list-style-type: none"> • EXIT SIGNS FOR MARKING OF MEANS OF EGRESS • EMERGENCY LIGHTING • EGRESS: • 100% RAMPED & CORRIDORS • STAIRS • NOT AVAILABLE 	<ul style="list-style-type: none"> • DETECTION, ALARM AND COMMUNICATION SYSTEMS: • COMMERCIAL ALARM SYSTEMS NOT REQUIRED FOR ASSEMBLY OCCUPANCIES WITH OCCUPANT LOADS LESS THAN 50 OCCUPANTS • OCCUPANT LOADS LESS THAN 50 OCCUPANTS 	<ul style="list-style-type: none"> • MAXIMUM ACTUAL OCCUPANCY • 159 SEATS + 1 PERFORMER + 1 WAIT STAFF + 1 USHER = 161 OCCUPANTS • 1 BAR TENDER + 1 BOX OFFICE ATTENDANT + 101 (OTHER CATERING) BAR SEATS = 102 ADDITIONAL OCCUPANTS 	<ul style="list-style-type: none"> • USE AREA • 1,818 SF SE @ 115 NSF • 811 SF SE @ 115 NSF 	<ul style="list-style-type: none"> • STORAGE AREA • 155 SF SE @ 150 NSF • 1700 OCCUPANTS • 100 OCCUPANT (STAFF) MAX 	<ul style="list-style-type: none"> • TOTAL OCCUPANCY LOAD (COMBDY CONNECTION) = 151.1 OCCUPANTS (PATRONS + STAFF) 	<ul style="list-style-type: none"> • ACTUAL = 164 OCCUPANTS 	<ul style="list-style-type: none"> • ACTUAL = 164 OCCUPANTS

DAVID D. LEASURE - ARCHITECTURAL ASSOCIATES INC.
 104 WASHINGTON AVENUE PORTLAND, MAINE 04107-3644 FAX (207) 751-5030
 PROJECT: COMBDY CONNECTION LIFE SAFETY STUDY
 DATE: 3/26/07 SHEET: COMBDY CONNECTION LIFE SAFETY DATA

NO.	DATE	DESCRIPTION
1	3/26/07	ISSUED FOR PERMIT
2	3/26/07	ISSUED FOR PERMIT
3	3/26/07	ISSUED FOR PERMIT
4	3/26/07	ISSUED FOR PERMIT
5	3/26/07	ISSUED FOR PERMIT
6	3/26/07	ISSUED FOR PERMIT
7	3/26/07	ISSUED FOR PERMIT
8	3/26/07	ISSUED FOR PERMIT
9	3/26/07	ISSUED FOR PERMIT
10	3/26/07	ISSUED FOR PERMIT



PLEASED FOR PERMITTING - DECMBER 17, 2007
 NOT FOR CONSTRUCTION
 LIFE SAFETY STUDY FOR
 COCKE ENTERTAINMENT
 16 CLINTON HOUSE WHARF
 PORTLAND, MAINE
LS-201

Porthole/Comedy outside BAR (NOT TO SCALE)

7/29/08

Blair

207-831-3521

