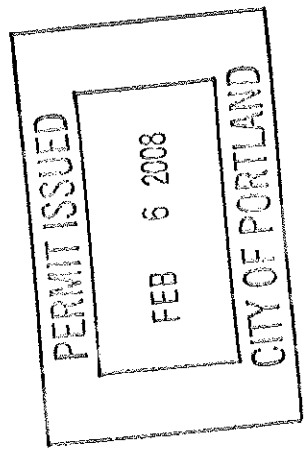


City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Location of Construction: 86 COMMERCIAL ST	Owner Name: PROPRIETORS OF CUSTOM HO	Permit No.: 08-0105	Issue Date: 2/9/08	CBL: 030 A001001
Business Name:	Contractor Name: property owner	Owner Address: 5 EASTERN PROMENADE	Phone:	
Lessee/Buyer's Name:	Phone:	Contractor Address: Portland	Phone:	
Past Use: Storage Building	Proposed Use: Demolition derelict Building	Permit Type: Demolitions - Building	Zone: CUR	
Proposed Project Description: Demolition derelict Building	Permit Fee: \$120.00	Cost of Work: \$10,000.00	CEO District: 1	
Permit Taken By: Idobson	Date Applied For: 01/08/2008	FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Use Group: S Type: 5B IBX 2003
Signature: PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Signature: Chen 2/9/08		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		Date: 2/9/08		

Zoning Approval

Special Zone or Reviews <input checked="" type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied
Date: 2/6/08	Date: 2/9/08	Date: 2/9/08



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

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 have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of that jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative all 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 each permit.

 SIGNATURE OF APPLICANT

 ADDRESS

 DATE

 PHONE

 RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

 DATE

 PHONE

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

Permit Number: 080105

This is to certify that PROPRIETORS OF CUSTOMER HOUSE WHARF EASTING PLACE has permission to Demolition-derelict Building AT 86 COMMERCIAL ST

provided that the person or persons of the provisions of the Statutes of the construction, maintenance and this department.

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

OTHER REQUIRED APPROVALS

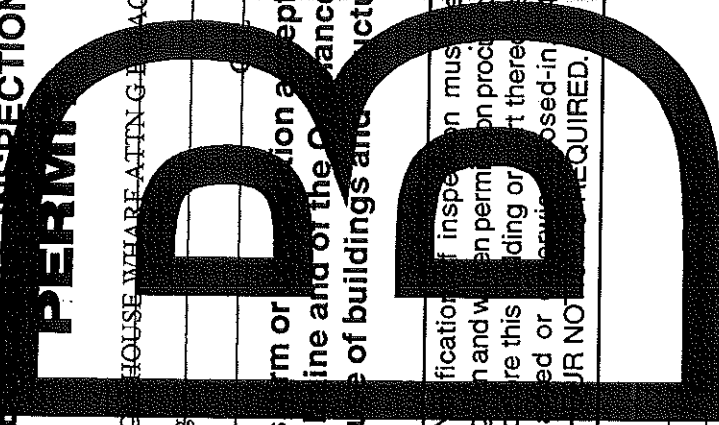
Fire Dept. _____
Health Dept. _____
Appeal Board _____
Other _____

Department Name

2/6/08
Chet J. M.
Director - Building & Inspection Services

PERMIT ISSUED

FEB 6 2008



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

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

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit

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

Permit No: 08-0105	Date Applied For: 01/08/2008	CBL: 030 A001001
-----------------------	---------------------------------	---------------------

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: Demolitions - Building	

Proposed Use: Demolition derelict Building	Proposed Project Description: Demolition derelict Building
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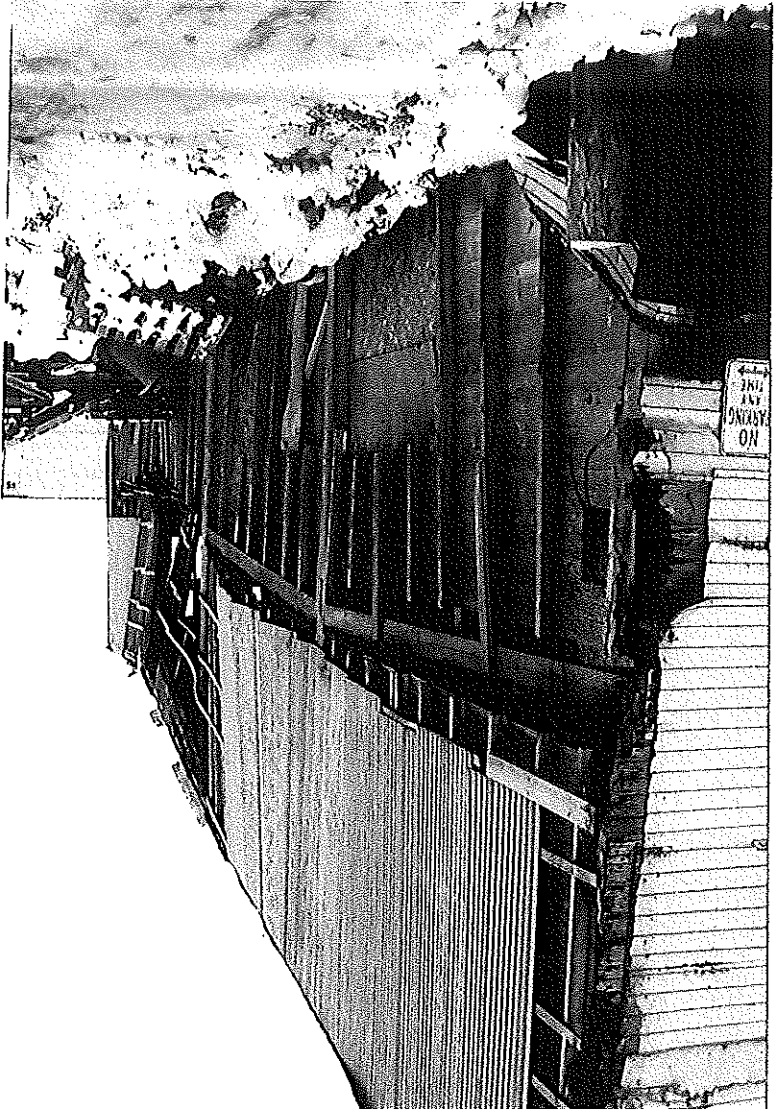
Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Chris Hanson **Approval Date:** 02/06/2008 **Ok to Issue:**

1) Zoning is only being approved for the demolition of the derelict building. There has been no review and approval for any of the uses on the pier concerning this permit. This permit does not legalize any illegal uses that may have been created or expanded without the benefit of required permits.

2) Your present structure is legally nonconforming as to setbacks. If you are to demolish this structure on your own volition, you will only have one (1) year to replace it in the same footprint (no expansions), with the same height, and same use. Any changes to any of the above shall require that this structure meet the current zoning standards. The one (1) year starts at the time of removal. It shall be the owner's responsibility to contact the Code Enforcement Officer and notify them of that specific date.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Chris Hanson **Approval Date:** 02/06/2008 **Ok to Issue:**

- Note:**
- 1) Any re-use of remaining pier/ deck requires a permit prior to occupancy or use. Site must be clean and stabilized when demo work is complete.
 - 2) Demolition permits are valid for a period of 30 days from the date of issuance. A written request must be submitted and granted for an extension to this time period.
 - 3) Demo permit only. Construction requires seperate permits. .
 - 4) Demolition must start with-in 7 days of issuance of permit.
 - 5) Pedestrian protection must be in place prior to commencement per sec. 3303.2 IBC2003 CODE.
 - 6) The building and adjacent pier is currently posted, Contractor must take necessary precautions to insure the safety of workers. OSHA safety regulations apply and must be adhered to.



Side

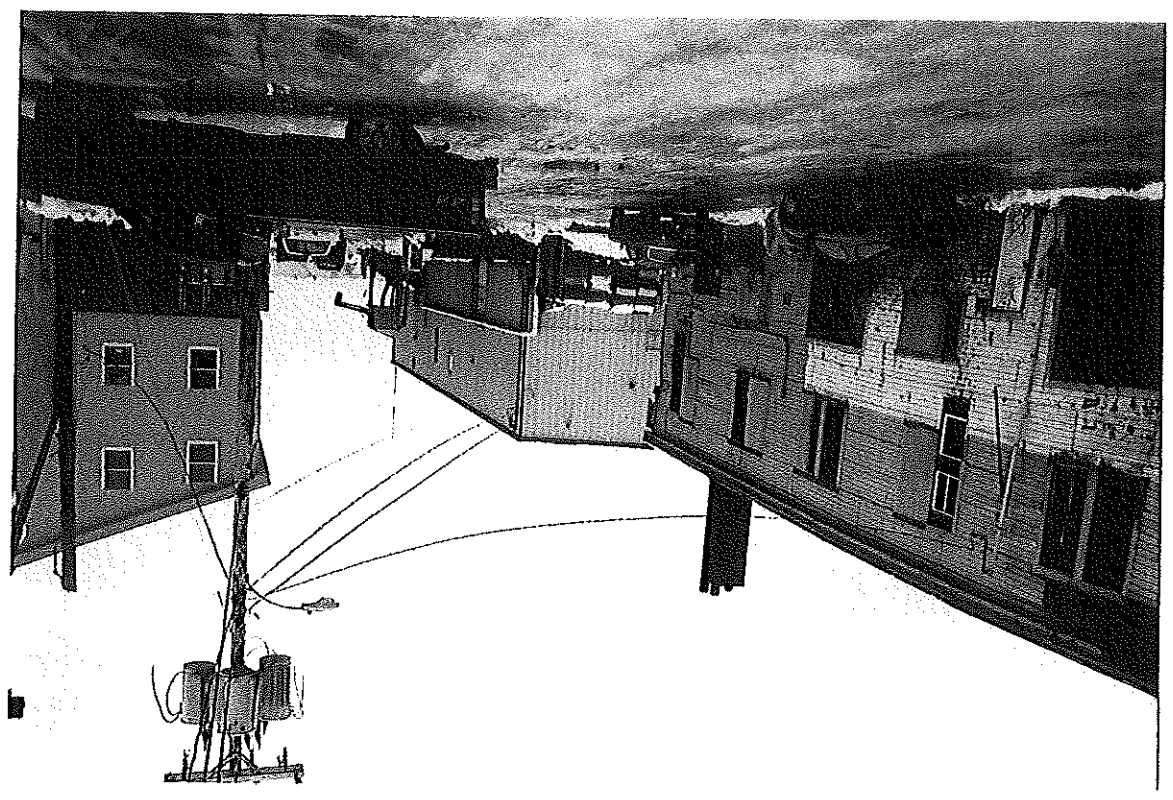


Back (Water) side

PHOTOGRAPHED BY
JAN 8 2007
GEOFFREY

NOV 15 1997
JAN 8 2007
NVP
CITY OF NEW YORK
COUNTY OF NEW YORK

Front





ASBESTOS BUILDING DEMOLITION NOTIFICATION

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
Lead & Asbestos Hazard Prevention Program
17 State House Station, Augusta, Maine 04333



Maine law requires the filing of the ASBESTOS BUILDING DEMOLITION NOTIFICATION with the Department prior to demolition of any building except a single-family home.

Building owners are required to provide this notification of the demolition of a building to the DEP at least 5 working days prior to the demolition. This notification is **not** required before the demolition of a single-family residence or related structure (e.g., garage, shed, barn). It is also **not** required if previous notification of the demolition has been provided to the DEP as part of an asbestos abatement project notification. **Demolition** means the tearing down or intentional burning of a building or part of a building.

Prior to demolition, building owners must determine if there is any asbestos-containing material(s) (ACM) in the building. An "asbestos inspection" by a DEP-licensed Asbestos Consultant is required for all buildings except single-family homes and residential buildings with 2-4 units built after 1980. In lieu of an asbestos inspection, pre-1981 residential buildings with 2-4 units can be surveyed to identify possible ACM by someone knowledgeable about ACM, such as a code enforcement officer or building inspector. If materials that may contain asbestos are found, then you can either assume they are ACM or hire a DEP-licensed Asbestos Consultant to test the materials.

Whenever more than 3 square feet or 3 linear feet of ACM is identified, the ACM must be abated in accordance with the Maine Asbestos Management Regulations by a DEP-licensed Asbestos Abatement Contractor. This includes materials presumed to be ACM. Check www.maine.gov for a listing of asbestos contractors.

Prior to issuing a local demolition permit, the DEP requests that municipalities have applicants for municipal demolition permits complete this form and fax it to the DEP at 207-287-7826. Municipalities should not issue local demolition permits if the required asbestos inspection or survey has not been performed and identified ACM removed.

Were regulated asbestos-containing building materials found? yes no

Property address: 44 Custom House Wharf Portland ME 04101	building description: <input type="checkbox"/> pre-1981 residential with 2-4 units <input type="checkbox"/> post-1980 residential with 2-4 units <input checked="" type="checkbox"/> other Commercial 2 floor 60x62 (1910) asbestos abatement contractor
asbestos survey/inspection performed by: (name & address) N/A per Chris Hanson. City of Portland	telephone: demolition contractor: (name & address) Self
property owner: (name & address) Prop of Custom House Wharf 18 Custom House Wharf Portland ME 04101 (207) 831-0169	telephone: demolition end date: 90 days
demolition start date: ASAP	

This demolition notification does not take the place of the Asbestos Project Notification if applicable

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT

Print Name: Kenneth N Mylesowicz Title: GM
 Signature: *Kenneth N Mylesowicz*

207-831-0169 207-253-5111
 Telephone # FAX #

1-8-08
 Date



Demolition Call List & Requirements

Site Address: 44 Custom House Wharf Owner: Prop

Structure Type: Wood Contractor: _____

Utility Approvals

	Number	Contact Name/Date
Central Maine Power	1-800-750-4000	<u>April 1-7-08</u>
Northern Utilities	797-8002 ext 6241	<u>N/A</u>
Portland Water District	761-8310	<u>N/A</u>
Dig Safe	1-888-344-7233	<u>N/A</u>

After calling Dig Safe, you must wait 72 business hours before digging can begin.

DPW/ Traffic Division (L. Cote)	874-8891	<u>N/A</u>
DPW/ Sealed Drain Permit (C. Merritt)	874-8822	<u>N/A</u>
Historic Preservation	874-8726	<u>N/A</u>
Fire Dispatcher	874-8576	<u>Williams 1-8-08</u>

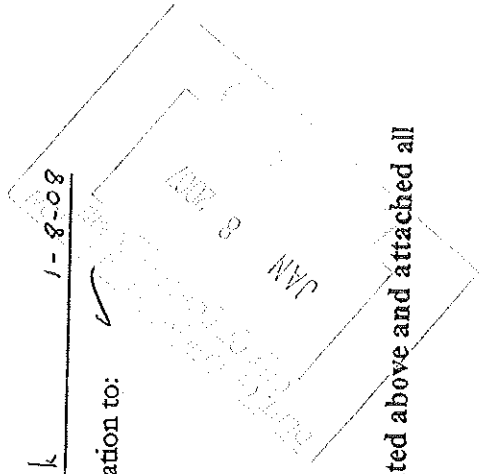
Additional Requirements

- 1) Written Notice to Adjoining Owners N/A
- 2) A Photo of the Structure(s) to be demolished
- 3) Certification from an asbestos abatement company — N/A Per C. Hanson (City of Portland)
Rotted and unsafe wood

DEP - Environmental (Augusta) 287-2651 Rob Clark 1-8-08

U.S. EPA Region 1 - No Phone call required. Just mail copy of State notification to: ✓

Demo / Reno Clerk
 US EPA Region I (SEA)
 JFK Federal Building
 Boston, MA 02203



I have contacted all of the necessary companies/departments as indicated above and attached all required documentation.

Signed: [Signature] Date: _____

15 January 2008

Mr. Chris Hanson
Building Department
City of Portland
389 Congress Street
Portland, ME 04101

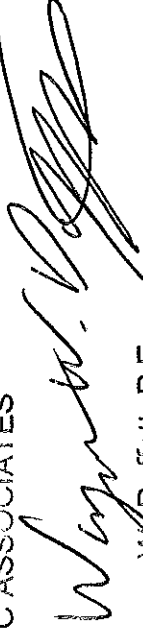
Re: Derelict Building at Custom House Wharf

Dear Mr. Hanson:

At your request, I have performed a structural evaluation of the building on the east side of Custom House Wharf which the owner proposes to demolish, hereinafter known as the "derelict building." Said demolition of the derelict building will be accomplished in a piecemeal fashion by the owner's forces. Sheathing on the south end of the structurally sound Custom House Seafood building will be repaired as necessary.

In my inspection of the derelict building, I noted that it has extensive fire damage, collapsed walls, large holes in the roof and floors, and heavily rotted timbers. My structural evaluation was made using the standards of the IBC, latest edition, as adopted by the City of Portland Building Department. I have determined that the safe allowable loading of said derelict building is not more than one seagull per square foot. Using the powers vested in me by the State of Maine, I do hereby and forthwith solemnly declare that said derelict building is a suitable candidate for demolition.

Very truly yours,
TEC ASSOCIATES



Wayne W. Duffett, P.E.

cc: Ken Macgowan



Demolition of A Structure 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>		Square Footage of Lot	
Total Square Footage of Proposed Structure <u>44 Custom House Wharf</u>		<u>N/A</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>30 A</u> Lot# <u>1</u>	Owner: <u>Prop. of Custom House Wharf</u>	Telephone: <u>831-0169</u>	
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>18 Custom House Wharf Portland ME 04101</u>	Cost Of Work \$ <u>10,000</u>	Fee: \$ _____
Current Specific use: If vacant, what was the previous use? <u>garage storage</u>			
How long has it been vacant? <u>3 years</u>			
Project description: <u>take off 2nd floor for safety reasons then inspect remaining structure and either tear down or repair.</u>			
Contractor's name, address & telephone: <u>Prop of Custom House wharf</u>			
Who should we contact when the permit is ready: <u>Ken Macgowan</u>			
Mailing address: <u>Phone: 831-0169</u>			

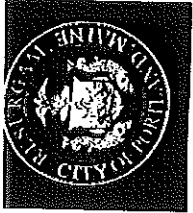
Please submit all of the information outlined in the Demolition call list. Failure to do so will result in the automatic denial of your permit.

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 visit us on-line at www.portlandmaine.gov, stop by the Building Inspections 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 of applicant: [Signature] Date: 1-4-09

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



PORTLAND MAINE

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

January 3, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

This correspondence is in follow up to an email from your attorney, Ed McColl, to Associate Corporation Counsel, Penny Littell (dated December 18, 2007) in which he indicated you would be getting a proposal to the City regarding how you intend to handle the derelict building on Custom House Wharf. It was represented that you would be getting a plan to the City "promptly." The City has received nothing to date. However, on December 21 the City's Fire Inspector and I observed the derelict building and its immediately adjacent area. These posted areas are being used by a tenant of yours (i.e. the boat occupant), who admitted to using the derelict building for storage and was accessing his boat in the unsafe area adjacent to the building. This entire portion of the Wharf is a posted area and should not be used for any purpose.

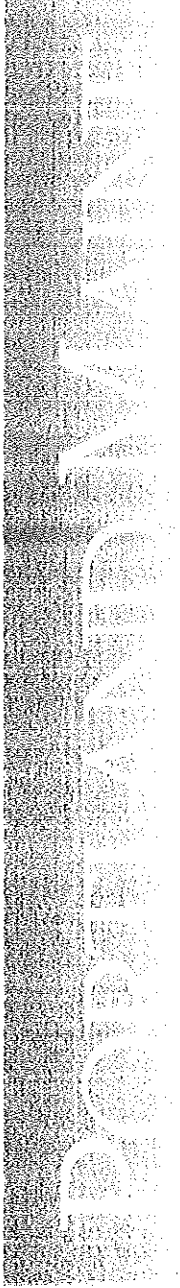
In the opinion of the City's Public Safety Officials, this derelict building is dilapidated and a hazard and no occupancy or entrance to the same is permitted. The heavy snow loads in the area cause additional concern about this structure remaining in its current dangerous state, not to mention the fire concerns presented by individuals using the building for power tool storage and possible usage.

While we hope to receive a plan to either demolish or repair this building, City staff will be commencing action to bring this building to the City Council for an order of demolition. If, in the meantime, we receive from you an acceptable demolition or other plan, we will pull the action from the Council agenda. Obviously, your cooperation in this regard would be appreciated.

Sincerely,

Chris Hanson
Building Inspector

Cc: Penny Littell, Ed McColl, Jeanie Bourke, Gary Wood, Greg Cass, & Fred Lamontange



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

January 14, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

Thank you for your application for a demolition permit for the derelict building at Custom House Wharf. I look forward to working with you towards an expedient removal of this hazardous condition. In order for me to do a prompt review I need some additional information as soon as possible. As per Sec. 3303 of the IBC 2003 code;

1. Construction documents and a schedule for demolition.
2. Name of the Contractor and address of same.
3. Please include a scheduled start date and completion date.
4. Pedestrian protection must be in place prior to commencement as per sec. 3303.2.
5. Structural analysis of both the Seafood Co. and the derelict building by T.E.C. (Wayne Duffet).
6. Plan for debris removal, including location of disposal.
7. Include any dumpster location's.

Sincerely,

Chris Hanson
Building Inspector

Cc: Penny Littell, Ed McColl, Jeanie Bourke, Gary Wood, Greg Cass, & Fred Lamontange

Proprietors of Custom House Wharf



5 Eastern Promenade, Portland, ME 04101
Phone 773-8517

January 17, 2008

Mr. Chris Hanson
Room 315
389 Congress St
Portland, ME. 04101

Dear Mr. Hanson

In response to your letter of January 14, 2008

1. There are no construction documents at this time and as for as the schedule goes we plan on tike the build down in section (not wrecking ball), I would expect it to take about 2 months.
2. The work is being done in house (by my crew):
3. We had hope to start 2 weeks ago when the tides were no good for working under the wharf, now we will work when the tides are against us and the weather permits. We hope to have it completed within 2 months.
4. Area will be cordon off whenever necessary for public safety. Safety is job one.
5. See letter from TEC Assoc.
6. We are hiring Troiano Waste Services for debris removal, I have no idea were they are taking it and frankly don't care.
7. Front or side depending on which part of the building we are working on.

I send this letter with many question on why these were asked for, yet were not on the application and I believe are much more than the average Portland property owner would be held to.

Sincerely,

Kenneth N. Macgowan



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Planning and Development Department
Lee D. Urban, Director

Inspection Services Division
Jeanie Bourke, Director

January 14, 2008

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

Dear Ken:

Enclosed is an invoice dated December 21, 2007, from Appledore Marine Engineering, Inc., for assessment fees for "Custom Wharf" in the amount of \$1,874.36. Please make payment directly to Appledore.

Sincerely,

Jeanie Bourke
Inspections Division Director

cc: Joseph Gray, City Manager
Penny Littell, Associate Corporation Counsel
Lee Urban, Planning and Development Department Director

COPY

30-A-001



PORTLAND MAINE

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

January 3, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

This correspondence is in follow up to an email from your attorney, Ed McColl, to Associate Corporation Counsel, Penny Littell (dated December 18, 2007) in which he indicated you would be getting a proposal to the City regarding how you intend to handle the derelict building on Custom House Wharf. It was represented that you would be getting a plan to the City "promptly." The City has received nothing to date. However, on December 21 the City's Fire Inspector and I observed the derelict building and its immediately adjacent area. These posted areas are being used by a tenant of yours (i.e. the boat occupant), who admitted to using the derelict building for storage and was accessing his boat in the unsafe area adjacent to the building. This entire portion of the Wharf is a posted area and should not be used for any purpose.

In the opinion of the City's Public Safety Officials, this derelict building is dilapidated and a hazard and no occupancy or entrance to the same is permitted. The heavy snow loads in the area cause additional concern about this structure remaining in its current dangerous state, not to mention the fire concerns presented by individuals using the building for power tool storage and possible usage.

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Sincerely,

Chris Hanson
Building Inspector

Cc: Penny Littell, Ed McColl, Jeanie Bourke, Gary Wood, Greg Cass, & Fred Lamontange



PORTLAND MAINE

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

January 3, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Re: Derelict Building/Custom House Wharf

Dear Mr. Macgowen:

On 1/03/08 I sent you a letter requiring additional information to insure a prompt review of your permit application for the demolition of derelict building at Custom House Wharf. Your response to me of 1/17/08 fails to address the items requested of you.

I have reviewed the report from TEC Associates dated 1/15/08 submitted to me on 1/16/08 . While I appreciate the report from Mr. Duffet, I specifically need a report on the structural evaluation of the piers and integrity of bents 51-75. I was amused by TEC associates determination of a safe allowable loading of one seagull per square foot, however this information is not useful for the purpose of my review.

Unless a detailed plan for demolition is submitted along with Mr Duffets report, within 7 days of the receipt of this letter, the matter will be placed before the Portland City Council for action.

Sincerely,

Chris Hanson
Building Inspector

Cc: Penny Littell,
Ed McColl,
Jeanie Bourke,
Gary Wood,
Greg Cass,
Fred Lamontange

March 17, 2008

Mr. Ken MacGowen
5 Eastern Promenade
Portland, Maine 04101

and
18 Custom House Wharf
Portland, ME 04101

Re: Custom House Wharf

Dear Mr. MacGowen:

The City is corresponding with you regarding several unaddressed issues present on your property Custom House Wharf. So no one is surprised at the start of the upcoming tourist season, we are writing to you early in an attempt to resolve these issues in a timely manner.

- 1) Status of piling/bents under outside decking adjacent to Gilbert's Chowder House/former Boone's Restaurant space/Comedy Connection/Port Hole Restaurant

It has been some time since the City received an update from you or your structural Engineer, Wayne Duffett, regarding the repair and replacement of bents and piling on Custom House Wharf. The City is becoming increasingly concerned as summer approaches that several businesses will be unable to use the outside deck area either for outside dining (Gilbert's) or as a means of access to their businesses (Port Hole and Comedy Connection). The City is therefore putting you and your tenants on notice that in its current condition, there is no use permitted for the outside deck area (other than a means of emergency egress). This will remain the case unless and until the City receives a sign off from a structural engineer that all safety concerns with the deck and its supporting members have been satisfactorily addressed. *and until use is determined*

- 2) Status of other work outlined by Mr. Duffett to bents and pilings

It was recalled that other work needed to be done to bents and/or pilings under Harbor Fish. What is the status of this? In addition the decking adjacent to the fish processing/handling business beyond the Port Hole is dangerous. When will this be repaired?

*Posting Notice of deck +
Fire Issues Custom House
Lobster.*

3) Status of building demolition

The demolition permit for the building on the Wharf has expired with minimal work having been accomplished to remove the building from the site. You have not requested an extension to this permit, nor have you shown signs of a concerted and meaningful effort to have this dangerous building taken down in a timely fashion. Indeed, it appears the building is being used to store vehicles, lumber and miscellaneous supplies and these items remain on the first floor of this derelict building. As a result, we have placed this matter on the City Council agenda for April 7, 2008 at 7 pm for Council action. As has been indicated to you repeatedly in the past, the Council has the authority to determine this building to be dangerous and a nuisance and to Order its removal within a specific time period, at which time it can act to remove the building with all costs to be collected from the property owner. We are dismayed to be at this juncture since we have tried very hard to work with you and take you at your word that this building would be removed safely and in a timely fashion.

4) Life Safety Analysis and Inspection for Porthole and the entire second floor of structure beginning at the easterly end of Commercial Street to end of pier

The City needs access to the entire second floor of your building to determine uses as well as occupancy load. A full inspection has never been conducted but needs to occur. Please contact Greg Cass and Chris Hanson to schedule this inspection within the next two weeks. In addition, we are waiting for your architects complete a Life Safety Plan. Please submit that within two weeks as well.

Thank you for your time and attention to this matter. We look forward to your prompt response to this letter and the questions raised herein.

Sincerely,

Penny Littell
Associate Corporation Council

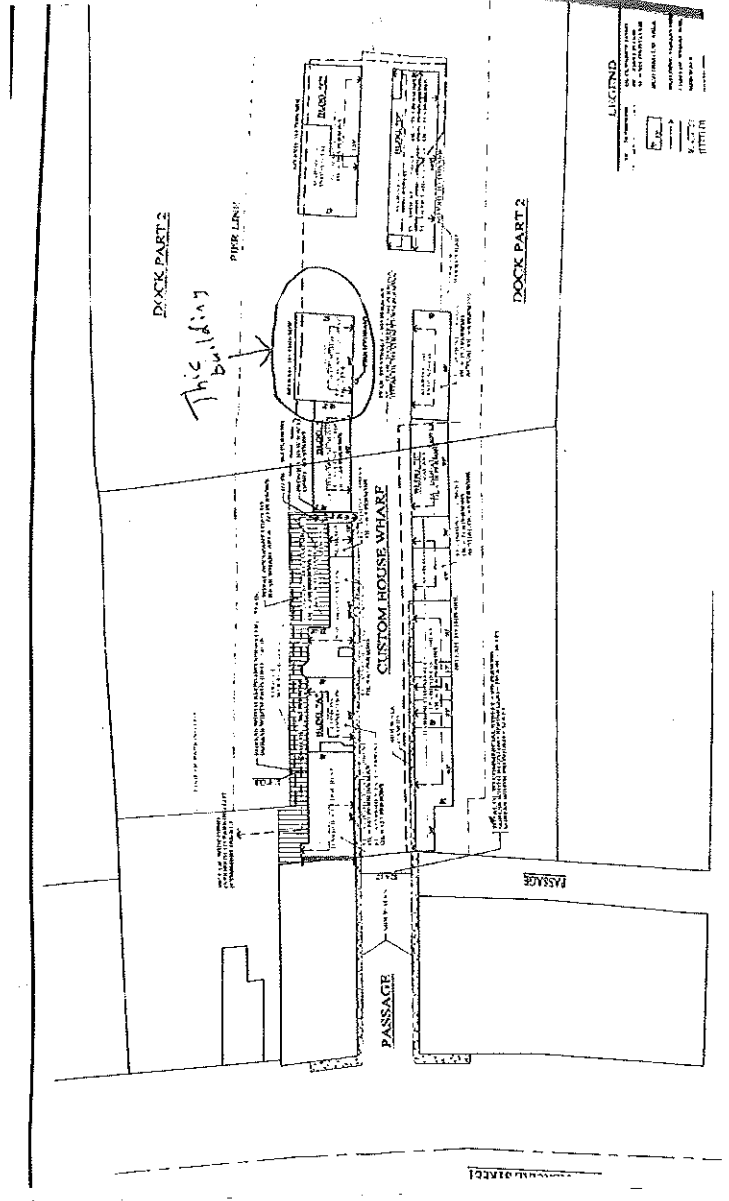
Cc: Edward McColl, Esq.
Oliver Kiethly
Jaime Gilbert, Gilbert's Chowder House
Beth Shissler, Seabags
Mssrs. Alfioro, Harbor Fish Market

By email
Joseph Gray
Gary Wood
Jeanne Bourke
Greg Cass
Chris Hanson
Alexandra Murphy

Next in Appendix 10:30 April 7th Council Mtg
CUSTOM HOUSE WHARF
Council Draft.

CUSTOM HOUSE WHARF

Since 1983, there have been a series of fires on Custom House Wharf. On July 22, 1990, however, there was a major fire within one structure on the pier, namely a previous warehouse identified by the Portland tax Assessor's records as Chart 30, Block A, Lot 001 and depicted below:



The structure was never legally occupied after 1990. In 2006, the City posted the building against occupancy because it was "structurally unsound." The property owner never appealed this decision. Attachment ___ In April 2006 the owner indicated to staff that the derelict building would be restored to a habitable state in the summer of 2006. Attachment ___ The restoration never took place and the building continued to deteriorate.

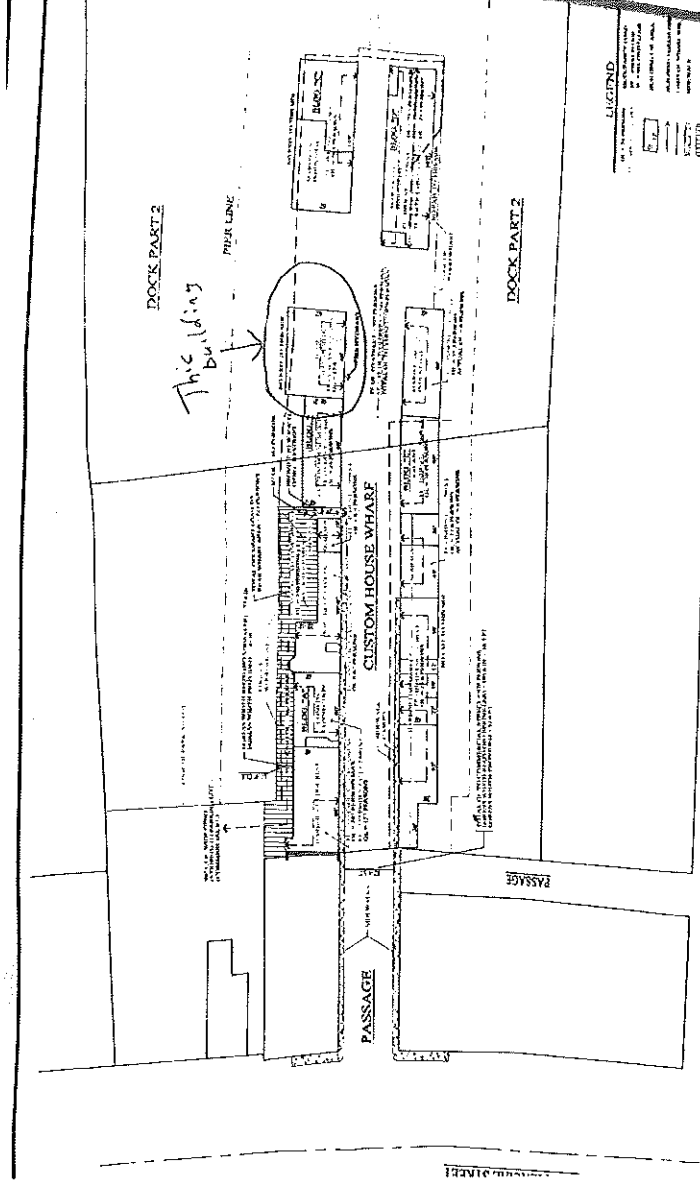
Recent inspections of the derelict structure revealed the building is/has been used for storage. In the fall of 2007 the Fire and Building Inspections Departments observed an individual within the building. That individual admitted to City officials he was using the building for storage. On another visit to the property (March 7, 2008), a view within the building revealed the storage of two cars, lumber, as well as miscellaneous hardware and solvents. Pictures of the building taken in the fall of 2007 Attachment ___ demonstrate the dangerous condition of the building and underscore the safety concerns held by the City relative to individuals with access to the posted structure.

Council, after determining that a building or wharf, or any portion thereof located within the boundaries of the City, is a nuisance and dangerous, to make and record an Order prescribing what disposal must be made of the building or structure. Attachment _____.

City staff is asking that you evaluate the evidence presented tonight and determine as follows:

(1) That the building identified as a portion of Chart 30, Block A, Lot 001 and as depicted herein is structurally

- Unsafe; and
- Unstable; and
- Constitutes a fire hazard; and
- Constitutes a hazard to safety because of inadequate maintenance and dilapidation.



(2) Based on the evidence and these findings the Portland City Council hereby declares the building described to be both a nuisance and dangerous and Orders the following:

- The building shall be demolished in its entirety (including all walls and ceilings of the two story structure), leaving the floor/deck of the structure only to the extent the property owner stabilizes the same, replaces any floor/deck boards, and obtains a prior certification from a structural engineer that the remaining floor or decking is safe for pedestrians and /or

The building has been of concern to the Fire Department for some time. In November 2007, the Fire Department raised concerns with the City regarding the safety of the building. At that time the Fire Department stated,

We feel strongly that the building is unsafe, constitutes a fire hazard due to inadequate maintenance and/or abandonment. It creates a potential safety hazard to firefighters who may have to respond to an alarm. An occupant in the nearby area would also be a potential cause for Portland firefighters to respond to an alarm, thereby putting them in danger.

We are unable to determine if there is any fire-resistant rating between the abandoned property and any other properties on the wharf. Fire in the abandoned structure would have a good chance of spreading rapidly to other structures on Custom House Wharf, thereby creating a conflagration and hazard to tenants, passersby, and emergency responders.

At that time the City attempted to work with the property owner to have the building voluntarily demolished. Attachment _____

The owner hired a structural engineer to review a number of safety issues raised by the condition of Custom House Wharf. Wayne Duffett, of TEC Associates, wrote a letter to the City on January 15, 2008 confirming the building, as a whole, is structurally unsound. It was noted that “the derelict building...has extensive fire damage, collapsed walls, large holes in the roof and floors, and heavily rotted timbers.” In a tongue in cheek representation the engineer stated, “I have determined that the safe allowable loading of said derelict building is not more than one seagull per square foot.” Attachment ____ In a follow-up conversation between Corporation Counsel and Wayne Duffett it was represented that there is nothing left to salvage from that building.

On January 8, 2008 the property owner submitted a demolition permit to the Building Inspections Department. On that same day a review of the application was completed and a letter requesting more information was sent to the property owner. Attachment ____¹ On February 6, 2008, the same day the property owner submitted additional requested information, a permit to demolish the building was issued.

Unfortunately, the demolition has not progressed in a timely fashion. Piecemeal demolition efforts have resulted in very dangerous condition with the building half standing, half falling. Attachment ____ It poses a significant risk of injury to the public. Attachment ____ Moreover, the City has been provided with no assurance from the property owner on the timing for the completion of the demolition, other than a representation that two – three months is wanted for the building to be removed. The demolition permit expired without the owner having sought an extension.

At this juncture, the City is presenting this matter to the Council pursuant to state law, specifically, 17 M.R.S.A. § 2851. That law, found at Attachment ____, authorizes the City

¹ While the letter was dated January 3, 2008 it should have read January 8, 2008.

vehicles; provided, however, that any repairs made to the floor/decking shall receive a building permit as the same may be required under the Building Code; and

- This order shall be fully satisfied by the property owner no later than thirty days from the date of this Order. If the same is not accomplished within the time frame noted, the City is hereby authorized to enter the property and remove the derelict building, securing the area in a fashion the City deems appropriate. In the event the City is forced to take this measure, it shall make demand for reimbursement from the property owner. If such reimbursement is not fully paid within thirty days after demand by the City, a special tax shall be assessed by the Portland Tax Assessor against the land/wharf on which the building was located, for the amount of all expenses incurred by the City in the removal of the derelict building as provided in 17 MRSA §2853.

Proprietors of Custom House Wharf



18 Custom House Wharf, Portland, ME 04101
Phone 831-0169

April 8, 2008

Mr. Chris Hanson
Room 315
389 Congress St
Portland, ME. 04101

*38 Custom House Wharf
Demo permit
Vacant building*

Dear Mr. Hanson

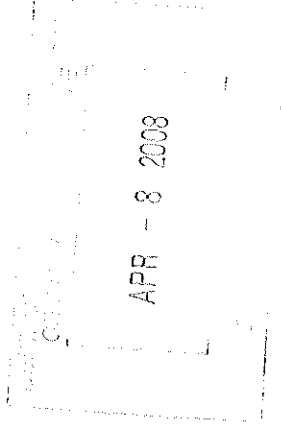
Due to the weather and the way we are taking the building down by section trying to save as much wood as possible, we need an extension on our demolition permit for the remainder of the building

The plan was to take two weeks off from working on the building to apply for the second demolition permit to take down the rest of the building, as I have now been told that this permit was for the whole building, as you told me you can't do permits for part of the building. (See building on corner of Congress St & Washington Ave.) I would like to let you know this will take about three weeks to take down as there is quite a bit more lumber that can be saved here, so we will be pulling this up mostly one board at a time.

I continue to believe we are being singled out by the Building & Legal Departments as we try to do this and the other more important repairs that need to be completed for the tourist season.

Sincerely,

Kenneth N. Macgowan



THOMPSON, BULL, FUREY, BASS & MACCOLL, LLC, P.A.
COUNSELORS AT LAW

NICHOLAS BULL
MARK G. FUREY *
JOHN R. BASS, II
EDWARD S. MACCOLL
BRADFORD R. BOWMAN

* ALSO ADMITTED IN MA

120 EXCHANGE STREET
5th Floor
P.O. BOX 447
PORTLAND, MAINE 04112-0447

TELEPHONE (207) 774-7600
FACSIMILE (207) 772-1039
E-MAIL info@thompsonbull.com

BENJAMIN THOMPSON
(1857-1918)
NATHAN W. THOMPSON
(1895-1969)
BENJAMIN THOMPSON
(1921-2002)

April 7, 2008

VIA Hand Delivery

Gary Wood,
Corporation Counsel, and
Penny Littell,
Associate Corporation Counsel
389 Congress Street
Portland, Maine 04101-3509

Re: Proprietors of Custom House Wharf

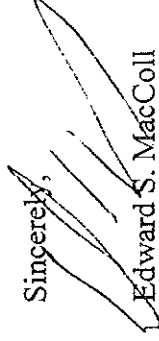
Dear Gary and Penny:

Thank you for meeting with me this afternoon, and for agreeing to postpone until the meeting of the City Council scheduled for April 28, 2008, the hearing on the proposed Order Declaring Building at 86 Commercial Street a Dangerous (Tab 25) Structure and Approving Demolition.

As we discussed, my client agrees to have the building in question removed by that date, and, on behalf of the Proprietors of Custom House Wharf, we waive all requirements for notice and service to go forward with the hearing on the 28th if the building is not by then removed.

I appreciate the courtesy and the opportunity to spend this evening with my daughter.

Sincerely,



Edward S. MacColl

cc: Mr. Kenneth Macgowan

THOMPSON, BULL, FUREY, BASS & MACCOLL, LLC, P.A.
COUNSELORS AT LAW

NICHOLAS BULL
MARK G. FUREY *
JOHN R. BASS, II
EDWARD S. MACCOLL
BRADFORD R. BOWMAN

* ALSO ADMITTED IN MA

120 EXCHANGE STREET
6th Floor
P. O. BOX 447
PORTLAND, MAINE 04112-0447

TELEPHONE (207) 774-7600
FACSIMILE (207) 772-1039
E-MAIL info@thomport.com

BENJAMIN THOMPSON
(1857-1918)
NATHAN W. THOMPSON
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(1921-2002)

April 7, 2008

VIA Hand Delivery

Gary Wood,
Corporation Counsel, and
Penny Littell,
Associate Corporation Counsel
389 Congress Street
Portland, Maine 04101-3509

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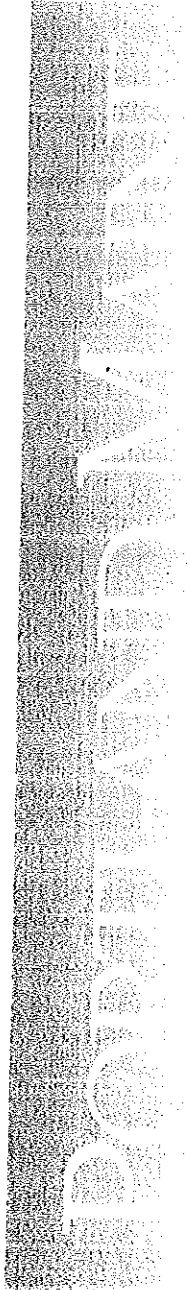
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Sincerely,



Edward S. MacColl

cc: Mr. Kenneth Macgowan



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

8
January 3, 2008 CSH

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

Thank you for your application for a demolition permit for the derelict building at Custom House Wharf. I look forward to working with you towards an expedient removal of this hazardous condition. In order for me to do a prompt review I need some additional information as soon as possible .As per Sec. 3303 of the IBC 2003 code;

1. Construction documents and a schedule for demolition.
2. Name of the Contractor and address of same.
3. Please include a scheduled start date and completion date.
4. Pedestrian protection must be in place prior to commencement as per sec. 3303.2.
5. Structural analysis of both the Seafood Co. and the derelict building by T.E.C. (Wayne Duffett).
6. Plan for debris removal, including location of disposal.
7. Include any dumpster location's.

Sincerely,

Chris Hanson
Building Inspector

Cc: Penny Littell, Ed McColl, Jeanie Bourke, Gary Wood, Greg Cass, & Fred Lamontange

2 January 2008


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

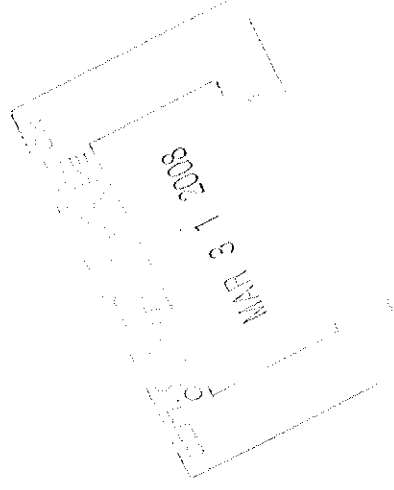
Re: Exterior Decks

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

April 8, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Re: Derelict Building/ Custom House Wharf

Dear Mr. Macgowen:

On February 6, 2008 the City issued a demolition permit for the derelict building located on Custom House Wharf. The City received a letter from you requesting an extension of the permit through March 28, 2008. Our office approved the extension as requested.

On April 7, 2008 attorney, Edward McColl represented that the derelict building would be completely removed on April 28, 2008. As Attorneys Wood and Littell informed Mr. McColl, you are required to obtain a new demolition permit to complete your work. Attorney McColl agreed that you would apply for this permit ASAP.

I am notifying you that a new demolition application will need to be filed immediately to keep working on this project.

Enclosed is a permit application and copy of a letter dated January 11, 2008 defining application requirements to conduct a proper plan review.

Sincerely,

Chris Hanson,
Code Enforcement Officer/ Plan Reviewer

CC: Penny Littell, Ed McColl, and Gary Wood



PORTLAND, MAINE

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

April 8, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Re: Derelict Building/ Custom House Wharf

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Code Enforcement Officer/ Plan Reviewer

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

April 8, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Re: Derelict Building/ Custom House Wharf

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Chris Hanson,
Code Enforcement Officer/ Plan Reviewer

CC: Penny Littell, Ed McColl, and Gary Wood



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Corporation Counsel
Gary C. Wood

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

December 12, 2007

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

Dear Attorney MacColl:

I am in receipt of your FAX and follow-up letter to me, dated December 4, 2007, regarding Custom House Wharf. Today the City was provided with a Life Safety Plan completed by David Legere (sic). We will review that at the earliest opportunity.

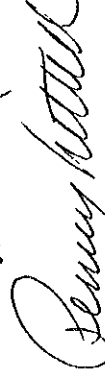
Your letter indicates that "Mr. MacGowan has obtained a permit for demolition of the building at the end of the pier that was of concern to the city..." Please note that while your client may have picked up a building demolition *application*, no demolition permit has been issued. In fact, no application for demolition has been submitted to the City by your client.

Finally, as you are aware from our prior conversations, the structural integrity of Custom House Wharf is of serious concern to the City. On November 5, 2007 the City wrote to Mr. MacGowan stating "the City must receive an application for further pier repairs to the pier and the completion of such work to the satisfaction of a licensed engineer or certification from a licensed engineer that the pier servicing the businesses on Custom House Wharf is in sound condition capable of withstanding occupancy loads." We have not received any such documentation. In fact, the letter you sent to the City of December 4 indicated only that Tech Associates would "provide a report by next week concerning any and all safety issues associated with that demolition" [of the derelict building on the pier]. On December 7 the City received information that the structure under the Comedy Connection was unsafe for occupancy. At that time the City posted the building. No further activity can occur within the Comedy Connection absent remediation to the pier and a sign-off from the City that the structure meets safety standards.

The City has now learned that work to the pier may have occurred in 2006 without required permits from the City. This work may have been undertaken under the area formerly occupied by Boone's Restaurant. Before any further work is undertaken on Custom House Wharf your client is required to immediately file an application for a building permit with the City of Portland Building Department for work already performed as well as for any intended work in the future. Your client may also need to obtain appropriate permits from the Maine Department of Environmental Protection or the Army Corps of Engineers.

Given the apparent condition of the pier and the impact of closing existing businesses on Custom House Wharf due to significant safety concerns, your client would be well-advised to provide the City with a comprehensive and certified remediation plan for Custom House Wharf as well as a timeframe for addressing any structural deficiencies. We look forward to hearing from you in this regard.

Sincerely,

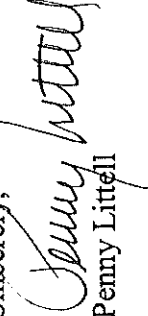


Penny Littell
Associate Corporation Counsel

Cc: Joe Gray, City Manager
Lee Urban, Director of Planning and Development
Chris Hanson, Code Officer ✓
Greg Cass, Fire Safety and Prevention
Gary Wood, Corporation Counsel

We look forward to receiving these promised items so that we can all proceed with knowing the uses on the pier can continue with appropriate licenses.

Sincerely,


Penny Littell

Cc: Greg Cass
Jeanie Bourke
Chris Hanson ✓
O:\OFFICE\PENNY\Letters2007\mccoll110907.doc

11

Customhouse Wharf 10-17-2007

The following is the sequence of events that transpired the week of 10-15-07.

I received a call from Nelson Collins Monday morning in regards to a function planned for Thursday at the Harbors edge "the old Boones" I had not heard of this establishment prior to this call. In checking with the city clerk's office and the inspection div. at city hall neither office could confirm the issuance of any license's or certificate of occupancy for this location. I did remember doing a review of plans for this space quite some time ago." perhaps a year or more" Tuesday I called the manager "Oliver Keithly" and informed him of the lack of permits and requested he call the city clerk and the inspection office to clear this up. I also mentioned the lack of required State licenses. An inspection was agreed to on Wed. at 1330 hr.s

On arrival I parked at the end of the pier where we had the fire and the owner "Ken McGowan" had been instructed to secure this portion of the building. An individual was observed entering the condemned section. I walked over to the area where I had seen the individual to talk with him but he would not answer me nor make himself known. However the there were several signs of occupancy. Namely A burn barrel with fire wood nearby, a 5-gal. Sheetrock bucket filled with water and a few dishes inside. Inspectors Jon Rioux and Chris Hanson were with me.

We then proceeded to the inspection.

The renovated area appears to be well done and in good shape, however the following issues were noted. The biggest issue here is that there is no separation between the comedy connection and the new Harbors Edge. This creates several problems namely that now both occupant loads must be calculated as one which will require both a full fire alarm system and a sprinkler system. Also the second means of egress for all uses on the Wharf use the same walkway so this must be taken into account when determining the occupant load. Next came the offices upstairs as there is no separation they were included in this inspection. There were several electrical violations noted and the use of multiple extension cords was noted I would request this entire area be checked by a licensed electrician and a certification filled. There were unvented fuel fired heaters in use. These are not allowed by state law. And again the means of egress for this space passes through the assembly area. The chimney that vents the water heater on the first floor has two open flue's on the second floor unable to determine if these are the same flues the water heater is connected to or not. But they should be sealed. There is construction of a bath room in this area and no permit on file. More research is needed to determine if these office spaces were ever issued a C-O. There are no life safety features in this area, {emergency lights, illuminated exit signs, or fire extinguishers.}

At this time the Owner became irritated and requested that I leave. He claimed I was picking on him. I conferred with the other inspectors to see if it was possible to allow the lessee to proceed with the event the next day. The issue was the issuance of a temporary C-O and temporary food service lic. This did not appear to be possible. The lessee stated he would move the function to the Comedy Connection. At this time I informed Mr. McGowan again of his responsibility to secure the end of the pier and left.

A meeting has been scheduled with an architect for Monday the 22nd to address the separation issues and other violations. This inspection has not been posted in HTE until these issues are ironed out and a C-O is issued. The attitude of the owner makes it possible he will fight this matter in court. However the lessee has been advised not to book anymore events until the proper permits can be obtained.

Respectfully Submitted
Capt. Greg Cass



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

October 26, 2007

PROPRIETORS OF CUSTOM HOUSE W
5 EASTERN PROMENADE
PORTLAND, ME 04101

CBL: 030 A001001
Located at 86 COMMERCIAL ST

Hand Delivery

Dear PROPRIETORS OF CUSTOM HOUSE WHARF ATTN

POSTING NOTICE

An evaluation of the above-referenced property on 10/22/2007 revealed that the structure fails to comply with Section 6-120.1 of the Housing Code of the City of Portland.

Attached is a list of the violations.

Based on that list, and pursuant to Section 6-120.3, this office declares the dwelling unit is unfit for human habitation. A re-inspection of the premises will occur 11/01/2007, at which time the dwelling unit must be totally vacated and secured from valuation.

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 @ (207) 874-8696
CEO/Plan Review



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Corporation Counsel
Gary C. Wood

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

November 19, 2007

Edward S. McColl, Esq.
Thompson Bull Furey Bass & MacColl, LLC, PA
120 Exchange St.
PO Box 447
Portland, ME 04112-0447

Dear Ed:

I wanted to memorialize several issues and time lines which were discussed with you and your client at the meeting held at City Hall on Friday, November 9, 2007 relative to the Custom House Wharf located in the WCZ zone in the City of Portland. There was a great deal of discussion at the meeting about various zoning, building code and fire safety issues. In sum, however, at least as it relates to your client, Mr. MacGowen, the parties at the table agreed to the following timeline:

- Mr. MacGowen will contact Chris Hanson, City of Portland Building Inspections Department, on Tuesday, November 13, 2007, to inform when the City should expect to receive the modified Life Safety Analysis from a professional and how your client intends on dealing with those buildings located easterly from the Port Hole to the end of the pier. We expect the analysis will be submitted in a timely fashion.
- In addition, by the end of next week, (November 16) Mr. MacGowen will submit a plan to the City on how he will make the dilapidated building on the pier either structurally sound or a timeframe for demolition. The building must be kept secure by the property owner at all times.
- Mr. MacGowen will provide the uses of each space on the pier and the concomitant space occupied by such use. This may be incorporated into the Life Safety Analysis.



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Planning & Development
Department

Michael D. Urban, Director

Inspection Services Director
Michael J. Nugent

January 20, 2006

Proprietors of Custom House
5 Eastern Promenade
Portland, Maine 04101

CBL: 030 A001001
Located at 86 Commercial Street

Dear Proprietors of Custom House,

POSTING NOTICE

An evaluation of the above-referenced property on 01/13/2006 revealed that the structure fails to comply with Section 115.1 of the Building Code of the City of Portland.

Attached is a list of the violations.

STRUCTURALLY UNSOUND

Based on the above finding, and pursuant to Section 115.2, this office declares the building unfit for occupancy. A re-inspection of the premises will occur on 02/13/2006, at which time the building must be totally vacated and secured from vandalism.

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 Section 6-112.1 of the Code. Please feel free to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

Arthur Rowe @ (207)874-8697
Building Inspector



PORTLAND MAINE

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*Lee Urban- Director of Planning and Development
Michael J. Nugent- Inspections Division Director*

January 17, 2006

**PROPRIETORS OF CUSTOM HOUSE
5 EASTERN PROMENADE
PORTLAND, ME 04101**

**CEB: 030 A001001
Located at 86 COMMERCIAL ST**

Hand Delivery

Dear PROPRIETORS OF CUSTOM HOUSE,

POSTING NOTICE

An evaluation of the above-referenced property on 01/13/2006 revealed that the structure fails to comply with Section 6-120.1 of the Housing Code of the City of Portland.

Attached is a list of the violations.

Based on that list, and pursuant to Section 6-120.3, this office declares the dwelling unit is unfit for human habitation. A re-inspection of the premises will occur on _____ at which time the dwelling unit must be totally vacated and secured from vandalism.

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,

Arthur Rowe @ (207) 874-8697
Building Inspector

15 January 2008

Mr. Chris Hanson
Building Department
City of Portland
389 Congress Street
Portland, ME 04101

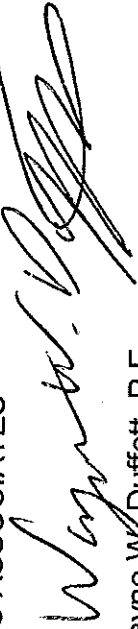
Re: Derelict Building at Custom House Wharf

Dear Mr. Hanson:

At your request, I have performed a structural evaluation of the building on the east side of Custom House Wharf which the owner proposes to demolish, hereinafter known as the "derelict building." Said demolition of the derelict building will be accomplished in a piecemeal fashion by the owner's forces. Sheathing on the south end of the structurally sound Custom House Seafood building will be repaired as necessary.

In my inspection of the derelict building, I noted that it has extensive fire damage, collapsed walls, large holes in the roof and floors, and heavily rotted timbers. My structural evaluation was made using the standards of the IBC, latest edition, as adopted by the City of Portland Building Department. I have determined that the safe allowable loading of said derelict building is not more than one seagull per square foot. Using the powers vested in me by the State of Maine, I do hereby and forthwith solemnly declare that said derelict building is a suitable candidate for demolition.

Very truly yours,
TEC ASSOCIATES



Wayne W. Duffett, P.E.

cc: Ken Macgowan



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

January 3, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

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In the opinion of the City's Public Safety Officials, this derelict building is dilapidated and a hazard and no occupancy or entrance to the same is permitted. The heavy snow loads in the area cause additional concern about this structure remaining in its current dangerous state, not to mention the fire concerns presented by individuals using the building for power tool storage and possible usage.

While we hope to receive a plan to either demolish or repair this building, City staff will be commencing action to bring this building to the City Council for an order of demolition. If, in the meantime, we receive from you an acceptable demolition or other plan, we will pull the action from the Council agenda. Obviously, your cooperation in this regard would be appreciated.

Sincerely,

Chris Hanson
Building Inspector

Cc: Penny Littell, Ed McColl, Jeanie Bourke, Gary Wood, Greg Cass, & Fred Lamontange



PORTLAND MAINE

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

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

January 3, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

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January 3, 2008

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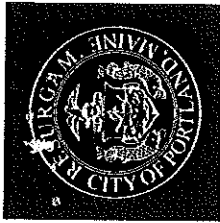
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Chris Hanson
Building Inspector

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PORTLAND MAINE

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

Corporation Counsel
Gary C. Wood

Via Certified Mail
Lambert Coffin & Rudman
P.O. Box 15215
Portland, ME 04112-5215

March 11, 2008

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

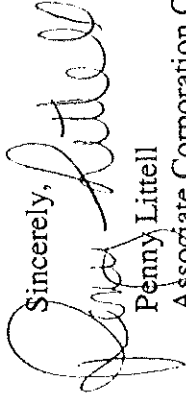
Re: Custom House Wharf, Portland, Maine

Dear Property Owner and All Interested Parties:

Please be advised that on **April 7, 2008 at 7 p.m.** the Portland City Council will consider whether the building/structure (both the pier/pilings/wharf or any portion thereof and the structure or any portion thereof) located on Custom House Wharf constitutes a nuisance or dangerous building/structure; and, if so, what disposal (including demolition) must be made of the building/structure.

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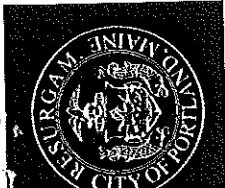
Sincerely,

Penny Littell
Associate Corporation Counsel

NOTICE AND ACKNOWLEDGMENT

I, _____, property owner and/or interested party to the Portland City Council proceedings regarding a derelict/dangerous building located on Custom House Wharf, Portland, Maine, do hereby take notice and acknowledge the scheduled City Council meeting of April 7, 2008 at 7:00 p.m. for purposes of conducting a hearing in the matter.

Dated this ____ day of March, 2008.

By:
Its:



PORTLAND MAINE

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www.portlandmaine.gov

Corporation Counsel
Gary C. Wood

VIA Certified Mail
Coastal Enterprises, Inc.
2 Portland Fish Pier – Suit 201
Portland, ME 04101

March 11, 2008

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

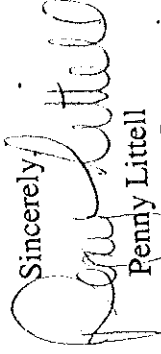
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Dated this ____ day of March, 2008.

By:
Its:



PORTLAND, MAINE

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Corporation Counsel
Gary C. Wood

VIA CERTIFIED MAIL
Harbor Fish Market, Inc.
Sidney St. F. Thaxter, Clerk
P.O. Box 7320
Portland, ME 04112

March 11, 2008

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

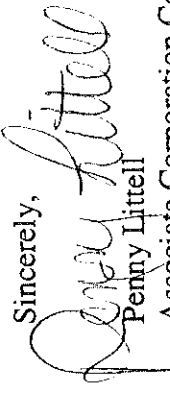
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By:
Its:



PORTLAND MAINE

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Corporation Counsel
Gary C. Wood

VIA CERTIFIED MAIL
Restaurants, Inc. d/b/a Boone's
Edwin A. Heisler, Clerk
P.O. Box 9711
Portland, ME 04104-5011

March 11, 2008

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

Re: Custom House Wharf, Portland, Maine

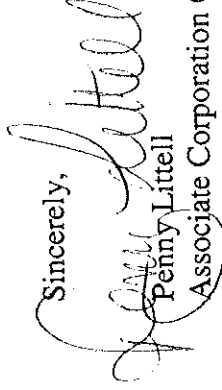
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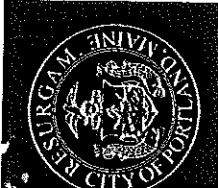
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By:
Its:



PORTLAND MAINE

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Corporation Counsel
Gary C. Wood

VIA CERTIFIED MAIL
DTL Corp. d/b/a Seacoast Ocean Services
Peter G. Cary, Clerk
P.O. Box 427
Portland, ME 04112-0427

March 11, 2008

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

Re: Custom House Wharf, Portland, Maine

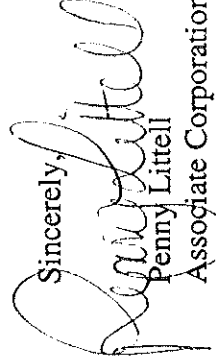
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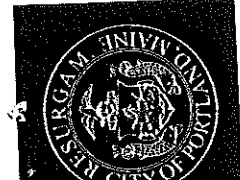
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By:
Its:



PORTLAND MAINE

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www.portlandmaine.gov

Corporation Counsel
Gary C. Wood

VIA CERTIFIED MAIL
Great Atlantic Seafood
Robert F. Montgomery, Clerk
15 Monument Square
Portland, ME 04101

March 11, 2008

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

Re: Custom House Wharf, Portland, Maine

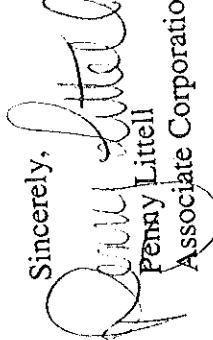
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By:

Its:



PORTLAND, MAINE

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Corporation Counsel
Gary C. Wood

VIA CERTIFIED MAIL
International Industries, Inc. of Maine
Nicholas H. Walsh, Clerk
111 Commercial Street
Portland, ME 04101

March 11, 2008

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

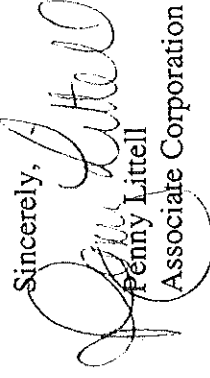
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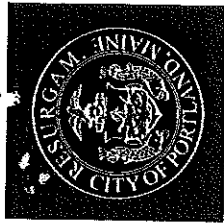
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Corporation Counsel
Gary C. Wood

Via Certified Mail
Gorham Savings Bank
64 Main Street
Gorham, ME 04038

March 11, 2008

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

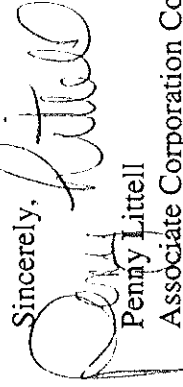
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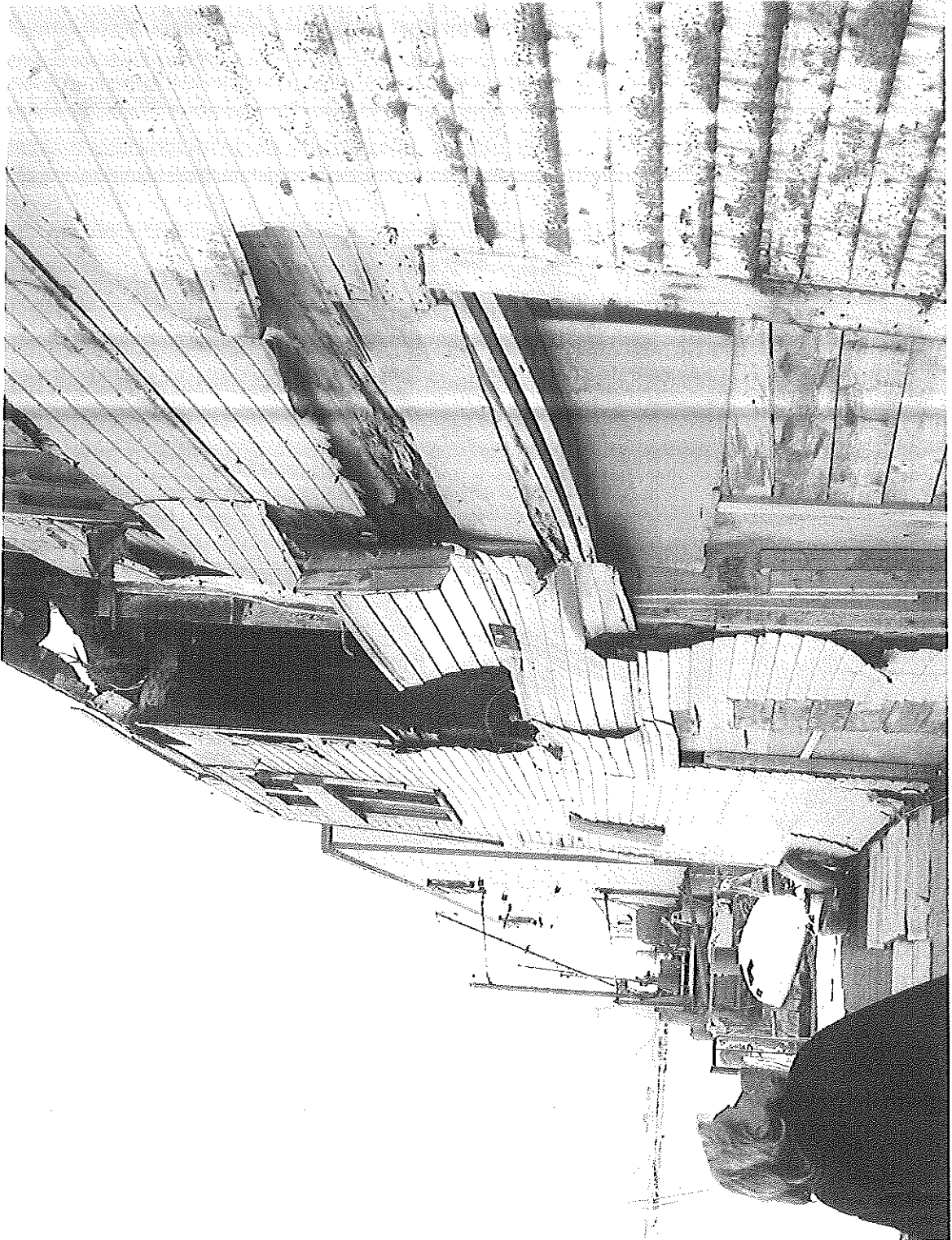
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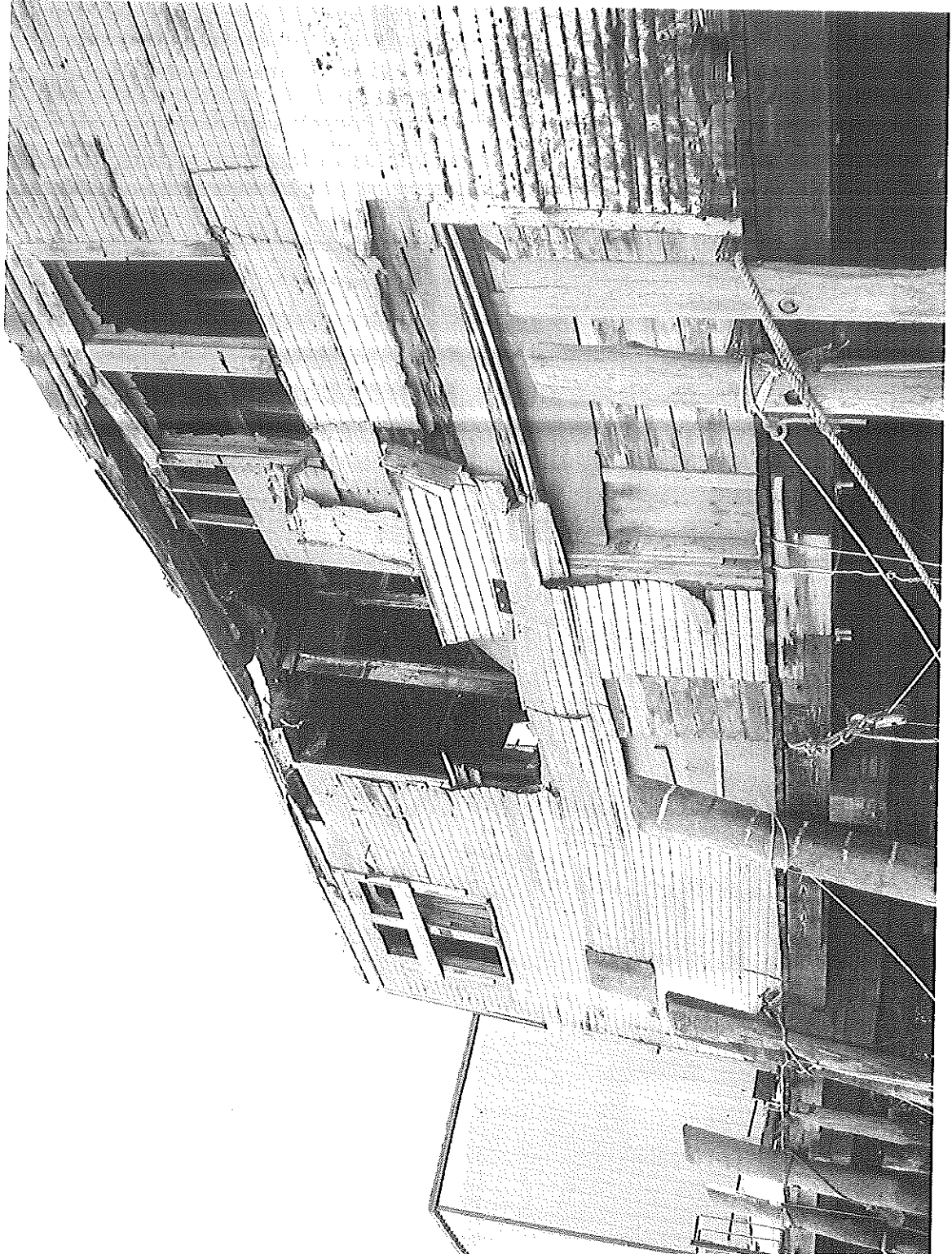
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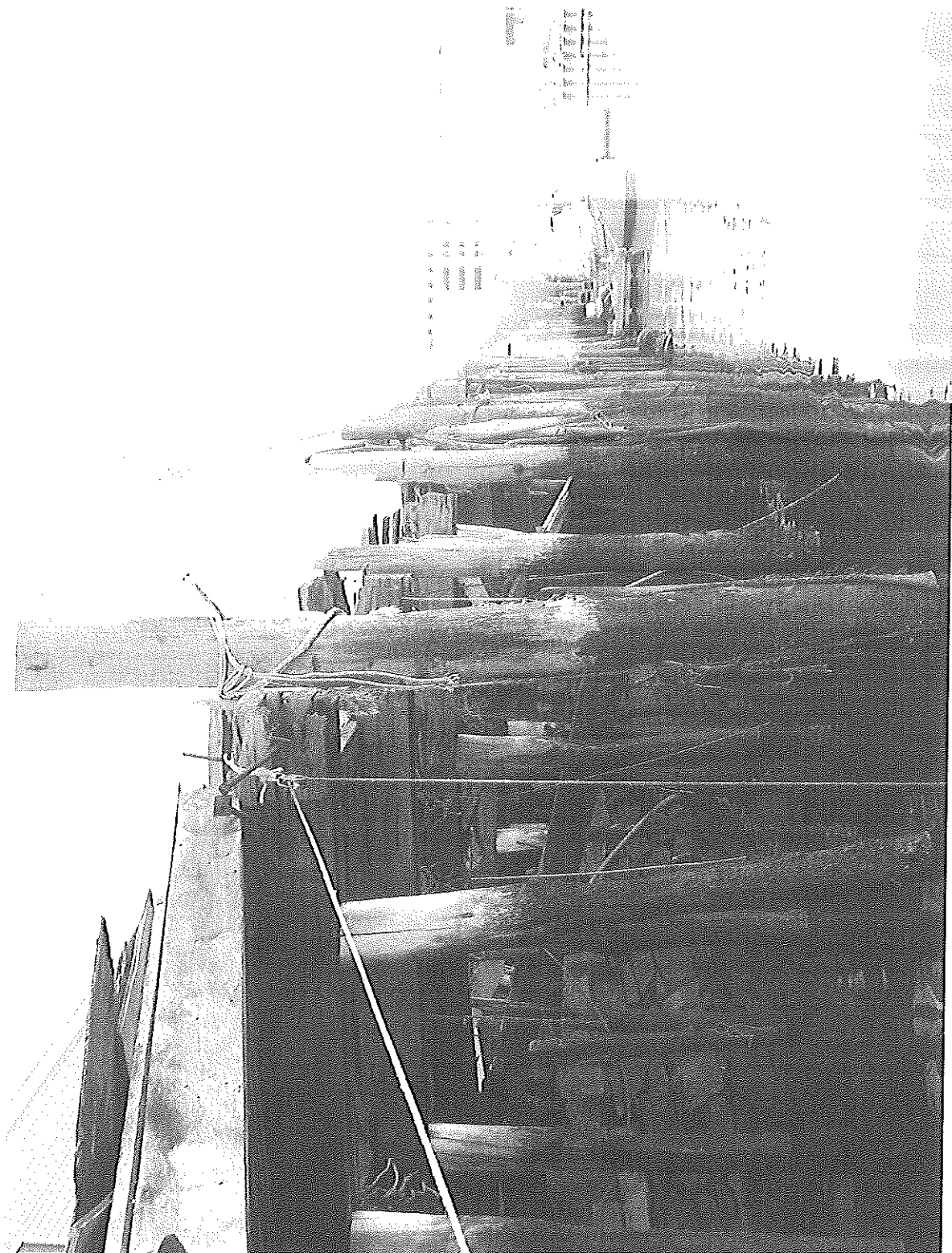


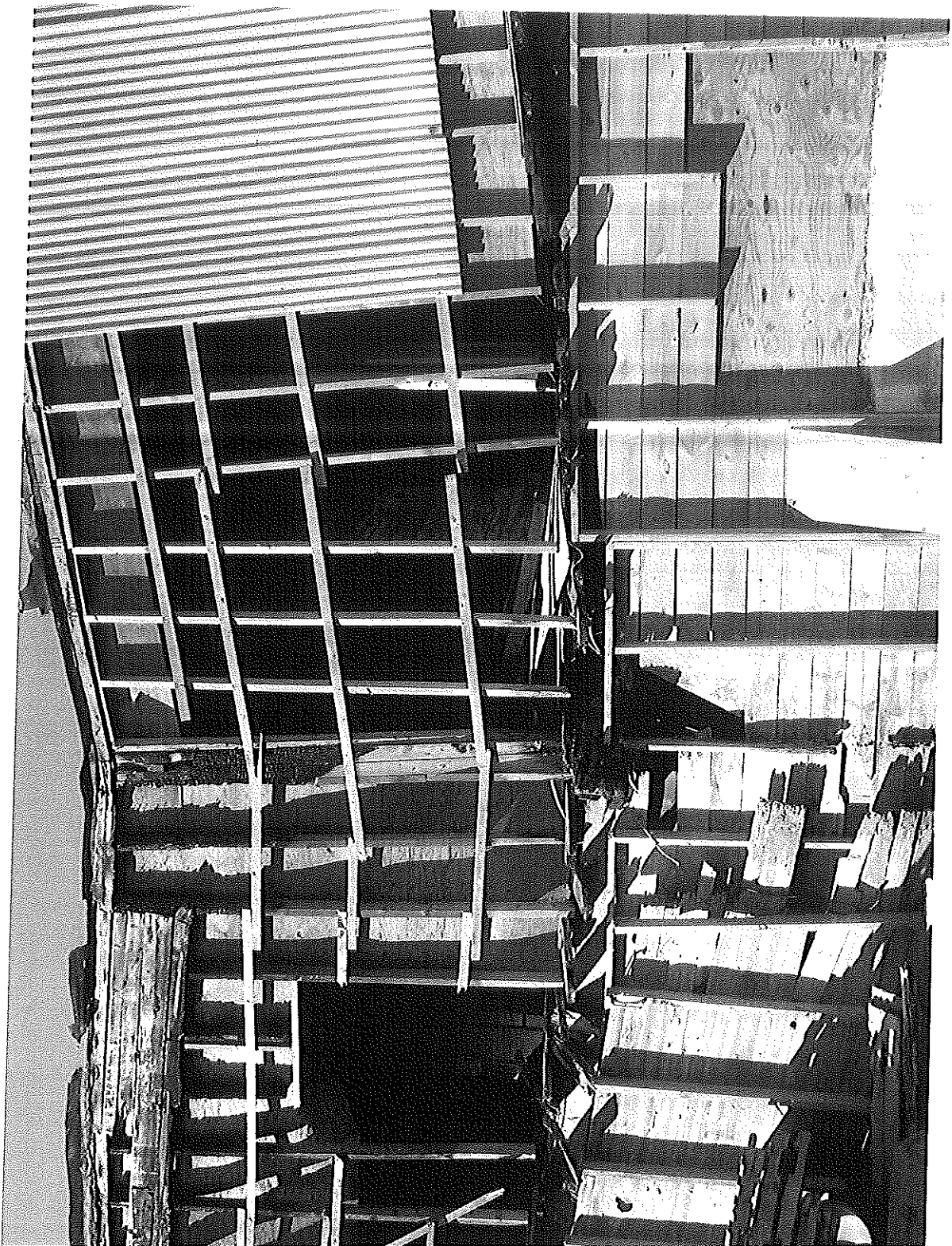














Proprietors of Custom House Wharf



18 Custom House Wharf, Portland, ME 04101
Phone 831-0169

March 21, 2008

Mr. Chris Hanson
Room 315
389 Congress St
Portland, ME. 04101

Dear Mr. Hanson

Due to the weather and the way we are taking the building down by section trying to save as much wood as possible, we need an extension on our demolition permit for the second floor till Friday March 28th. It should be noted that I called the Monday after I pick up the permit(Friday) to let you know that I was not going to be able to start until the following Monday as we were getting snow on three days that week. We were also affected by weather on two other occasions and as stated in the previous letter to you we are working with the tides to finish up the other projects under the wharfs.

The plan was to take two weeks off from working on the building to apply for the second demolition permit to take down the rest of the building, as we have been able to get into the building and discover that it is not worth saving, but I will now wait for you to tell me how to proceed with this. I would like to let you know this will take about six weeks to take down as there is quite a bit more lumber that can be saved here, so we will be pulling this up mostly one board at a time.

Sincerely,

Kenneth N. Macgowan



PORTLAND MAINE

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

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

April 8, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Re: Derelict Building/ Custom House Wharf

Dear Mr. Macgowen:

On February 6, 2008 the City issued a demolition permit for the derelict building located on Custom House Wharf. The City received a letter from you requesting an extension of the permit through March 28, 2008. Our office approved the extension as requested.

On April 7, 2008 attorney, Edward McColl represented that the derelict building would be completely removed on April 28, 2008. As Attorneys Wood and Littell informed Mr. McColl, you are required to obtain a new demolition permit to complete your work, Attorney McColl agreed that you would apply for this permit ASAP.

I am notifying you that a new demolition application will need to be filed immediately to keep working on this project.

Enclosed is a permit application and copy of a letter dated January 11, 2008 defining application requirements to conduct a proper plan review.

Sincerely,

Chris Hanson,
Code Enforcement Officer/ Plan Reviewer

CC: Penny Littell, Ed McColl, and Gary Wood



PORTLAND MAINE

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

January 13, 2008

Mr. Ken Macgowen
5 Eastern Promenade
Portland, Maine 04101

Dear Mr. Macgowen:

Thank you for your application for a demolition permit for the derelict building at Custom House Wharf. I look forward to working with you towards an expedient removal of this hazardous condition. In order for me to do a prompt review I need some additional information as soon as possible .As per Sec. 3303 of the IBC 2003 code;

1. Construction documents and a schedule for demolition.
2. Name of the Contractor and address of same.
3. Please include a scheduled start date and completion date.
4. Pedestrian protection must be in place prior to commencement as per sec. 3303.2.
5. Structural analysis of both the Seafood Co. and the derelict building by T.E.C. (Wayne Duffett).
6. Plan for debris removal, including location of disposal.
7. Include any dumpster location's.

Sincerley,

Chris Hanson
Building Inspector

Cc: Penny Littell, Ed McColl, Jeanie Bourke, Gary Wood, Greg Cass, & Fred Lamontange

OA\OFFICE\PENNY\Letters 2008\Macgowen010208.doc