

City of Portland, Maine - Building or Use Permit Application

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

Permit No:	Issue Date:	CBL:
06-0748	07/10/2006	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
	Oliver Kiethly	16 Custom House Wharf Portland	2078313521
Lessee/Buyer's Name	Phone:	Permit Type:	Zone:
		Alterations - Commercial	

Past Use:	Proposed Use:	Permit Fee:	Cost of Work:	GEO District:
Commercial existing restaurant	Commercial existing restaurant - replace and upgrade windows, doors, bathrooms and install new walls and exterior doors	\$408.00	\$43,000.00	1
		FIRE DEPT:	INSPECTION:	Type:
		<input type="checkbox"/> Approved <input type="checkbox"/> Denied	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	

Proposed Project Description:	Signature:	Signature:
replace and upgrade windows, doors, bathrooms and install new walls and exterior doors		
	Signature:	Date:

Permit Taken By:	Date Applied For:	Zoning Approval	
dmartin	05/17/2006		

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.	<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input type="checkbox"/> Not in District or Landmark
2. Building permits do not include plumbing, septic or electrical work.	<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
3. 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..	<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
	Date:	Date:	Date:

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 _____

City of Portland, Maine - Building or Use Permit

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

Permit No:	08-0772	Date Applied For:	06/27/2008	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:	207-831-3521
Business Name:		Contractor Name:		Contractor Address:		Phone:	
Lessee/Buyer's Name		Phone:		Permit Type:	Alterations - Commercial		

Proposed Use:	Commercial Restaurant/PortHole - Interior Renovations to Update Fire Codes	Proposed Project Description:	Interior Renovations to Update Fire Codes
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Dept: Zoning Status: Pending Reviewer: Ann Machado Approval Date: _____
 Note: Ok to Issue:

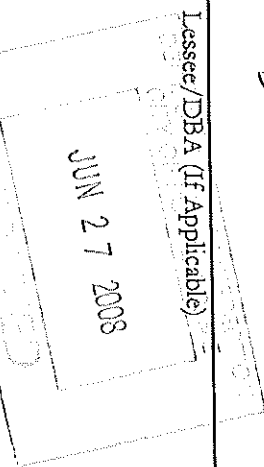
- Dept: Building Status: Approved with Conditions Reviewer: Chris Hanson Approval Date: 07/09/2008
 Note: Ok to Issue:
- 1) Rated walls and ceiling assemblies must be approved by a design professional and a letter is required.
 - 2) All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.
 - 3) This permit DOES NOT certify the use of the property or building. It only authorizes the construction activities.
 - 4) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.
 - 5) 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.

- Dept: Fire Status: Approved with Conditions Reviewer: Capt Greg Cass Approval Date: 07/08/2008
 Note: Ok to Issue:
- 1) Seating / egress diagram provided with this permit are not adequate. These need to be completed by a design professional. Along with the life safety code summary
 - 2) Emergency lights are required to be tested at the electrical panel.
 - 3) Emergency lights and exit signs are required
 - 4) Occupancies with an occupant load of 100 persons or more require panic hardware on all doors serving as a means of egress.
 - 5) All construction shall comply with NFPA 101



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 Cornwell St (Porthole Building)</u>		Total Square Footage of Proposed Structure/Area		Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Chart# <u>B30 A</u> Lot# <u>001</u>	Applicant ^{*must be owner, Lessee or Buyer*} Name <u>Dinesh Kethly</u> Address <u>96 Cornwell Drive</u> City, State & Zip <u>S. Portland me</u>	Owner (if different from Applicant) Name <u>James S. Esin Howard</u> Address <u>86 Cornwell St.</u> City, State & Zip <u>Portland me 04101</u>	Telephone: <u>207-833-3521</u>		
Lessee/DBA (If Applicable): 		Cost Of Work: \$ <u>5000</u>	Cof O Fee: \$ _____		
Current legal use (i.e. single family) <u>AZ / RESIDENT</u> If vacant, what was the previous use? <u>GENE</u> Proposed Specific use: _____ If yes, please name _____		Is property part of a subdivision? _____ Project description <u>RATE WORKING CONCRETE TO THE (SEASIDE)</u> <u>② OPENS COINER CORNER TO THE BELT</u> <u>③ PATER STREET SIDE OPEN GARAGE</u>			
Contractor's name: <u>J/N / SELF</u>		Address: _____			
City, State & Zip _____		Telephone: _____			
Who should we contact when the permit is ready: _____		Telephone: _____			
Mailing address: _____		_____			

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:  Date: 6/27

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

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.

 Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling

 Final inspection required at completion of work.

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.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.

Signature of Applicant/Designee

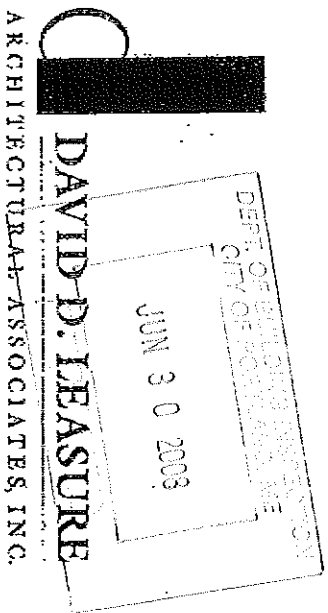
Date

Signature of Inspections Official

Date

TELEFAX
COVER SHEET

VIA FACSIMILE



031-557

TO: Mr. Chris Hansen - CEO
Proprietors of Custom House Wharf
5 Eastern Prom
Portland, Maine 04101

DATE: June 27, 2008

NO. OF PAGES

INCL. COVER SHT. 3

FAX NO. (207) 874-8716 (C. Hansen)
(207) 761-9686 (O. Kiethly)

SUBJECT: Porthole Tavern Restaurant / Comedy Connection: 2 Hr. Floor assembly reference

MEMORANDUM:

Hi Chris:

I met with Oliver Kiethly dba Cogee Entertainment today with regard to your comments and requests for information. Attached please find the U.L. listed floor assembly that I am referencing to extrapolate to the required 2 hr. floor/ceiling assembly.

The actual floor/ceiling assembly directly above the referenced restaurant/night clubs has 1x4 wood flooring over 2-1/2 tongue and groove wood decking which would give you a better fire rating than the L208 assembly listed. Assembly Design No. L208 is a 1-1/2 hr floor/ceiling assembly that when (1) layer of 5/8" Type X Firecode GWB was secured to the bottom of the timber floor framing would, in my opinion, equal to or exceed a 2 hr. floor/ceiling assembly. I discussed this with Steve Dodge at the office of the State Fire Marshall and he concurred with this proposal.

Please note that the floor members must be cross braced and solid blocked at their endpoints to attain this rating. *

I am going on vacation next week but will be preparing some revised egress plans and details of the 2 hr. wall assembly required at the East end of the wharf area directly in front of the porthole Tavern and Comedy Connection. Please feel free to contact me if you need any additional detail or information.

Best Regards,



 DAVID D. LEASURE - ARCHITECTURAL ASSOCIATES INC.
 1344 WASHINGTON AVENUE PORTLAND, MAINE 04103 (207) 797-8661

cc: Oliver Kiethly - Cogee Entertainment
File

This facsimile may constitute a privileged communication or otherwise confidential material. If you receive this facsimile in error or any part of the transmission is not received, please contact the sender at (207) 797-8661.

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COMMERCIAL • RESIDENTIAL • PLANNING • CONSULTING
1344 WASHINGTON AVENUE PORTLAND, MAINE 04103 (207) 797-8661 FAX (207) 797-8533

2008 FIRE RESISTANCE DIRECTORY/VOLUME 1

FIRE RESISTANCE RATINGS: ANSULUR 200 (BXUV)

Refer to Manufacturer's Absorbent Material (BYTJ), EMCO Ltd., for specific tile details.

USG INTERIORS INC.—Types FR-83, FR-24, M. See Acoustical Materials (BYTJ), USG Interiors, Inc., for specific tile details.

Hanger Block—Nom 2 by 4 in. Installed between and perpendicular to wood joists and centered 5 in. below subflooring. Locked to joists by hanger and hanger wire for steel framing members required.

Panel Board—(Not shown) As an alternate to Item 13, Item 2 by 4 in. by 1/2 in. panels. Border panels supported at walls by wall track (Item 16).

USG INTERIORS INC.—1/2 in. thick Type RC-CB. See Item 13 A, nom 13/8 in. (Not shown). As an alternate to Item 13 A, nom 13/8 in. by 5/8 or 1/2 in. Lay-in panels. Border panels supported at walls by wall track (Item 13).

USG INTERIORS, INC.—1/2 in. thick Type RC-CB. See Item 13 A, nom 13/8 in. (Not shown). As an alternate to Item 13 A, nom 13/8 in. by 5/8 or 1/2 in. Lay-in panels. Border panels supported at walls by wall track (Item 13).

USG INTERIORS, INC.—(Optional, not shown) Applied over subfloor with no limit on overall thickness. See Mineral and Fiber Glass (CEK2), category at the end of this directory for names of manufacturers.

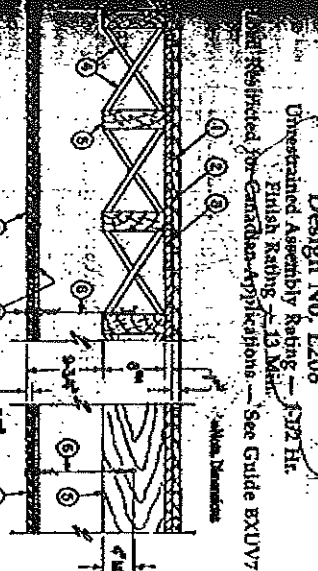
Covering—(Not shown) For use with roof insulation in Item 13, Class A, B or C. Built-Up Roof Covering Materials* consisting only of the following materials: (1) Underlayment* consisting only of Organic Materials Directory.

Design No. E208

Unstrained Assembly Rating—F312 HR.

English Rating—13 Min.

Not Restricted for Canadian Applications—See Guide BXUV7



Subfloor—1 by 4 in. T&G laid perpendicular to joists, or 5/8 in. solid wood structural panels, min grade "Underlayment". Face of plywood to be perpendicular to joists with joints staggered. Finish Floor Rating.—The alternate finish flooring may consist of the following:

System No. 1

Floor Topping Mixture—Foam concentrate mixed 40:1 by volume with water and expanded at 100 psi through a foam nozzle. Mix at rate of 1.4 cu ft of preformed foam to 94 lbs Type 1 Portland Cement, 265 lb of Red Gravel and 312.5 lbs of sand, with approximately 5.5 gal of water. Cast density of Floor Topping Mixture 100 (+ or -) 5 pcf. Min compressive strength 1000 psi. Thickness 1 in.

ELASTIMAT CORP OF AMERICA—Type FR.

System No. 2

Floor Topping Mixture—Foam concentrate mixed 40:1 by volume with water and expanded at 100 psi through a foam nozzle. Mix at rate of 1.4 cu ft of preformed foam to 94 lbs Type 1 Portland Cement, 265 lb of Red Gravel and 312.5 lbs of sand, with approximately 5.5 gal of water. Cast density of Floor Topping Mixture 100 (+ or -) 5 pcf. Min compressive strength 1000 psi. Thickness 1 in.

LITE-CRETE INC.—Type 1.

System No. 3

Floor Topping mixture—65 gal of water to 80 lbs of floor topping mixture to 19 cu ft of sand. Min compressive strength 1000 pcf, thick 1 in.

HACKER INDUSTRIES INC.—Type Hacke Sound-Mat.

System No. 4

Alternate Floor Mat Materials—(Optional)—Floor mat material nom 10 mm thick adhered to subfloor with Hacker Floor Primer. Primer to be applied to the surface of the mat prior to the placement of a min 1/4 in. of floor-topping mixture.

HACKER INDUSTRIES INC.—Type Hacker Sound-Mat.

System No. 5

FIRE RESISTANCE RATINGS: ANSULUR 200 (CSM)

nom 1/4 in. thick loose laid over the subfloor. Floor mat material shall be a min of 1 in.

HACKER INDUSTRIES INC.—Type Quick-Grip.

Alternate Floor Mat Materials—(Optional)—Floor mat material nom 3/8 in. thick loose laid over the subfloor. Floor mat material shall be a min of 1-1/2 in.

HACKER INDUSTRIES INC.—Type Quick-Grip.

Alternate Floor Mat Materials—(Optional)—Floor mat material nom 3/4 in. thick loose laid over the subfloor. Floor mat material shall be a min of 1-1/2 in.

HACKER INDUSTRIES INC.—Type Quick-Grip.

Metal Lath (Optional)—For use with 3/8 in. expanded steel diamond mesh, 3/8 in. over the floor mat material. Header-floor joists, perpendicular to the placement of the metal lath. When metal lath is used, thickness a nom 1-1/4 in. over the floor mat.

System No. 4

Finish Flooring—(Optional) Applied over the floor mat material. With 80 lbs of floor topping mixture and 16 lb of sand, cast density of floor topping mixture 95 to 105 pcf. Min. thickness 1 1/2 in. compressive strength to be 1000 psi. Min. thickness 1 1/2 in.

MAXXON CORP.—Type P-C, C-C, CC-200, L-C.

Floor Mat Materials—(Optional)—Floor mat material, nom 3/8 in. thick loose laid over the subfloor. Floor mat material shall be a min 1 in. over the floor mat.

MAXXON CORP.—Type Acoust-Mat 2.

Alternate Floor Mat Materials—(Optional)—Nom 10 mm mat material loose laid over the subfloor. Floor mat material shall be a min 1-1/2 in.

MAXXON CORP.—Type Acoust-Mat 3, Crack Stop.

System No. 5

Metal Lath (Alternate to Crack Suppression Mat)—(CSM) expanded galvanized steel diamond mesh, 3/8 in. over the floor mat material. Floor topping mixture shall be applied to the surface of the mat prior to the placement of the floor mat material.

Alternate Floor Mat Materials—(Optional)—Nom 10 mm mat material loose laid over the subfloor. Floor mat material shall be a min 1-1/2 in.

Applied to the surface of the mat prior to the placement of the floor mat material.

MAXXON CORP.—Type Acoust-Mat 3, Crack Stop.

Metal Lath (Optional)—For use with 3/8 in. expanded steel diamond mesh, 3/8 in. over the floor mat material. Header-floor joists, perpendicular to the placement of the metal lath. When metal lath is used, thickness a min 1-1/4 in. over the floor mat.

MAXXON CORP.—Type Acoust-Mat 3, Crack Stop.

Finish Flooring—(Optional) Applied over the floor mat material. With 80 lbs of floor topping mixture and 16 lb of sand, cast density of floor topping mixture 95 to 105 pcf. Min. thickness 1 1/2 in. compressive strength to be 1000 psi. Min. thickness 1 1/2 in.

MAXXON CORP.—Type Acoust-Mat 3, Crack Stop.

Alternate Floor Mat Materials—(Optional)—Nom 10 mm mat material loose laid over the subfloor. Floor mat material shall be a min 1-1/2 in.

MAXXON CORP.—Type Acoust-Mat 3, Crack Stop.

Finish Flooring—(Optional) Applied over the floor mat material. With 80 lbs of floor topping mixture and 16 lb of sand, cast density of floor topping mixture 95 to 105 pcf. Min. thickness 1 1/2 in. compressive strength to be 1000 psi. Min. thickness 1 1/2 in.

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MAXXON CORP.—Type Acoust-Mat 3, Crack Stop.

Finish Flooring—(Optional) Applied over the floor mat material. With 80 lbs of floor topping mixture and 16 lb of sand, cast density of floor topping mixture 95 to 105 pcf. Min. thickness 1 1/2 in. compressive strength to be 1000 psi. Min. thickness 1 1/2 in.

2008 FIRE RESISTANCE DIRECTORY VOLUME 1

FIRE RESISTANCE RATINGS - ANSUL 283 (BXU)

Supporting structure shall be min 3.1 1/2 in.

MAXXON CORP. - Type Ekabascac-9110

UL Classified (Optional) - For use with floor mat materials, 3/8 in. thick galvanized steel diamond mesh, 3.4 lbs./sq yd or Maxxon UL Classified Crck Suppression Mat (CSM) loose laid over the mat material. Floor topping mixture shall be min 1 in.

MAXXON CORP. - Type Crck Suppression Mat (CSM)

System No. 7

Flooring - Floor Topping Mixture* - Compressive strength 1000 psi. Thickness to be 1 in. min. Refer to manufacturer's literature accompanying the material for specific mix design.

ARMSTRONG SYSTEM PLASTERWORKS LLC - Accu-

Max Material* - (Optional) - Floor mat material permit-

ted for min. thick loose laid over the subfloor. Floor topping shall

be min 1 in.

ARMSTRONG SYSTEM PLASTERWORKS LLC - Type AccuQuiet 720, Type AccuQuiet RSM 32, Type AccuQuiet RSM 50, Type AccuQuiet RSM 64, and Type AccuQuiet RSM 75

System No. 8

Flooring - Floor Topping Mixture* - Compressive strength 1000 psi. Thickness to be 3/4 in. min. Refer to manufacturer's literature accompanying the material for specific mix design.

MAXXON INC. - Maxil 403

System No. 9

Flooring - Floor Topping Mixture* - Compressive strength 1000 psi. Thickness to be 3/4 in. min. Refer to manufacturer's literature accompanying the material for specific mix design.

ARMSTRONG SYSTEM PLASTERWORKS LLC - Accu-

Max Material* - (Optional) - Floor mat material permit-

ted for min. thick loose laid over the subfloor. Floor topping shall be min 1 in.

ARMSTRONG SYSTEM PLASTERWORKS LLC - Type AccuQuiet 720, Type AccuQuiet RSM 32, Type AccuQuiet RSM 50, Type AccuQuiet RSM 64, and Type AccuQuiet RSM 75

ARMSTRONG SYSTEM PLASTERWORKS LLC - Type AccuQuiet 720, Type AccuQuiet RSM 32, Type AccuQuiet RSM 50, Type AccuQuiet RSM 64, and Type AccuQuiet RSM 75

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ARMSTRONG SYSTEM PLASTERWORKS LLC - Type AccuQuiet 720, Type AccuQuiet RSM 32, Type AccuQuiet RSM 50, Type AccuQuiet RSM 64, and Type AccuQuiet RSM 75

FIRE RESISTANCE RATINGS - ANSUL 283 (BXU)

thick, steel or aluminum 1/8" or 5/8" in. deep by 3/4" in. wide between the metal pans.

CHICAGO METALLIC CORP. - Type 1650

8. Acoustical Materials* - 24 by 24 or 48 in. lay-in panels. Border supported by min. 1x2 in. thick (26 gauge) painted steel angle with 1/2 in. legs; or min. 0.016 in. thick (26 gauge) painted steel channel, 1/2 in. deep with 1 in. bottom flange and 3/4 in. top flange. (See cutaway for details).

ARMSTRONG WORLD INDUSTRIES INC. - Types 97/8

(S) 24 x 24 or 48 in. or 5/8 in. FC (S) 24 x 48 in.

9. Hold-Down Clips* - (Not Shown) - 1/2 in. wide, 0.021 in. thick spring steel. Two clips placed over cross tees 12 in. from each runner.

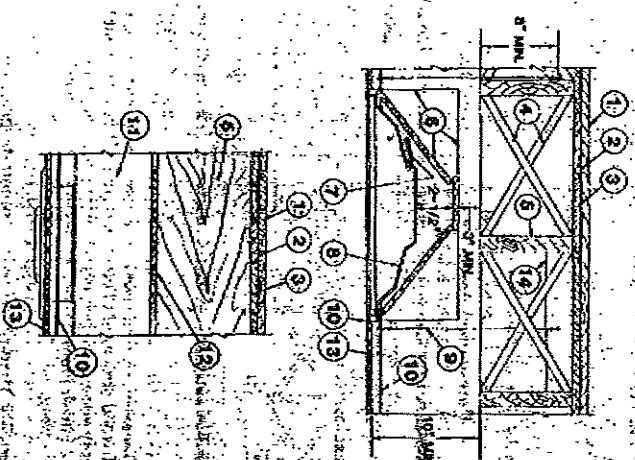
*Bearing the UL Classification Mark

Design No. 1209

Unrestrained Assembly Rating - 1 Hr.

Finish Rating - 14 Min.

Load Restricted for Canadian Applications - See Guide EX-07



1. Finish Flooring* - 1 by 4 in. TEC laid perpendicular to joists. 19/32 in. plywood wood structural panels, min grade. Underlayment. Face grain of plywood to be perpendicular to joists with joints staggered.

1A. Alternate Finish Flooring* - The alternate finish flooring may be of the following:

System No. 1

Floor Topping Mixture* - Foam concentrate mixed 40:1 by volume with water and expanded at 100 psi through a foam nozzle. Mix rate of 1.4 cu ft of preformed foam to 94 lbs Type I Portland Cement and 300 lbs of sand with approximately 5.5 gal of water. Cast on top of Floor Topping Mixture 100 (+ or -) 5 pct. Min compressive strength 1000 psi. Thickness 1 1/2 in.

ELASTIZELL CORP. OF AMERICA - Type FR

System No. 2

Floor Topping Mixture* - Foam concentrate mixed 40:1 by volume with water and expanded at 100 psi through a foam nozzle. Mix rate of 1.4 cu ft of preformed foam to 94 lbs Type I Portland Cement and 312.5 lbs of sand, with approximately 5.5 gal of water. Cast on top of Floor Topping Mixture 100 (+ or -) 5 pct. Min compressive strength 1000 psi. Thickness 1 in.

LITE-CRETE INC - Type I

System No. 3

Floor Topping Mixture* - 6.8 gal of water to 80 lbs of floor topping mixture to 1.0 cu ft of sand. Min compressive strength 1000 psi. Finish 1 in.

HACKER INDUSTRIES INC. - Firm-Fill Gypsum Concrete

Firm-Fill 2010, Firm-Fill 4010, Firm-Fill High-Strength, Firm-Fill Span Reduct and Firm-Fill 3310

Floor Mat Materials* - (Optional) - Floor mat material next to mat thick adjacent to subfloor with Hacker Floor Runner Runner to be

5 December 2007

FAKED
12/5/07

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

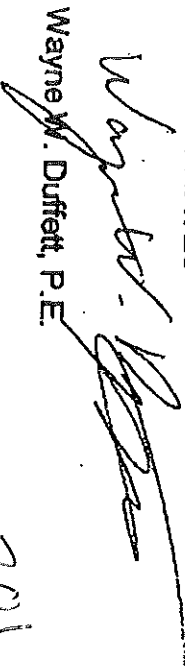
Dear Ken:

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 M. Duffett, P.E.

201 Wayne

767-6065-2066 Tim

232-3581

From: Gary Wood
To: mainelegal@aol.com
Date: 8/20/2008 11:36:11 AM
Subject: Re: Keithley

Penny, Chris and I just met.

The punch list for both Boone's and the Porthole /comedy connection is in our opinion not possible to do between now and the 23rd.

Chris will talk with you directly or show you the Life Safety plan and issues if you call him asap at either 874-8696 or 650-4426(C) to make an appointment to come over. There are also major structural issues under Boone's that may have been addressed but not to our knowledge.

The problem here was created by Oliver double booking his facilities.

We will accommodate one of those functions by allowing him to set up a tent if he gets a permit application for that tent into Inspections (Chris if he's here) and returns a completed application(he picked up the form yesterday) for a single event catering license to Alexandra asap.

We will not issue a C of O to use the Boon'e s space in the absence ofverified completion of the punch list.

We gave Oliver a big break last New Year's Eve to use Boone's but that was the last one

The space has to be made safe before we address the use issue unless Oliver decides it is more prudent to address the use issue first, which may make a lot of financial sense but it isn't going to happen before the 23rd.

good luck

>>> <mainelegal@aol.com> 08/19 3:44 PM >>>

Dear Penny Joe & Gary

I am writing about Oliver Keithley. I don't know if there's anything you can do on this but I hope there is.

Last year, Oliver got a liquor permit for Harbor's Edge, the old Boones. Arthur Rowe had inspected it and specified a few changes, had written on his inspection report that no occupancy permit was needed.

Keithley started accepting reservations, including wedding reservations.

Later, the structural issues made reopening impossible on that timeframe.

Now, Oliver has managed to cancel or move every event that was booked except a wedding that has a meal scheduled this weekend. He is trying to develop some makeshift plan to use a tent or a portion of the deck and the Porthole, but the optimal place would be a one time use of Harbor Edge. Marge Schmuckel ruled last Friday that the area is not grandfathered for this use which will be subject to a Board of Appeals review to be promptly filed.

I have told Oliver to prepare a catering permit application as he seems to think he will need this for some reason.

In any event, if there is a way to allow this to happen the bride involved will undoubtedly have fond thoughts of all involved forever.

Please let me know.

Jim Cloutier

Get the MapQuest Toolbar. Directions, Traffic, Gas Prices & More!

CC: Chris Hanson; Joe Gray; Penny Littell

From: "David D. Leasure" <davidleasure@verizon.net>
To: "Chris Hansen" <csh@portlandmaine.gov>
Date: 8/20/2008 12:38:18 PM
Subject: Custom House Wharf - Life Safety Drawings

Hi Chris:

Attached please find some of the final revised Life Safety Drawings for the above referenced project. I tried to send the whole package yesterday but the size was too large (even zipped) to get through. I am making up full sets of prints and will forward those to your office in the next few days.

I have included in this email the detail of the 2 hr fire barriers including the exit walkway. I spoke with Oliver Kiethly this morning and he is anxious to hear if this design and documentation is acceptable to you. Please let us know at your earliest convenience. Thank you!

Please let me know if you have any difficulty viewing these files. Also, please review the design and let me know if you have any additional requirements or thoughts.

Best Regards,
David D. Leasure, R.A.
Architectural Associates Inc.
Ph. 207.797.8661
Fax. 207.797.8533
Cell 207.841.8880
E-mail (NEW EMAIL ADDRESS) davidleasure@verizon.net

CC: "Oliver Kiethly" <oliver@mainecomedy.com>

From: Alexandra Murphy
To: Gary Wood
Date: 8/18/2008 4:27:28 PM
Subject: Porthole liquor catering application

It's actually the same date, but different reception - they double booked. He wanted to use the Porthole's license to cater food & liquor in the Boone's space and also the parking lot.

>>> Gary Wood 08/18 4:22 PM >>>
they do not have aCof O for the Boone's space and can't use it until they get one...this sounds like the same reception they were calling about earlier
I believe that they have yet to complete the fixes that they promised in the other space as well to make it code compliant
finally,as a matter of state liquor law ,how do they get or why do they need a caterng license if they are serving alcohol in an area already licensed ?or is it just the parking lot that would be subject to the catering license with alcohol and food coming from the Porthole?

>>> Alexandra Murphy 08/18 3:54 PM >>>
Oli called this morning wondering how to apply for a one day liquor license to use the Harbor's Edge location and also the parking lot between Gilbert's Chowder House and the Dry Dock. He has a wedding reception on the 23rd.

I know which state document to use, but didn't know if we weren't going to issue a CO for that space if we would even issue a one day use for it either?
Please advise.

CC: Chris Hanson; Jeanie Bourke; Penny Littell

From: Gary Wood
To: Alexandra Murphy
Date: 8/18/2008 4:23:02 PM
Subject: Re: Porthole liquor catering application

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I know which state document to use, but didn't know if we weren't going to issue a CO for that space if we would even issue a one day use for it either?
Please advise.

CC: Chris Hanson; Jeanie Bourke; Penny Littell

From: window window
To: Inspections
Date: 8/18/2008 11:24:49 AM
Subject: RE: GA: 38 WEBB ST Dist: 3

Date: 8/18/2008 Time: 11:23:12 AM

Property Addr: 38 WEBB ST Parcel ID: 263 C016001

Complaint Desc: Please inspect 38 Webb ST, 2nd floor

The LL is Shawn Murphy and can be reached @ 632-6144

The client, Trish Farr, is in the unit.

Complainant:

Phone1: Phone2: Best Time To Contact:
Addr:

Response to Complainant:

Complainant Mood:

Owner Name: MURPHY SHAWN O

Owner Addr: 38 WEBB ST , PORTLAND



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

JOHN ELIAS BALDACCI
GOVERNOR

December 7, 2007

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

Cogee Management & Entertainment, Inc.
16 Custom House Wharf
Portland, Maine 04101

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

To Whom It May Concern:

A representative of this office conducted an inspection of your facility and a Statement of Deficiency was sent to you on October 26, 2007. You were requested to respond within 10 days with a Plan of Corrections indicating what action you proposed to take or anticipate in correcting the deficiencies. To date, we have not received your Plan of Correction. We are enclosing a copy of your Statement of Deficiencies and urgently request that you inform us of your plans to make the corrections requested.

Your failure to respond with a Plan of Corrections could jeopardize the continued operation of your facility. Should you experience any problems in understanding the work that is required, please indicate so on your response to this Office.

We will plan to re-inspect your facility to insure the correction(s) have been completed and/or are in substantial compliance with our Code requirements.

Yours for better fire prevention,

Nelson E. Collins, Supervisor
Office of State Fire Marshal
Licensing & Inspections Unit
Cc: Enclosure

PREVENTION * MITIGATION / SUPPRESSION * LAW ENFORCEMENT

OFFICES LOCATED AT: 45 COMMERCE DRIVE, STE. 1, AUGUSTA, MAINE 04330
(207) 626-3870 ADMINISTRATION/ INVESTIGATIONS (207) 287-3659 TDD

(207) 287-6251 FAX

TOTAL P.02



JOHN ELLAS BALDACCI
GOVERNOR

STATE OF MAINE

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

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

To: Capt. Greg Cass, Portland Fire Department
Cc: Chris Hanson, City of Portland Planning & Development

RE: 30 day letter

Greg and Chris,

Attached is a copy of the "30 day letter" sent to Oliver at the Comedy Connection on December 7, 2007. The "30 day letter" is sent out by our office when 30 days have passed without a response to a Statement of Deficiencies by our office.

As requested I e-mailed a letter indicating the lack of response to our Statement of Deficiencies to both of you and wanted to send a copy of the "30 day letter" for your records.

Please contact me if you have additional questions. I will be on vacation until January 31st after today, but will check follow up on this matter as soon as I am back.

Happy Holidays,
Mark

From: Penny Littell
To: mainelegal@aol.com
Date: 12/26/2007 12:25:14 PM
Subject: Re: Oliver Keithley

Jim: Thanks for your email. The City understands and appreciates the desire for the Comedy Connection to open and provide entertainment on New Year's Eve. The City is working to accommodate this objective while at the same time ensuring the safety of occupants at the CC. To that end City staff has met and discussed some possible measures which would allow the CC to open for New Year's Eve only. Thereafter, a more permanent solution to the outstanding Life Safety concerns will need to be accomplished prior to the permanent lifting of the Stop Work Order at this facility.

1. Fire Dept will call D. Leasure to obtain occupancy capacity loading and will review the same. 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.
2. Licensed electrician to review the wiring system in the CC and the upstairs and make report to Chris Hanson in Building Inspections. **The electrician will disconnect any and all electrical service to the second floor.**
3. The CC will post a fire watch for second floor for entire operating hours of the CC. The fire watch will be in accordance with Fire Watch Rules available through the Portland Fire Dept. The CC will provide to the Fire Department the name of individual undertaking the Fire Watch
4. No use of the upstairs. No use of lights, electrical, etc to temporarily prevent fire hazards
5. Install fire door between Porchole and CC
6. Unvented fuel fire heaters throughout facility to be removed

Have Oliver contact Chris Hanson about the above and to work out the details. Hopefully, we can allow occupancy for the New Year's Eve performances.

Jim, thanks for your efforts regarding this matter. Penny

>>> <mainelegal@aol.com> 12/26/2007 10:11:55 AM >>>

Hi Penny

I hope Christmas was great.

I am hoping we can conclude a remediation agreement for the Comedy Connection so that they can be open for the weekend and especially New Year's Eve.

My belief is that any life safety issues are well within the scope of the stated policy of the Fire Department to work with people to remediate instead of simply ordering closures. ? If this is not so, I would appreciate the data so I can translate the situation effectively to my client.

The problem is somewhat acute because this weekend and the New Year's events are busy times and important to the various people who depend on this facility for their livelihood.

Thanks. ? Since this is now an inspections issue and affects the Fire Department, Inspections etc., please let me know if you would like me to wide the city hall circle with whom I am trying to address this issue.

Thanks again.

Inspection Services
Michael J. Nugent
Manager



Department of Urban Development
Mark Adelson
Director

CITY OF PORTLAND BILLING NOTICE

January 23, 2002

Boone's
6 Custom House Wharf
Portland, Maine 04101

Re: 6 Custom House Wharf CBL: 030-A-001 Certified Mail: 70011940000427775257

Dear Sir or Madam:

The City Council passed the following amendment on May 17, 1999:

Sec 11-37. Inspection Performance Requirements.

All licensed Food Service Establishments shall be inspected annually on forms approved by the State of Maine Dept. of Health Engineering. Establishments, which obtain a score between 79 and 84, may be inspected monthly until the establishment has achieved the score of 85 or above. Establishments with a score of 78 on two consecutive inspections shall be referred to the City Clerk for action pursuant to Chapter 15; provided, however, the foregoing shall not be construed to be a limitation on the authority of the City to refer violations to the City Clerk for action pursuant to Chapter 15.

Re-inspection fee for FSE is \$75.00 per re-inspection

The City of Portland Inspection Services Team has inspected the above Food Service Establishment on the following dates with the following results:

08/21/01: 79 09/12/01: 90

Based on this standard your establishment has been re-inspected 1 time on 09/12/01 after its original inspection on 08/21/01. You now owe the City of Portland **\$75.00** in re-inspection fees.

This fee must be paid within 30 days from receipt of this notice. Failure to pay the re-inspection fee will cause this office to notify the City Clerk for action pursuant to Chapter 15, including withholding future License renewals. Please fee free to contact me at 874-8700, if you wish to discuss this.

Sincerely,

Mike Nugent
Inspection Service Manager

389 Congress St Portland, Maine 04101 (207) 874-8700 FAX 874-8716 TTY 874-8936



21 June 2008

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

Re: East Side Bents 13-47

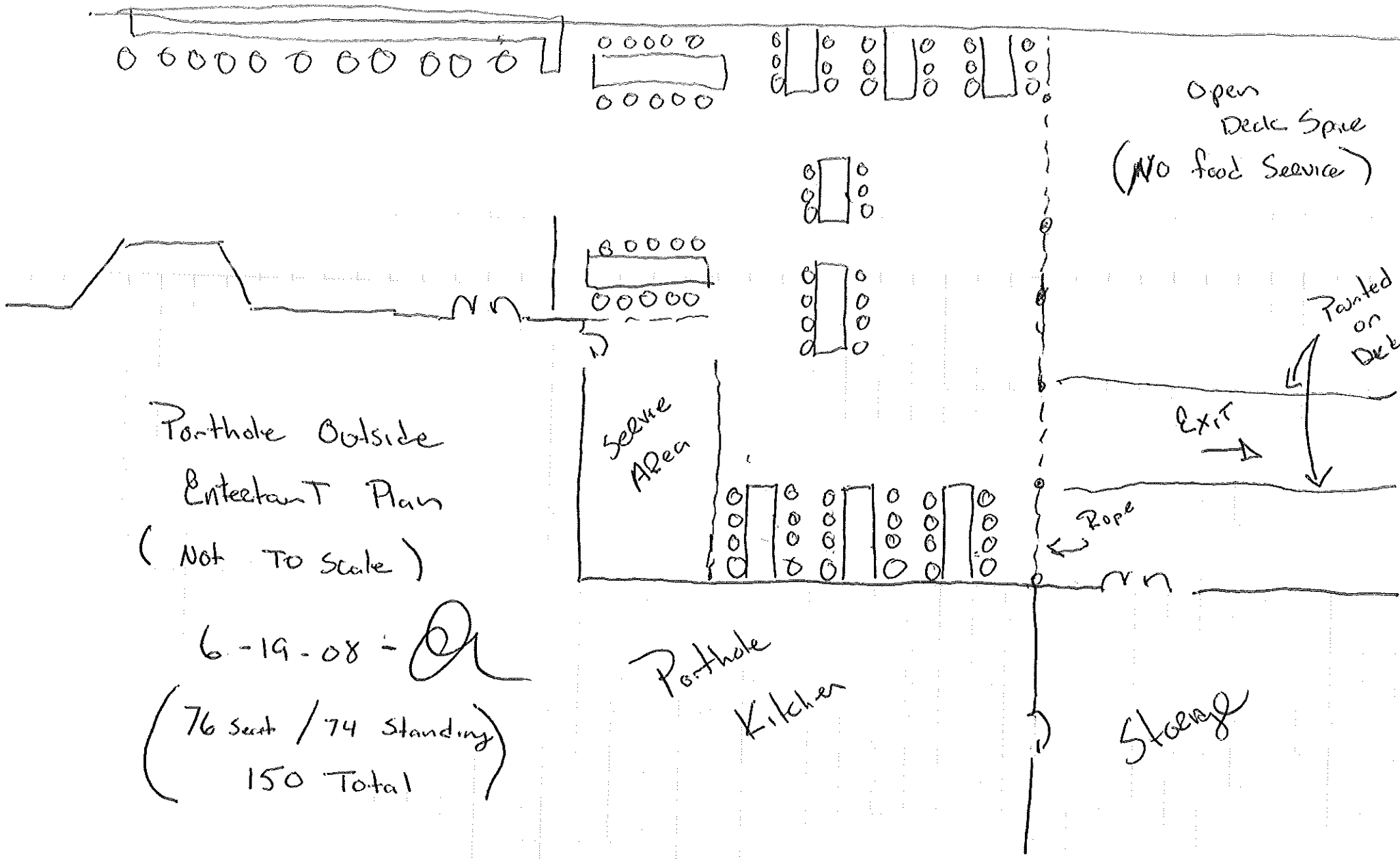
Dear Ken:

I have examined east side bents 13-47 exterior of the building line and find them to be adequate for use by the public at licensed capacity.


Very truly yours,
TEC ASSOCIATES


Wayne W. Duffett, P.E.

Water



Porthole Outside
Entertainment Plan
(Not to Scale)

6-19-08 - 
(76 seats / 74 standing)
150 Total

Porthole
Kitchen

Storage

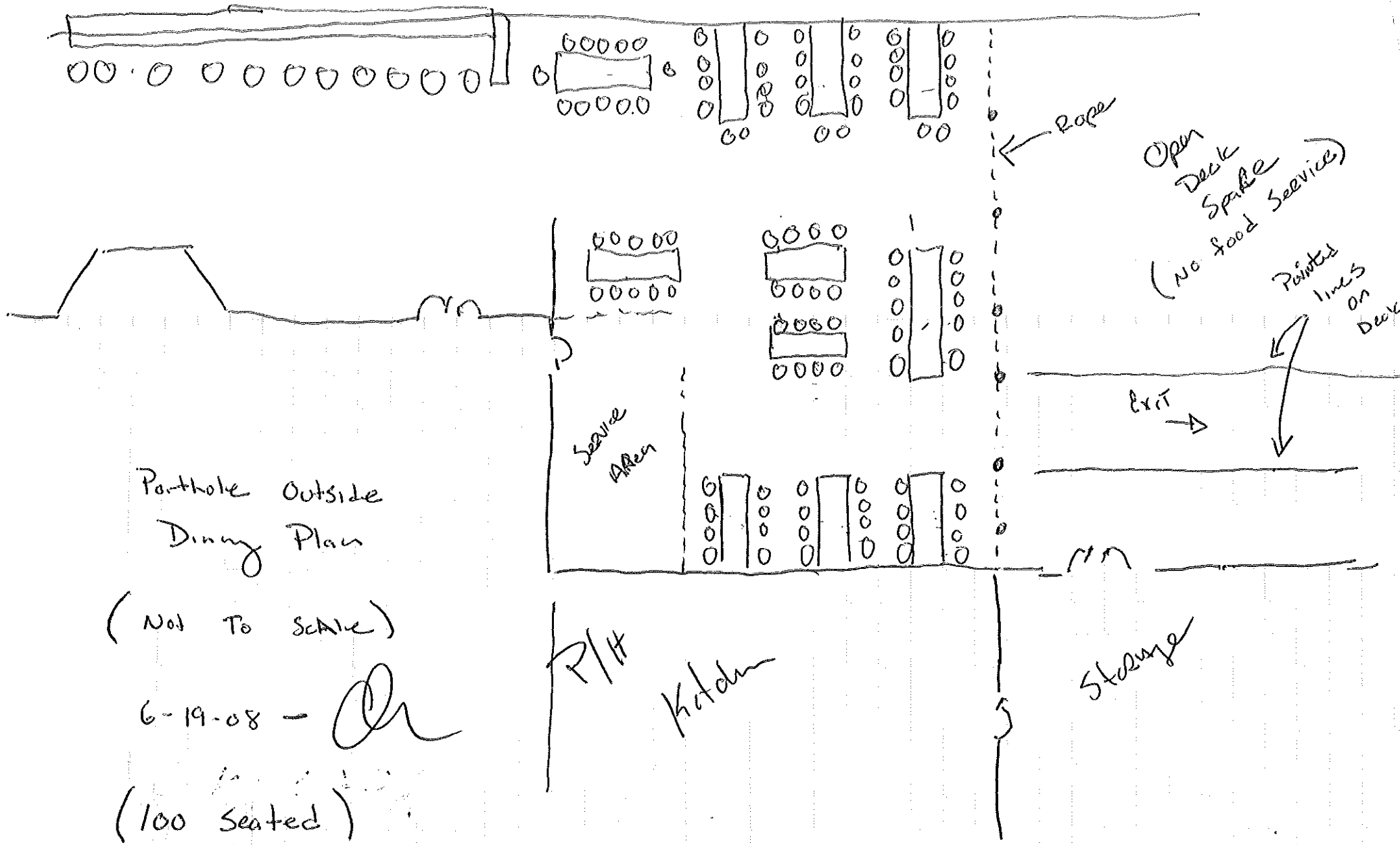
Open
Deck Space
(No food service)

Painted
on
Deck

EXIT

Rope

WATER



Porthole Outside Dining Plan

(Not To Scale)

6-19-08 - R

(100 Seated)

Service Area

R/H

Kitchen

Storage

Open Deck Space
(No food service)

Painted lines on Deck

Exit

Rope

Cogee Entertainment
16 Custom House Wharf
Portland, Maine 04101

July 23, 2008

Dear Gregg,

Here is the package from David Leasure, I have also inclosed copys of the paper work that I sent to Mark Stevens at the State Fire Marshal's office. There is also a Outside Entertainment Safety check list for crowd control which is already in use that I would like your input on.

Thanks,

Oliver

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a wavy line that tapers off to the right.

Cogee Entertainment

16 Custom House Wharf

Portland, Maine 04101

July 23, 2008

Updated Plan of Correction

1. violations have been repaired by licensed electrician entire building should be in compliance after Jan. 09 project.
2. sprinkler system will be installed within 18 months of approval
3. see #2
4. Most storage has been removed - balance by 8/15/08
5. A- done
B- will get permit by 8/15/08 ?
6. thru 13. - done
14. doors will be changed in Jan. 09 project
15. stove is off now. correction before put back in use
16. done- last cleaned 7/08
17. done

Thanks for all your help with this project.


Oliver H. Keithly III

207-831-3521

TRANSMITTAL
COVER SHEET

DATE: July 25, 2008

TO: Mr. Oliver Kiethly dba Coogee Entertainment
18 Custom House Wharf
Portland, Maine 04101



SUBJECT: Harbour's Edge/Comedy Connection/Porthole Tavern Life Safety Plans and Evaluation

TRANSMITTAL:

Copies	Date	Description	Action Code
2 sets	07/17/08	Life Safety Study Drawings (LS-200-5, LS-300-5)	E

- Action
- A. Action Indicated on transmitted item.
 - B. No Action Required.
 - C. For Signature & return to this office.
 - D. For Signature & forwarding as noted below
 - E. See Remarks below.

MEMORANDUM:

Dear Oliver:

Attached please find two sets of Life Safety Plan drawings: Drawings LS-200-5, LS-300-5 and A-500 for the existing Harbour's Edge Restaurant/Junction Center. The Comedy Connection and the Porthole Tavern Restaurant and second floor offices located in a heavy timber wood framed building (Building "A") on Custom House Wharf (Pier), Portland, Maine. All three businesses are existing businesses and provide entertainment. All three also have occupancy loads exceeding 100 persons and are therefore are required to be fully sprinklered with a supervised automatic fire protection system in accordance with the Life Safety Code: NFPA-101; 2006 edition.

The enclosed Life Safety Plans indicate the required Life Safety devices and controls that are required to maintain life saving features at these businesses and their associated seasonal business uses on Custom House Wharf. All three businesses provide and operate outdoor assembly / dining / entertainment uses from early April to Late October each year in addition to their year round indoor functions.

The three facilities are currently not sprinklered and are situated partially on land (Custom House Wharf Street) and a wood pier and deck system elevated over Casco bay waters. Section 11.5, Article 11.5.3 permits occupancy of piers provided that there are two distinct and remote means of egress from the pier area and one of the conditions of Section 11.5.3 is met. All three of these businesses are located on the north end of the pier that is directly adjacent to land (Commercial Street) at which point two distinct and remote means of egress exist. It is our finding that two distinct, opposite and remote means of egress do not exist for these three businesses so the following additional recommendations must be considered and implemented to maintain reasonable life safety protection for all occupants and patrons of these businesses. Captain Gregory Cass, City of Portland Fire Chief has preliminarily requested that a written Life Safety Evaluation be prepared in accordance with section 13.4.1

Wpwin80>Data\CustomHouse_Egress_Let

Page 1 of 2

of the Life Safety Code. NFPA-101; 2006 does not require a life safety evaluation of this building and associated businesses since the occupancy load is less than 6,000 occupants. In addition, preparation of this type of Life Safety Evaluation is beyond the scope of this study and requires additional information from the operators of the facility and services of other professionals and rescue personnel to fully address all the Life Safety Evaluation issues listed in NFPA-101; 2006, Section A.13.4.1.1.

Following are our current findings and recommendations:

1. Install a supervised automatic sprinkler system throughout both floors of Building "A".
2. Install all Exit lights, emergency exit lighting, and audiovisual alarms as indicated on these drawings.
3. Provide, identify and maintain all exit access corridors, passageways and walkways with minimum widths noted. Maintain all exit access ways free and clear of all obstructions during occupancy of the businesses.
4. Provide, install and maintain operation of all exit door hardware as indicated on these drawings.
5. Construct required 2 hr. and 1 hr. fire barriers in the locations indicated on these drawings. Extend fire barriers from the floor or deck to the underside of the roof decking itself maintaining continuity of these fire barriers through interstitial spaces at floors, roofs, wall junctions and stair framing.
6. Install and maintain fire protective rated doors and rated frames in these fire barriers, with ratings as noted. Provide non-locking latches and heavy duty closers on all these required doors.
7. Replace or treat existing wharf decking with fire retardant decking and replace pier wood pile supports with non-combustible support piles to meet the requirements of NFPA-101, Section 11.5.3 (2)

OR

- * Install an approved automatic sprinkler system to protect the pier decking, combustible substructures and all superstructures to meet the requirements of NFPA-101, Section 11.5.3 (4).

The authority having jurisdiction should also consider that an equivalent life safety plan might also include an operational rescue plan to evacuate what occupants from the existing potential "area of refuge" at the south end of the pier (outer water end) where a non-combustible building and pier deck is currently constructed. This potential equivalent life safety approach would also require a certified voice evacuation system to notify egressing wharf occupants that this area of refuge at the end of the pier exists and direct occupants to this location should one or both of the existing pier exists become blocked. It should be noted here that this equivalent life safety evacuation scenario has been formally presented to the governing Authority; The Office of the State Fire Marshal and summarily rejected.

The owner of the facility and the operator(s) of the entertainment events shall also familiarize himself/herself, the entertainers, the businesses employees and staff of the other life safety parameters, training and management techniques listed in NFPA-101; 2006, Section 13.A.1.3 and A.13.4.1.3 including training of the event staff to safely handle all emergency events at the facility and on the pier deck itself.

Please review the enclosed Life safety drawings and let me know if you would like me to meet with you and the City of Portland officials to discuss this issue further.

Best Regards,

DAVID D. LEASURE - ARCHITECTURAL ASSOCIATES INC.
1344 WASHINGTON AVENUE PORTLAND, MAINE (207)797-8661

cc: Ken MacGowan - Proprietor of Custom House Wharf
File

Cogee Entertainment

16 Custom House Wharf

Portland, Maine 04101

Safety Checklist for Deck
(for crowds of 100 or more)

- 1. Bar & wait staff meeting before event to review safety procedures**
- 2. security staff meeting to review safety procedures**
- 3. security staff at both wharf side & dock side entrances with +/- counters**
- 4. floating security staff to perform head count every 30 min**
- 5. PA system for safety announcements**

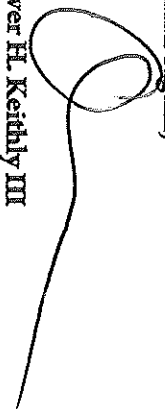
Cogee Entertainment
16 Custom House Wharf
Portland, Maine 04101

July 23, 2008

Dear Mark,

Here is the new Life Safety Plan for inside and outside for Porthole, Comedy Connection, Harbours Edge and the second floor office space. I am also sending along a updated version of the Plan of Corrections. If you have any questions please feel free to call me anytime at 207-831-3521.

Thanks Again,



Oliver H. Keithly III

John Elias Baldacci

Governor



Maine Department of Public Safety

State Fire Marshal's Office

52 State House Station

Augusta, Maine 04333-0052



Anne H. Jordan

Commissioner

Chief John C. Dean

State Fire Marshal

Fax 207-287-6251

Phone 207-626-3880

Statement of Deficiencies and Plan of Corrections

<p>Facility Name: Comedy Connection/The Porthole/Harbor's Edge Location: 16 Custom House Wharf Portland, Maine 04101 Facility Type: Assembly (dance license) Telephone : (207) 774-5554 Resource ID : File # 647773</p>	<p>Owner Name: Cogee Management & Entertainment, Inc. Address: 16 Custom House Wharf Portland, Maine 04101</p>
<p>During an inspection of your facility a certified State Inspector has found the following violations.</p>	<p>In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.</p>

Inspected an existing assembly occupancy for the purpose of issuing a dance license.

The facility is divided into three distinct areas with no fire separation between them. (All assembly use spaces).

The Harbor's Edge (capacity 171 with tables and chairs, 366 without tables and chairs-concentrated use)

The Comedy Club (capacity 73 with tables and chairs, 157 without tables and chairs-concentrated use)

The Porthole Restaurant (capacity 61 with tables and chairs-fixed seating)

1. Full evaluation and letter of compliance by a licensed master electrician for the electrical system for the entire building. Numerous violations of NFPA 70 *The National Electrical Code* observed.

2. Supervised automatic fire sprinkler system to be installed for the entire building. (No later than 5 years from the date of the inspection, or at a date before 5 years from the date of the inspection determined by the Office of the State Fire Marshal if there is found to be a lack of substantial compliance with the *Life Safety Code* or any other standard adopted by this office).

3. Letter of compliance for the fire alarm system from the manufacturer/installer that the fire alarm system is adequate and provides coverage for the entire building.

In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.

NOTE: Oliver will have
12/21/07 Occupancy Plan for
Comedy Connection.

CPH to Oliver

Date of Inspection: 10/18/2007

Inspector: Mark Stevens/Sue Dion

Date Sent: 25 October, 2007

Owner/Occupant Signature

Date:

John Elias Baldacci

Governor



Maine Department of Public Safety

State Fire Marshal's Office

52 State House Station

Augusta, Maine 04333-0052



Anne H. Jordan

Commissioner

Chief John C. Dean

State Fire Marshal

Fax 207-287-6251

Phone 207-626-3880

Statement of Deficiencies and Plan of Corrections

<p>Facility Name: Comedy Connection/The Porthole/Harbor's Edge Location: 16 Custom House Wharf Portland, Maine 04101 Facility Type: Assembly (dance license) Telephone: (207) 774-5554 Resource ID: File # 64773</p>	<p>Owner Name: Cogee Management & Entertainment, Inc. Address: 16 Custom House Wharf Portland, Maine 04101</p>
<p>During an inspection of your facility a certified State Inspector has found the following violations.</p>	<p>In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.</p>

4: Remove any storage from the second floor of the building. (Incidental business use may remain on the second floor with adequate protection of exits from the second floor, see item #5.)

5 a. Provide fire separation for the stairwell leading from the first floor (Harbor's Edge kitchen area) to the second floor. Fire separation to be rated at no less than one hour fire resistive rating with no less than a 45 minute rated fire door assembly.

b: Second means of egress required for business space above the Comedy Connection.

6: Emergency lighting units to be tested as follows:

Testing of required emergency lighting systems shall be conducted as follows:

(1) Functional testing shall be conducted at 30-day intervals for not less than 30 seconds.

(2) Functional testing shall be conducted annually for not less than 1½ hours if the emergency lighting system is battery powered.

(3) The emergency lighting equipment shall be fully operational for the duration of the tests required by 7.9.3.1.1(1) and 7.9.3.1.1(2).

(4) Written records of visual inspections and tests shall be kept by the owner for inspection by the authority having jurisdiction.

7: All curtains, decorations, props and scenery

Date of inspection: 10/18/2007

Inspector: Mark Stevens/Sue Dion

Date Sent: 25 October, 2007

Owner/Occupant Signature:

Date:

John Elias Baldacci
Governor
Phone 207-626-3880



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



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

Statement of Deficiencies and Plan of Corrections

Facility Name: Comedy Connection/The Porthole/Harbor's Edge
Location: 16 Custom House Wharf
Portland, Maine 04101
Facility Type: Assembly (dance license)
Telephone : (207) 774-5554
Resource ID : File # 64773

Owner Name: Cogee Management & Entertainment, Inc.
Address: 16 Custom House Wharf
Portland, Maine 04101

During an inspection of your facility a certified State Inspector has found the following violations.

In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.

used must be fire retardant (treated or manufactured as fire retardant). Proof of fire retardency is required to be maintained by the facility.

8. Fire extinguishers to be inspected by staff once every month. Inspections need to be recorded on the back of the extinguisher tag.

- (a) Location in designated place
- (b) No obstruction to access or visibility
- (c) Operating instructions on nameplate legible and facing outward
- (d) Safety seals and tamper indicators not broken or missing

(e) Fullness determined by weighing or "hefting"

(f) Examination for obvious physical damage, corrosion, leakage, or clogged nozzle

(g) Pressure gauge reading or indicator in the operable range or position

9. Emergency lighting to be adequate to allow for a level of 1-foot candle (10.8 lux) at floor level along the path of egress.

10. Use of extension cords to be eliminated in the facility.

11. Secure compressed gas tanks in the (back storage room of the Comedy Connection area and in the Porthole Restaurant). Tanks should be secured to prevent them from falling over.

Date of Inspection: 10/18/2007

Owner/Occupant Signature:

Inspector: Mark Stevens/Sue Dion

Date:

Date Sent : 25 October, 2007

John Elias Baldacci

Governor



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<p>Facility Name: Comedy Connection/The Porthole/Harbor's Edge Location: 16 Custom House Wharf Portland, Maine 04101 Facility Type: Assembly (dance license) Telephone : (207) 774-5554 Resource ID : File # 64773</p>	<p>Owner Name: Cogee Management & Entertainment, Inc. Address: 16 Custom House Wharf Portland, Maine 04101</p>
<p>During an inspection of your facility a certified State Inspector has found the following violations.</p>	<p>In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.</p>

12. Exit doors in the facility are to remain unlocked whenever the building is occupied by the public or by employees.

13. Hasp locks or bolt latches are not permitted on any exit doors. Any door marked with an exit must be secured with door hardware that opens with one motion and without special tools or knowledge. Any exit serving a room with an occupant load greater than 100 persons can be secured only with panic or fire exit hardware.

14. The provisions of item #13 will apply to both doors in each pair of doors located in the Porthole Restaurant. A single door in the Porthole Restaurant is not wide enough to be considered an egress compliant door. In an existing facility an egress compliant door must be a minimum of 28 (twenty eight) inches in clear opening width.

15. The gas stove in the Porthole Restaurant must be adequately protected to prevent against contact with the stove by patrons or employees resulting in burns.

16. The hood system in the kitchen of the Porthole Restaurant needs to be cleaned to bare metal at frequent intervals. (Significant accumulation of grease observed).

17. Complete evaluation of the hood system in the Porthole Restaurant to be conducted by a competent service company to determine hood system compliance with NFPA 96.

Date of Inspection: 10/18/2007

Owner/Occupant Signature:

Inspector: Mark Stevens/Sue Dion

Date:

Date Sent : 25 October, 2007