

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING DEPARTMENT

Permit Number: 070868

This is to certify that MACFADYEN LUKE S /Jersey House

has permission to Change of use to coffee shop tenant fit

AT 90 CONGRESS ST

016 A006001

PERMIT ISSUED

AUG 29 2007

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

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

Notification inspection must given and when permission procured before this building or part thereof is started or closed-in. 48 HOUR NOTICE IS REQUIRED.

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

OTHER REQUIRED APPROVALS

Fire Dept. Craig Cross

Health Dept. _____

Appeal Board _____

Other _____

Department Name

Jamie Bonke 8/27/07
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

BUILDING PERMIT INSPECTION PROCEDURES

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

to schedule your inspections as agreed upon

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

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

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

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

Footing/Building Location Inspection: Prior to pouring concrete
 Re-Bar Schedule Inspection: Prior to pouring concrete
 Foundation Inspection: Prior to placing ANY backfill
 Framing/Rough Plumbing/Electrical: Prior to any insulating or drywalling
 Final/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point. Ask for Food Service Ins

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

John G. Maffei
Signature of Applicant/Designee

8/31/07
Date

Greg White
Signature of Inspections Official

8.31.07 -
Date

CBL: 16A-6

Building Permit #: 070868

City of Portland, Maine - Building or Use Permit Application

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

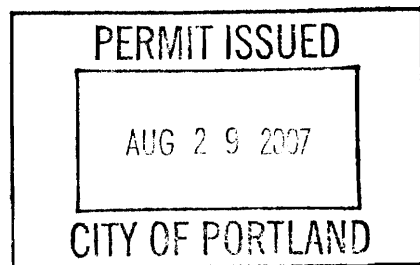
Permit No: 07-0868	Issue Date:	CBL: 016 A006001
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Location of Construction: 90 CONGRESS ST	Owner Name: MACFADYEN LUKE S	Owner Address: 90 CONGRESS ST	Phone:
Business Name:	Contractor Name: Jeremy House	Contractor Address: 9 Howard Street #2 Portland	Phone: 2078791338
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-1

Past Use: Commercial - retail (permit # 07-0207) unit # 2	Proposed Use: Commercial - Change of use to coffee shop w/ tenant fit-up	Permit Fee: \$245.00	Cost of Work: \$15,000.00	CEO District: 1
Proposed Project Description: Change of use to coffee shop w/ tenant fit-up restaurant. "Hill Top Coffee Shop" unit # 2		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied See Conditions	INSPECTION: Use Group: A-2 Type: 3B IBC-2003	
		Signature: Carey Caza	Signature: AMB 8/27/07	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: Idobson	Date Applied For: 07/18/2007	Zoning Approval		
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<ol style="list-style-type: none"> 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.. 	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM	Zoning Appeal <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Miscellaneous granted 50' off-site parking <input checked="" type="checkbox"/> Conditional Use subject to restaurant. <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Historic Preservation <input checked="" 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: 8/17/07 AM	Date: 8/16/07	Date: AM



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: 07-0868	Date Applied For: 07/18/2007	CBL: 016 A006001
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Location of Construction: 90 CONGRESS ST	Owner Name: MACFADYEN LUKE S	Owner Address: 90 CONGRESS ST	Phone:
Business Name:	Contractor Name: Jeremy House	Contractor Address: 9 Howard Street #2 Portland	Phone (207) 879-1338
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial - Change of use to coffee shop (restaurant) w/ tenant fit-up - "Hill Top Coffee Shop" - Unit #2	Proposed Project Description: Change of use to coffee shop (restaurant) w/ tenant fit-up - Unit # 2
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Dept: Zoning **Status:** **Reviewer:** Ann Machado **Approval Date:** 08/17/2007

Note: It is considered a restaurant because the plan shows 24 seats plus a booth.
Needs three parking spaces. Located off site (miscellaneous appeal)

Ok to Issue:

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2) Separate permits shall be required for any new signage.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Jeanine Bourke **Approval Date:** 08/27/2007

Note:

Ok to Issue:

- 1) All penetrations through rated assemblies must be protected by an approved firestop system installed as tested in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.
- 2) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Capt Greg Cass **Approval Date:** 08/21/2007

Note:

Ok to Issue:

- 1) Commercial cooking operations require the installation of a commercial hood.

Comments:

7/25/2007-amachado: Spoke to Luke. He needs to do a conditional use appeal because a restaurant is a conditional use in the B-1 zone. He also needs to show where the parking is located in relation to his business.

8/17/2007-amachado: Spoke to Luke M., he confirms that the dividing wall had 1 layer of 5/8 on each side, another layer of 5/8 type x has been added to each side to the underside of the roof deck and fire sealed per the code.



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: 90 Howard St Congress St Portland ME		
Total Square Footage of Proposed Structure 876		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 16 A 6	Owner: Luke S. MacFadyen	Telephone: 871-1075
Lessee/Buyer's Name (If Applicable) Hilltop Coffee Shop LLC	Applicant name, address & telephone: Luke MacFadyen 15 Howard St. Portland ME.	Cost Of Work: \$ 15,000. Fee: \$ 170 C of O Fee: \$ 75
Current legal use (i.e. single family) <u>RETAIL/COMMERCIAL</u> If vacant, what was the previous use? Proposed Specific use: <u>COFFEE SHOP WITH 25 OR LESS CUSTOMERS</u> Is property part of a subdivision? _____ If yes, please name _____ Project description:		245 ⁰⁰
Contractor's name, address & telephone: <u>Jeromey Houck 9 Howard St Portland ME 04101 (650.4180)</u> Who should we contact when the permit is ready: <u>LUKE MACFADYEN</u> Mailing address: <u>15 Howard Portland ME 04101</u> Phone: <u>871-1075</u>		

Please submit all of the information outlined in the Commercial Application 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 of applicant: Luke S. MacFadyen Date: 7/18/07

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

B-1 AND B-1b
NEIGHBORHOOD BUSINESS ZONES
Traffic Analysis Report

The proposed use at 90 Congress St, Portland,
Maine, consuming approximately 440 square feet of area,

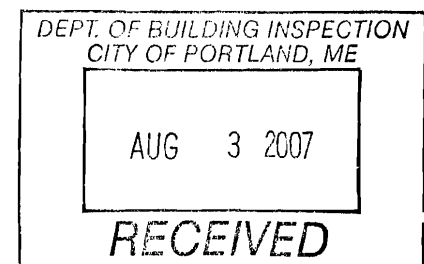
Is Is Not

estimated to produce in excess of 100 peak vehicle trips.
As a result, a traffic study

Is Is Not required.

8/3/07
Dated

James P. Carmody
Traffic Engineer
City of Portland



8/2/07

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, August 16, 2007 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: August 17, 2007

RE: Action taken by the Zoning Board of Appeals on August 16, 2007.

The meeting was called to order at 6:40pm.

Roll call as follows:

Members Present: David Dore, Philip Saucier, Gordon Smith, Jill Hunter and Peter Coyne.

Members Absent: Kate Knox and Peter Thornton.

1. New Business:

A. Interpretation Appeal:

69 George Street, Janet Kantz, owner, Tax Map #157 Block A Lot 004 in the R3 Residential Zone. The Appellants are seeking an Interpretation Appeal concerning the construction of a new house located at 69 George Street in regards to sections 14-47, the definitions of front and side setbacks; 14-86, the purpose statement of the R-3 zone; 14-87 (a) 5 - single family, single component manufactured housing placement on the lot; and 14-90 (f) the minimum lot width requirement of 65 feet. Representing the appeal is the applicant / abutter, Dale and Pricilla Doucette located at 79 George Street. **Continued to the next meeting (September 6, 2007) to discuss retaining wall issues.**

B. Conditional Use Appeal:

90 Congress Street, Luke Macfadyen, owner Tax Map #016 Block A Lot #006 in the B1 Neighborhood Business Zone. The Appellant is seeking a Conditional Use Appeal under section 14-163 of the City of Portland Zoning Ordinance. Appellant is requesting a change of use from an art studio to a restaurant (Hill Top Coffee Shop). Representing the Appeal is the owner. **Board voted 5-0 and granted the Conditional Use Appeal.**

C. Miscellaneous Appeal:

90 Congress Street, Luke Macfadyen, owner Tax Map #016 Block A Lot #006 in the B1 Neighborhood Business Zone. The Appellant is seeking a Miscellaneous Appeal under section 14-334 of the City of Portland Zoning Ordinance. Appellant is asking for three off street parking spaces, which is approximately a two hundred (200') foot distance, located at 115 Congress Street (Donatelli's), instead of the 100 maximum allowed. Representing the Appeal is the owner. **Board voted 5-0 and granted the Miscellaneous Appeal.**

D. Practical Difficulty Variance Appeal:

101 Central Avenue, Peaks Island, Christopher and Michele Alves, owners, Tax Map # 087 Block P Lot #010 and 011, in the IR2 Island Residential Zone. The appellant is seeking a

Practical Difficulty Variance Appeal under section 14- 145.11(d) of the City of Portland Zoning Ordinance. Appellant is requesting a six foot (6') by eighteen foot (18') expansion. The appellant is already over the maximum lot coverage by 30.5 square feet. Representing the Appeal are the owners. **Board voted 5-0 to continue to the next meet (September 6, 2007).**

E. Disability Variance Appeal:

Diamond Shore Road (lot #3), Great Diamond Island, The Glickman Family Trust, owners, Tax Map #083C Block A Lot #001 in the IR1 Island Residential Zone. The appellant is seeking a Disability Variance Appeal under section 14-145.11(C) 3 of the Portland Zoning Ordinance. Appellant is requesting a side yard set back of 12.5' instead of the required 20' for an accessible ramp to provide wheelchair access. Representing the appeal is applicant Scott Teas (TFH Architects). **Board voted 5-0 and granted the Disability Variance Appeal.**

2. Other Business: None

3. Adjournment: 8:30pm

Enclosure:

Agenda of August 16, 2007
Copy of Board's Decision
CC: Joseph Gray, City Manager
Alex Jaegerman, Planning Department
Lee Urban, Planning & Development Director
T.J Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Peter Thornton
Kate Knox
Jill E. Hunter
David Dore, chair
Gordan Smith

August 17, 2007

Luke MacFadyen
Hilltop Coffee Shop, LLC.
99 Congress Street
Portland, ME 04101

RE: 90 Congress St.
CBL: 016 A006
ZONE: B1

Dear Mr. MacFadyen:

As you know, at its August 16, 2007, meeting, the board voted 5-0 and granted the Conditional Use Appeal.

The next step is for the inspection office to move forward on your change of use application (permit # 070868).

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the board's decision.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

COPY

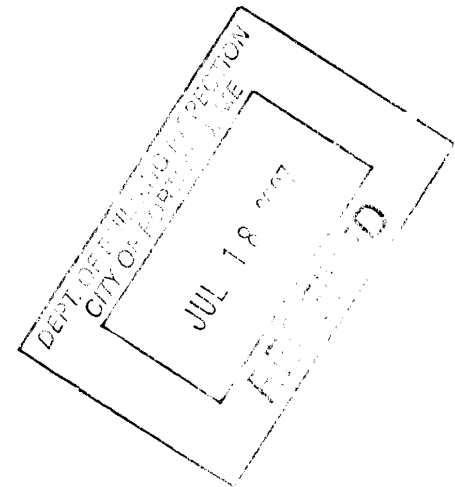
14-13-011

I, Evangelista Donatelli, owner of Donatellis,
Located at 107 Congress St. Portland, Maine have come to an agreement with The
Hilltop Coffee Shop, LLC to use up to three off street parking spaces for their customer's
convenience during peak business hours.

Owner: [Signature]

Hilltop Coffee Shop LLC: [Signature]

Date: 7.18.07





MELBOURNE

SHEET

STREET

SHEET 13-B

QUEBEC

STREET

STREET

STREET

LAFAYETTE

CUMBERLAND

AVENUE

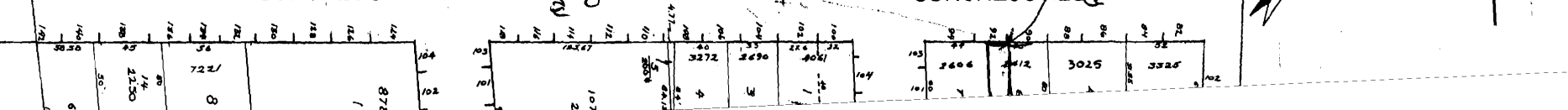
NORTH

MERRILL

HOWARD

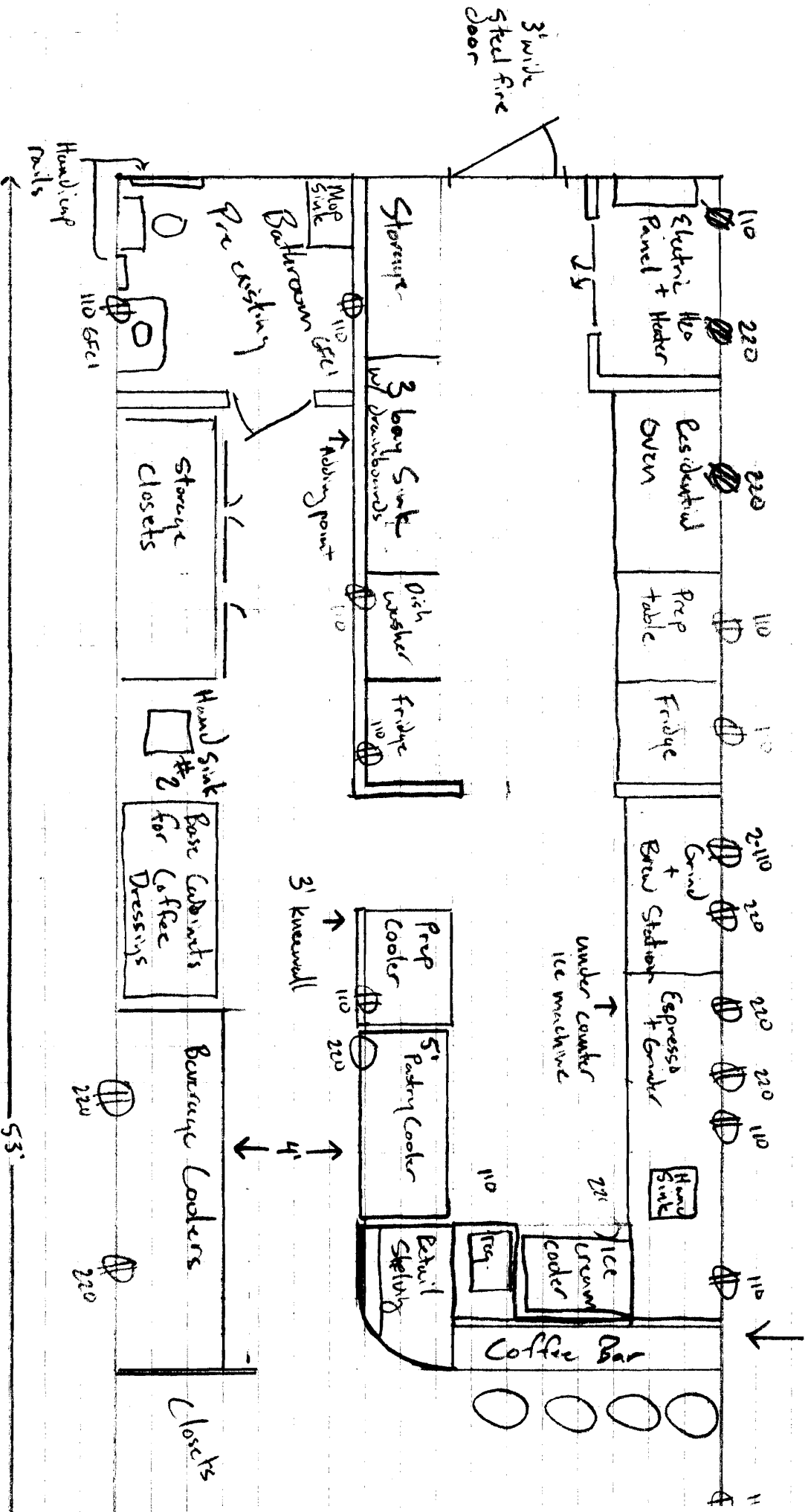
CONGRESS

SHEET 13-C



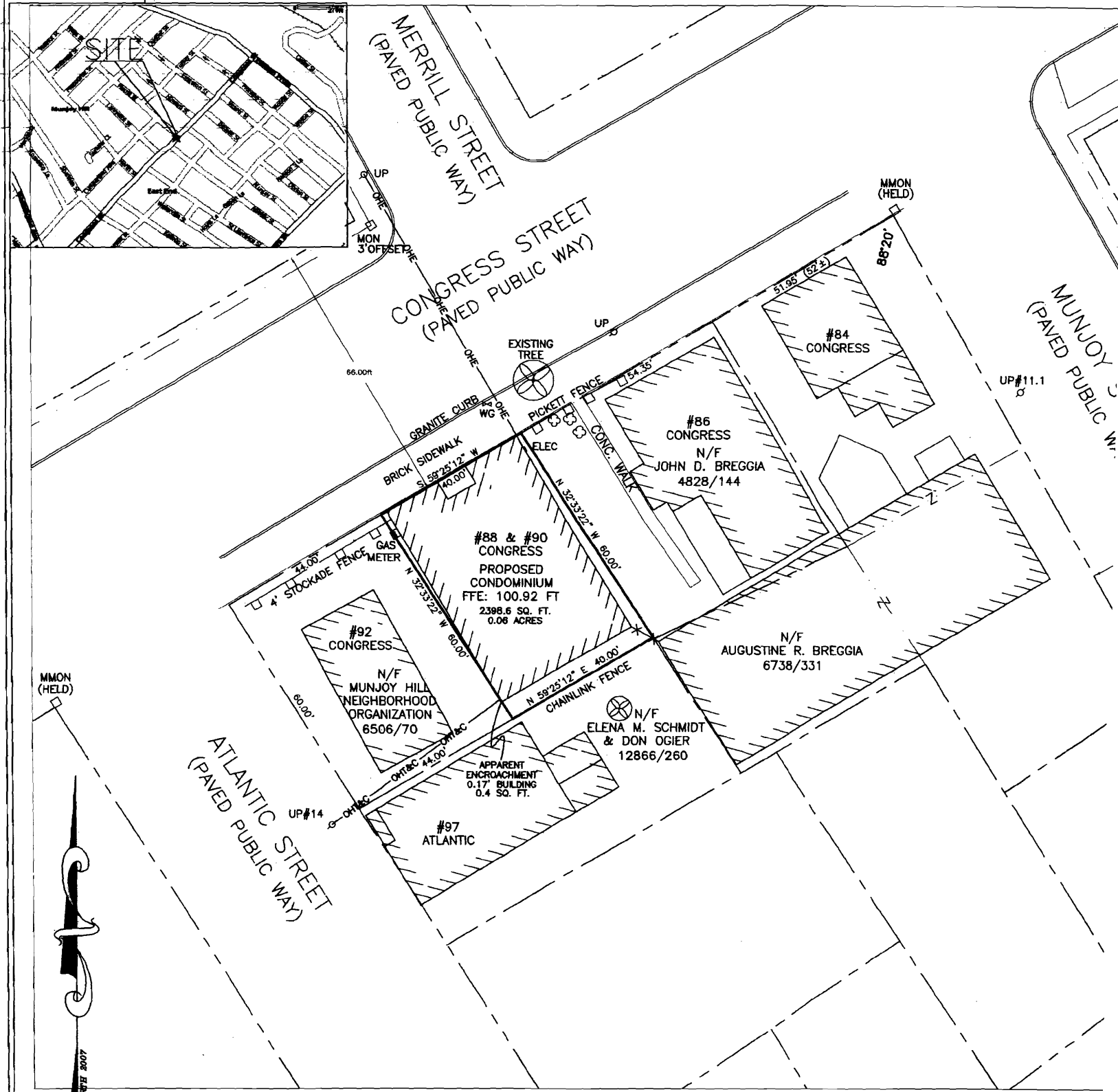
440 square feet of customer area
 436 square feet of kitchen/service/storage area

876 total square footage



- Building is cinderblock framed with steel trussed roof system.
- All walls, existing and proposed are non load bearing.

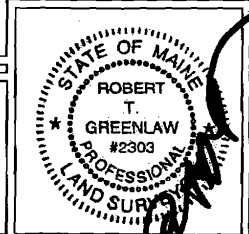
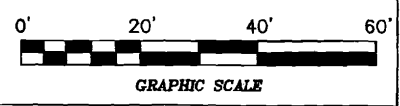
SITE LOCATION MAP



REVISIONS:

STATE OF MAINE, CUMBERLAND SS
 REGISTRY OF DEEDS

RECEIVED 2007
 AT : H .M. AND RECORDED
 IN PLAN BOOK PAGE



1
 1/3

CERTIF.
 I HEREBY
 FOR PRG
 2005 WIT
 a) NO W
 b) NO NE
 c) NO N
 ROBERT
 PRESIDENT

LOCATION: 88 & 90 CONGRESS STREET, PORTLAND, MAINE

CE = COMMON ELEMENT
 SUBJ = ELECTRICAL
 PFE = FIRST FLOOR ELEVATION
 LCE = LIMITED COMMON ELEMENT

2. ELEVATIONS ARE BASED ON ASSUMED FLOOR - SEE CONDOMINIUM PLAN, PAGE 1 OF 3.
 RECORD OWNER OF PARCEL: LUKE MACFADYEN, DESCRIBED IN BOOK 24800, PAGE 347 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.).

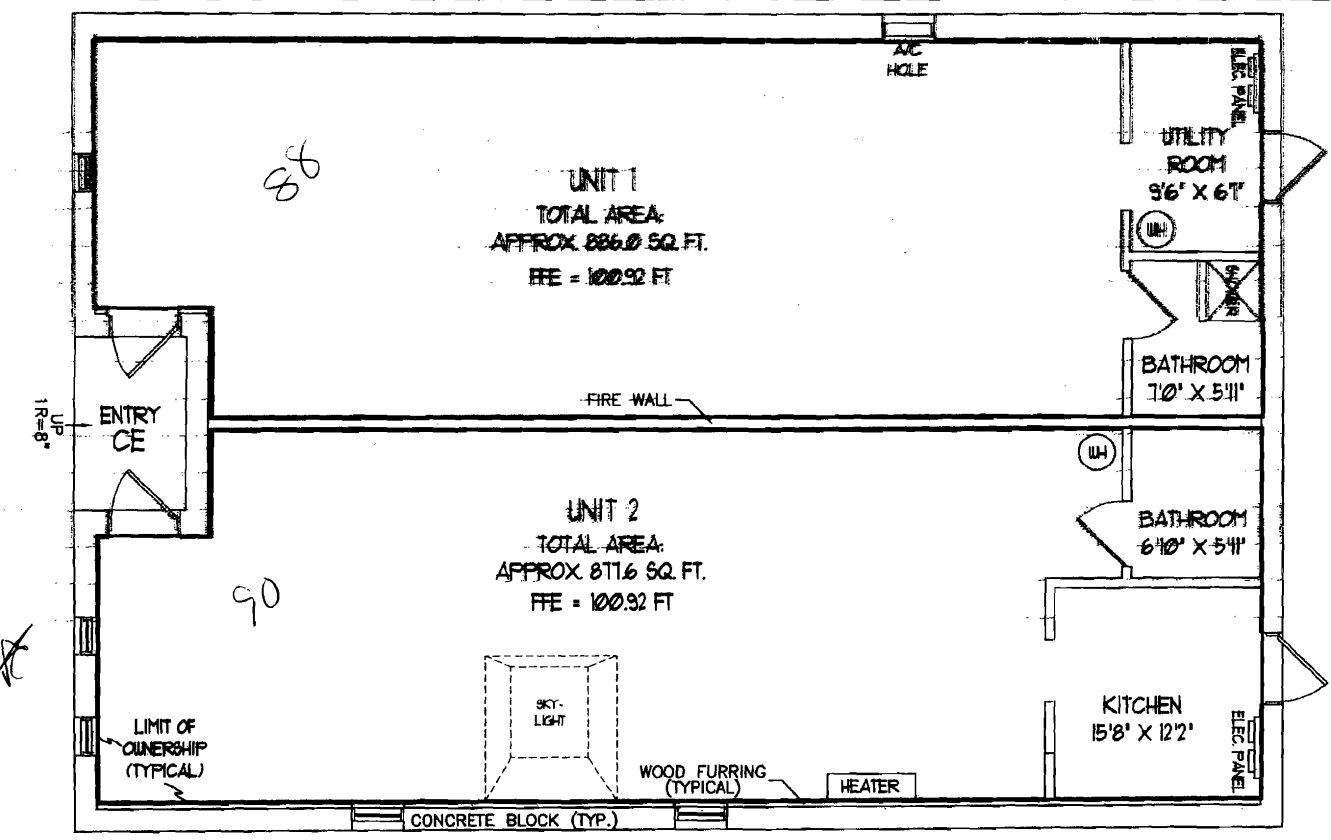


TYPICAL BUILDING SECTION

5'4" 3/16"=1'-0"
 SHEET 3 OF 3 - BUILDING SECTION

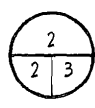
JOB NO.
 2001021
 DATE
 8/20/01

CONGRESS STREET



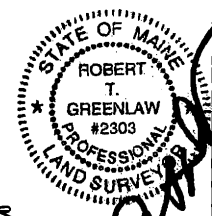
LEGEND:
 CE = COMMON ELEMENT
 PFE = FIRST FLOOR ELEVATION
 LCE = LIMITED COMMON ELEMENT
 SQ. FT. = SQUARE FEET
 WH = WATER HEATER
 #R = NUMBER OF RISERS

RECORD OWNER OF PARCEL: LUKE MACFADYEN, DESCRIBED IN BOOK 24800, PAGE 347 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.).



UNITS 1 & 2 FLOOR PLAN

SCALE: 3/16"=1'0"
 SHEET 2 OF 3 - FIRST FLOOR



BACK BY BOUNDARY, INC.
 LAND SURVEYING
 845 FOREST AVENUE
 PORTLAND, ME 04101
 TEL: 857-774-0000
 FAX: 857-774-0000
 WWW.BYBOUNDARY.COM

HILLTOP COMMERCIAL CONDOMINIUMS
 88 & 90 CONGRESS STREET
 PORTLAND, MAINE

JOB NO.
 2001021
 DATE
 8/20/01