

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

Location of Construction: 145-151 Newbury Street		Owner: **** Ed Gardner		Phone: 780-6538		Permit No: 101336
Owner Address: *** 377 Brighton Ave Portland ME 04102		Lessee/Buyer's Name:		Phone:		
Contractor Name: Caron & Waltz		Address:		Phone:		Zone: CBL: B-2 028-J-011 E12 R-6 is class residential zone
Past Use: Commercial cafe/rest.		Proposed Use: living space / work space		COST OF WORK: \$ 700.00		
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		Special Zone of Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan, major <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/> 14, 7104 total
Proposed Project Description: change of use from cafe to living studio apt.				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		
Permit Taken By: K		Date Applied For: Oct 10 2000 K		Signature: <i>[Signature]</i> Date:		Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
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..

PERMIT ISSUED WITH REQUIREMENTS

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 provisions of the code(s) applicable to such permit

Oct 10 2000

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: _____ PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

PERMIT ISSUED WITH REQUIREMENTS
CEO DISTRICT

1

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Building or Use Permit Pre-Application
Attached Single Family Dwellings/Two-Family Dwelling
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the information below for a Building or Use Permit.

NOTE** 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 (include Portion of Building): 145-151 Newbury St Portland			
Total Square Footage of Proposed Structure: 950+-		Square Footage of Lot: 14710 s.f.	
Tax Assessor's Chart, Block & Lot Number Chart# 028 Block# J Lot# 011	Owner: Ed Gardner A	Telephone: 780-6538 415-4493	
Owner's Address: 377 Brighton Ave Portland Me	Lessee/Buyer's Name (If Applicable): —	Cost Of Work:	Fee
Proposed Project Description: (Please be as specific as possible) Install Bath tub / shower for living unit - will put Plumb Per. Change from Cafe to Living Space		\$700.00	\$30.00
Contractor's Name, Address & Telephone: CARD - WALTZ			Rec'd By: (Signature)
Current Use: Cafe - Restaurant		Proposed Use: studio Apartment	

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventillation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan

*** IF Available also
Submit Plans on
ADOBE OR CAD FORMS**

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

4) Building Plans

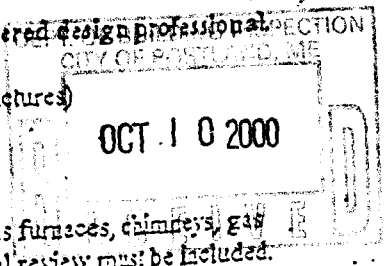
- Unless exempted by State Law, construction documents must be designed by a registered design professional.
- A complete set of construction drawings showing all of the following elements of construction:
- Cross Sections w/ Framing details (including porches, decks w/ railings, and accessory structures)
 - Floor Plans & Elevations
 - Window and door schedules
 - Foundation plans with required drainage and dampproofing
 - Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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/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.

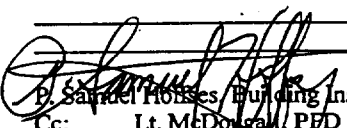
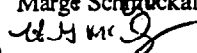
Signature of applicant: (Signature)	Date: 10-10-00
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Building Permit Fee: \$30.00 for the 1st \$1000. cost plus \$6.00 per \$1,000.00 construction cost thereafter.
Additional Site review and related fees are attached on a separate addendum



- *19. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - In each story within a dwelling unit, including basements
- 20. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0) ✓
- 21. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.
- 22. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.
- 23. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)
- 24. Section 25 - 135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
- 25. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
- 26. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).
- *27. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.
- 28. All requirements must be met before a final Certificate of Occupancy is issued.
- *29. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).
- 30. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)
- 31. Please read and implement the attached Land Use Zoning report requirements.
- *32. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code.
- 33. Bridging shall comply with Section 2305.16.
- *34. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)
- 35. All signage, shall be done in accordance with Section 3102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).
- 36. All flashing shall comply with Section 1406.3.10.

*37. This permit does not do the removal of any bearing walls.


 Samuel Hobbes, Building Inspector
 Cc: Lt. McDougall, PFD
 Marge Schrockal, Zoning Administrator


PSH 10/1/00

****This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.**

*****THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD.**

******ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.**

*******CERTIFICATE OF OCCUPANCY FEE \$50.00**

BUILDING PERMIT REPORT

DATE: 9 October 2K ADDRESS: 145-151 Newbury St. CBL: 028-J-011

REASON FOR PERMIT: Change of use From Cafe To sTudio APT

BUILDING OWNER: Ed Gardner

PERMIT APPLICANT: _____ (CONTRACTOR Caron & Waltz)

USE GROUP: A-2 CONSTRUCTION TYPE: 3-B CONSTRUCTION COST: 700.00 PERMIT FEES: 30.00

The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

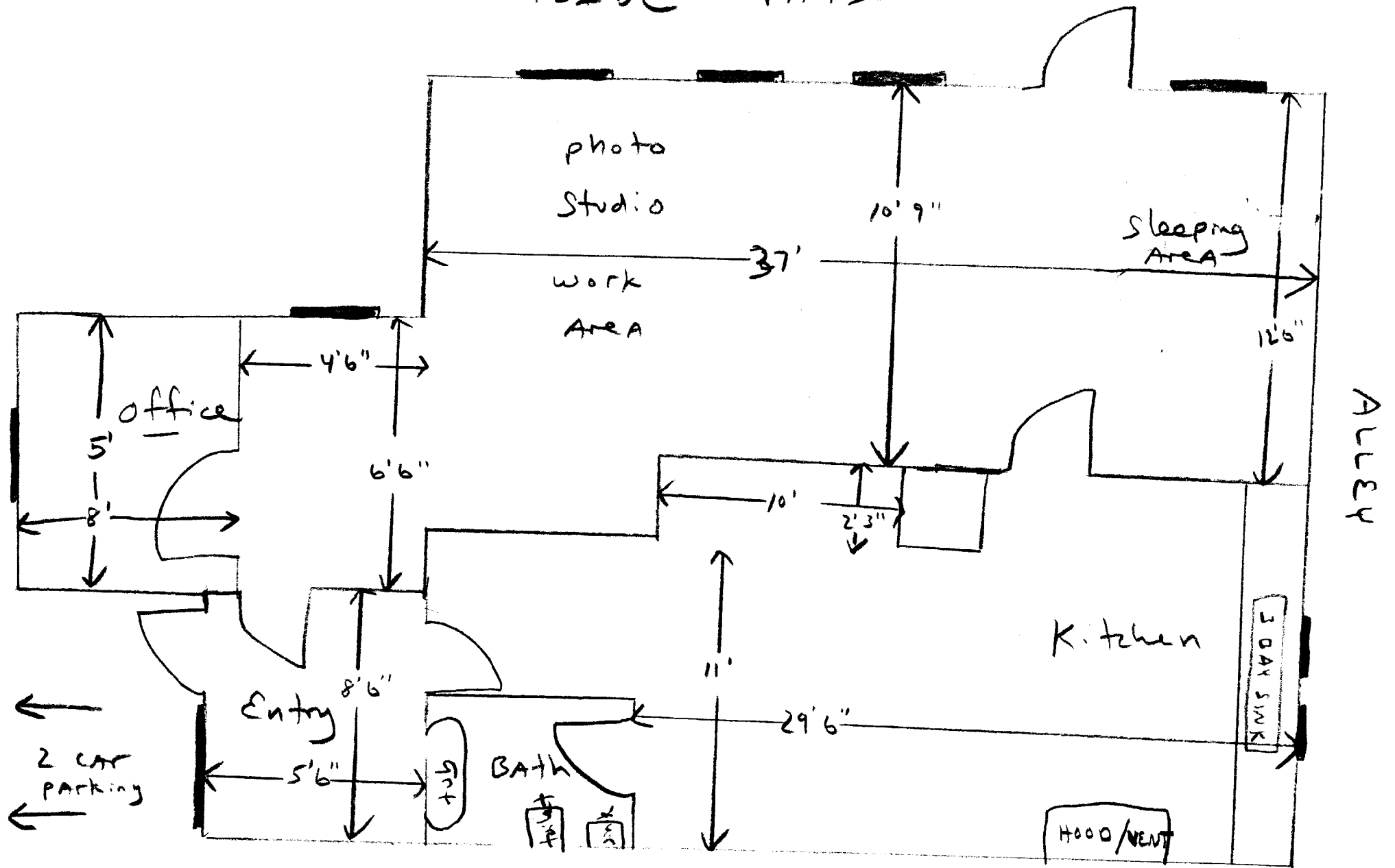
CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: *1, *9, *11, *13, *15, *16, *19, *22, *29, *32, *34, *37

- *1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- 2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection) **"ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."**
- 3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- 4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
- 5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
- 6. Precaution must be taken to protect concrete from freezing. Section 1908.0
- 7. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
- 8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1999)
- *9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
- 10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
- *11. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42". In occupancies in Use Group A, B.H-4, I-1, I-2, M, R, public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7)
- 12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- *13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
- 14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
- *15. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508)mm, and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
- *16. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
- 17. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
- 18. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

10/10

OUTSIDE PATIO



* NOT TO SCALE

PURCHASE AND SALE AGREEMENT

AGREEMENT made this 11th day of August, 2000, between **EDMUND S. GARDNER, III**, with a mailing address of 377 Brighton Avenue, Portland, Maine 04102, (hereinafter referred to as "Buyer"), and ~~GARDNER SQUARE PARTNERS~~ of 145 Newbury Street, Portland, Maine 04101, (hereinafter referred to as "Seller"). NEWBURY GUILD LLC Re

The parties hereto agree, warrant, and covenant as follows:

1. Purchase and Sale. The Seller agrees to sell and the Buyer agrees to buy the following described real estate, situated in the City of Portland, County of Cumberland, and State of Maine, to wit:

Real estate located at the 145-151 Newbury Street, Portland, Maine, as described in the deed given by Samuel W. Van Dam to Gardner Square Partners, dated June 13 1994 and recorded in the Cumberland County Registry of Deeds in Book 11483, Page 279. Also all removed woodwork and windows original to building located and stored in basement as viewed on August 7, 2000 to remain with and conveyed with property.

2. Purchase Price. The purchase price of the premises shall be \$825,000.00 and shall be paid by the Buyer as follows: \$5,000.00 upon execution of this Agreement by all parties as earnest money or deposit to be held by The Dunham Group and who shall act as escrow agent until closing; the balance in cash or by certified, bank check or attorney's trust account check at closing.
3. Deed to the Premises. The Seller agrees to furnish, at his own expense, a duly executed good and sufficient Warranty Deed in accordance with Maine practice conveying the premises free and clear of all encumbrances with Seller's share of transfer taxes paid, but subject to utility easements of record serving the premises. At the election of Buyer, Seller's deed shall utilize a description based upon a survey of the premises prepared by a registered land surveyor at Buyer's expense.
4. Closing. Transfer of title and possession to the premises shall occur within ten (10) business days of final closing on sale of purchaser's property located at 21-31 Forest Avenue, Portland, Maine, unless otherwise mutually agreed or unless the time for closing is extended. The closing shall be held at the offices of Hopkinson & Abbondaza, P.A., Portland, Maine 04101.
5. Sale of 21-31 Forest Avenue, Portland, Maine. Buyer's obligation to close hereunder is expressly contingent upon Buyer's satisfactory closing upon the sale of property located at 21-31 Forest Avenue, Portland, Maine. Said property is under contract for sale and is scheduled to close on Friday, September 1, 2000. In the event the closing does not occur, Buyer may terminate this contract, whereupon the earnest money deposit shall be immediately refunded to Buyer and Seller and Buyer shall be fully discharged and relieved from the terms and obligations hereof.