

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

Location of Construction: 68-72 Commercial Street		Owner: Point East Trust LLC		Phone: 761-0832		Permit No: 001244	
Owner Address: c/o Spring St. West 288 State St		Lessee/Buyer's Name: Ri-RA Irish Pub		Phone:		BusinessName:	
Contractor Name: RI-RA Irish Pub		Address:		Phone:		Permit Issued: NOV - 3 2000	
Past Use: retail office		Proposed Use: restaurant		COST OF WORK: \$ 168,000		PERMIT FEE: \$ 1,032.00	
Proposed Project Description: Change of use from retail to restaurant also inter. reno				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: A3 Type: MOCA 99	
				Signature: <i>[Signature]</i>		Signature: <i>[Signature]</i>	
Permit Taken By: K				Date Applied For: Aug 17 2000 K			
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____			

Zone: **WCZ** CBL: **030-D-001**
 Zoning/Approv: **OK with conditns**
 Special Zone or Review: **NA**
 Shoreland
 Wetland
 Flood Zone **exist Bldg**
 Subdivision
 Site Plan maj minor **Ann**
#20000190

Zoning Appeal
 Variance
 Miscellaneous
 Conditional Use **by Plan. Board**
 Interpretation
 Approved **B.C.N.**
 Denied

Historic Preservation
 Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:
 Approved
 Approved with Conditions
 Denied

Date: _____

***** Call Bill Nemmers 774-3683*****

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

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: **Aug 17 2000** PHONE: _____

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

PERMIT ISSUED WITH REQUIREMENTS
 CEO DISTRICT

COMMENTS

11-22: Checked 1st fl. Drain lines for 5[#] Air; 1st fl. H&C @ 80+[#] City #. JKW
 Informed contractor from Ireland of stair; guardrail requirements of DOCA 99 JKW

12-15-2K Checked Framing of Partitions; 1st & 2nd fl. All new = non load bearing. Instructed contractor to remove suspended cement blocks from top of stairs. Contractor stated that air duct in mens room will be reshaped to allow 7' ceiling. Plumbing test Not done yet on 2nd fl. P. Lbg. JKW

12-21-2K: Went to site to check Plumbing Test Cor^d fl. Bathrooms found no pressure on system. JKW

1/2/01 - ...
 ? on Inspection ...

1/3/01 - ...
 fireplace ...

2/7/01 Letter ...

2/7/01 ...
 to be ...

Inspection Record

3/15/01 - on site w/ K. Carroll. Limiting conditions
 ON clo dated 2/23/01 have been corrected. O.K
 to issue a permanent c/b. #3 ON temporary
 clo shall remain on permanent c/b
 of Reed

Type	Date
Foundation:	
Framing:	
Plumbing:	
Final:	
Other:	

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.

NOTEIf 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): 68.72 COMMERCIAL ST.		
Total Square Footage of Proposed Structure 2400 SF (EXISTING)		Square Footage of Lot N/A
Tax Assessor's Chart, Block & Lot Number Chart# 30 Block# D Lot# 001		Owner: POINT EAST TRUST LLC Telephone#: 761 0832
Owner's Address: 46 SPRING ST. WEST 288 STATE ST PORTLAND 04101	Lessee/Buyer's Name (If Applicable) R-I-RS IRISH PUB. 3312 WHITE OAK RD RALEIGH, N.C. 27609	Cost Of Work: \$ 168,000 Fee: \$ 1,037.00
Proposed Project Description: (Please be as specific as possible) INTERIOR RENOVATION FIT-UP. FOR RESTAURANT. CHANGE OF USE from Retail to Restaurant		
Contractor's Name, Address & Telephone R-I-RS IRISH PUB.		Rec'd By: (P)
Current Use: RETAIL/OFFICE		Proposed Use: RESTAURANT

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, Ventilation 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.

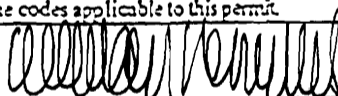
A complete set of construction drawings showing all of the following elements of construction:

- 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.

*** call for pickup
BILL NEMMERS
774.3683**

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:  WILLIAM NEMMERS	Date: 08/17/00
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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

BUILDING PERMIT REPORT

DATE: 17 Aug. 2008 ADDRESS: 68-72 Commercial ST. CBL: 030-D-001

REASON FOR PERMIT: Change of Use From (M) retail To (A-3) restaurant.

BUILDING OWNER: Point East Trust LLC

PERMIT APPLICANT: _____ / CONTRACTOR RI-RA Trust Pub.

USE GROUP: A-3 CONSTRUCTION TYPE: 2C CONSTRUCTION COST: \$168,000. PERMIT FEES: \$1,032.00

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, *11, *13, *17, *18, *19, *23, 20, 21, 22, *27, *28, *29, *32, *34, *36, *37, *31

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)

e/17

- *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. *see all requirements and conditions on the attached Development Review Sheet*
- *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 food service equipment shall meet Fed state and local codes.
- *37. This permit shall require state fire marshal's office approval.
- *38. The attached form shall be completed and returned to this office by the design professional.
- 39. Means of egress shall be at least 1/2 the diagonal for remoteness.

[Signature]
 S. Samuels, Building Inspector
 Cc: V. McDougall, PFD
 Marge Schmuckal, Zoning Administrator
[Signature]

PSH 1/26/00

**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, OR EQUIVALENT.

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



State of Maine
Department of Public Safety
Construction Permit



Reviewed
for Barrier
Free

10652

Sprinkled
Sprinkler Supervised

68 COMMERCIAL ST. RENOVATION (SHELL ONLY)

Located at: 68 COMMERCIAL ST

PORTLAND

Occupancy/Use: ASSEMBLY CLASS C

Permission is hereby given to:

POINT EAST TRUST
68 COMMERCIAL ST
PORTLAND, ME 04101

to construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner and now approved. no departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F. Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 9th of Septemb 2000

Dated the 10th day of March A.D. 2000

Commissioner

Fee: \$150.00
\$50.00

Copy-3 Code Enforcement Officer

Comments:

Code Enforcement Officer
PORTLAND, ME

**RiRa Irish Pub
68 Commercial Street, Portland, Me.
Parking space accounting for 08/08/2000 Change-of-Use**

Existing accounting (per Planning Bd Approval).

1)	Resource Trading Co.	(12 manufacturing + 3 office)	15 spaces	#1 thru #15
2)	Flatbread	(based on preliminary scheme) 3200sf/300	11 spaces	#20, #27 thru #30, and #36 thru #41
3)	New office space	4800sf/800	6 spaces	#21 thru #26
4)	New Retail	3600-2000=1600/400	4 spaces	#16 thru #19
5)	Existing lease		5 spaces	#31 thru #35
Total Spaces provided			41 spaces	

Proposed accounting (for Change-of-Use 08/08/2000)).

1)	Resource Trading Co.	(12 manufacturing + 3 office)	15 spaces	#1 thru #15
2)	Flatbread	(based on existing plan) 2790sf/300	10 spaces	#27 thru #30, and #36 thru #41
3)	Ri-Ra Restaurant	4727sf/300	16 spaces	#16 thru #26, and #31 thru #35
4)	Existing leases		0 spaces	
5)	Additional spaces	in parking/storage area	5 spaces	#42 thru #46
Total Spaces provided			46 spaces	

• The 4400 sq ft building noted as building #3A on the drawing and designated as manufacturing with a parking requirement of 2.2 spaces, is entirely used for storage and therefore would carry a parking requirement of 0. Although these spaces are technically available for other uses, we are carrying these 2.2 spaces in the chance that this building will once again become manufacturing.

Refer to the attached plans for the verification on the Flatbread and Ri-Ra restaurant areas and required parking spaces.



WILLIAM NEMMERS ASSOCIATES ARCHITECTS
424 FORE ST. PORTLAND, ME 04101 774-3683.

August 16, 2000

Marge Schmuckal, Zoning Administrator
City of Portland
Portland, Maine 04101

Re: RI-RA Irish Pub Building Permit and Change-of-Use
68-72 Commercial Street

Dear Marge:

I am submitting this application for Building Permit for the Ri-Ra Irish Pub at 68-72 Commercial Street. Part of the Application is a Change of Use from RETAIL in the first floor and OFFICE on the second floor to RESTAURANT on both floors.

This is a permitted use in the zone but the parking component for the change has to be addressed. The enclosed documents show how that parking component has been taken care of. Spaces for the Resource Trading Company are not included in the following as they remain the same.

In essence the existing condition is:	Flatbread	11 spaces
	retail	4 spaces
	office	6 spaces
	<u>lease</u>	<u>5 spaces</u>
	total	26 spaces

In essence the <u>proposed</u> condition is:	Flatbread	10 spaces
	Ri-Ra	16 spaces
	lease	0 spaces
	<u>additional</u>	<u>5 spaces</u>
	total	31 spaces

1) I have included plan diagrams for both Flatbread and Ri-Ra. The original Flatbread total(11) was based on a guess of the seating area prior to the actual design. The proposed total reflects the actual square footage devoted to the seating area.

2) The Lease for the 5 spaces noted in the original Application has now lapsed and so there are these existing spaces available.

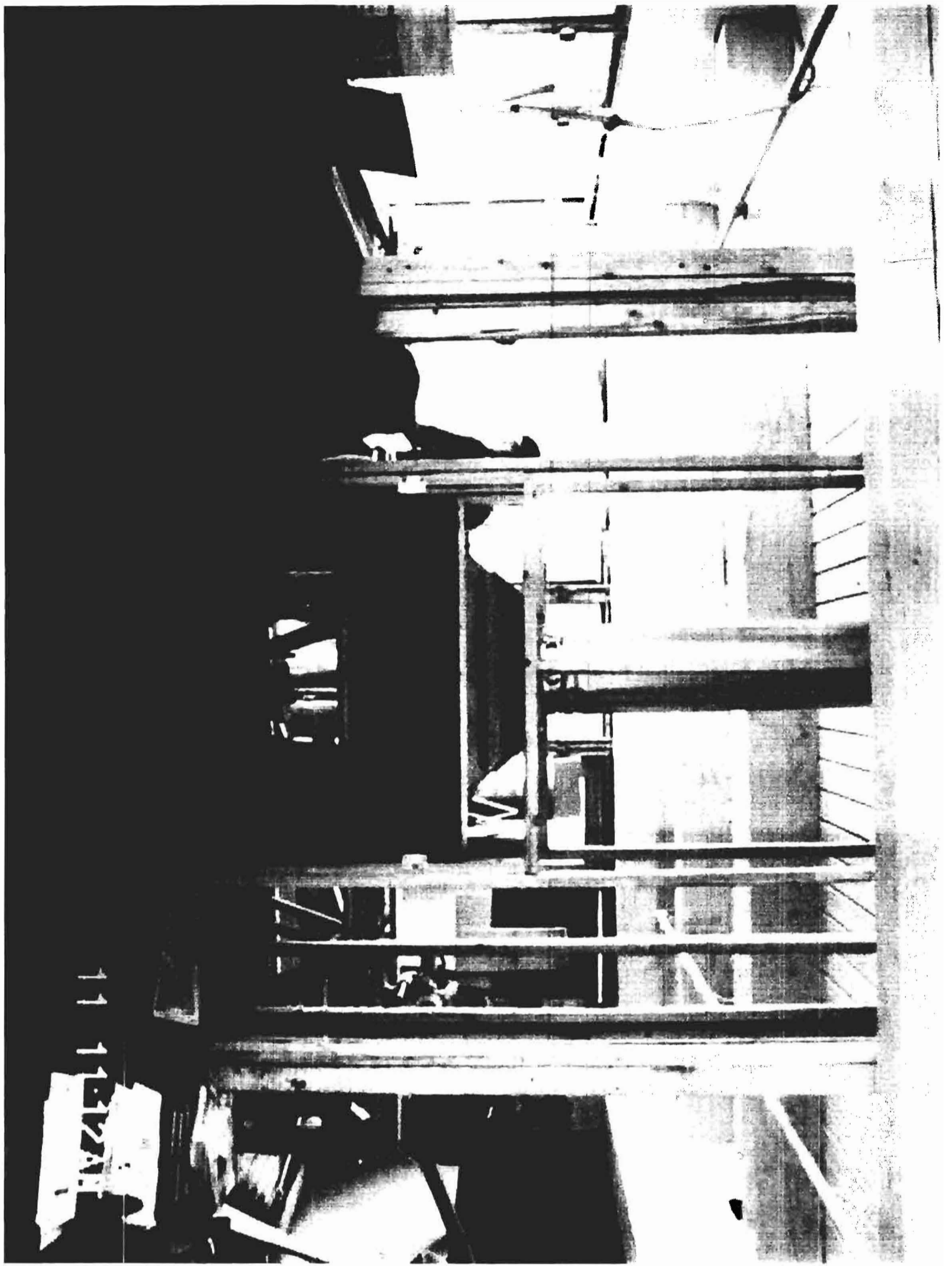
3) The area behind the DryDock was listed as storage/parking on the original Application because depending on the season the space was used for either storage or parking. The tenant for the adjacent building has been using it for storage exclusively and that lease has now lapsed thus freeing up the area permanently for parking.

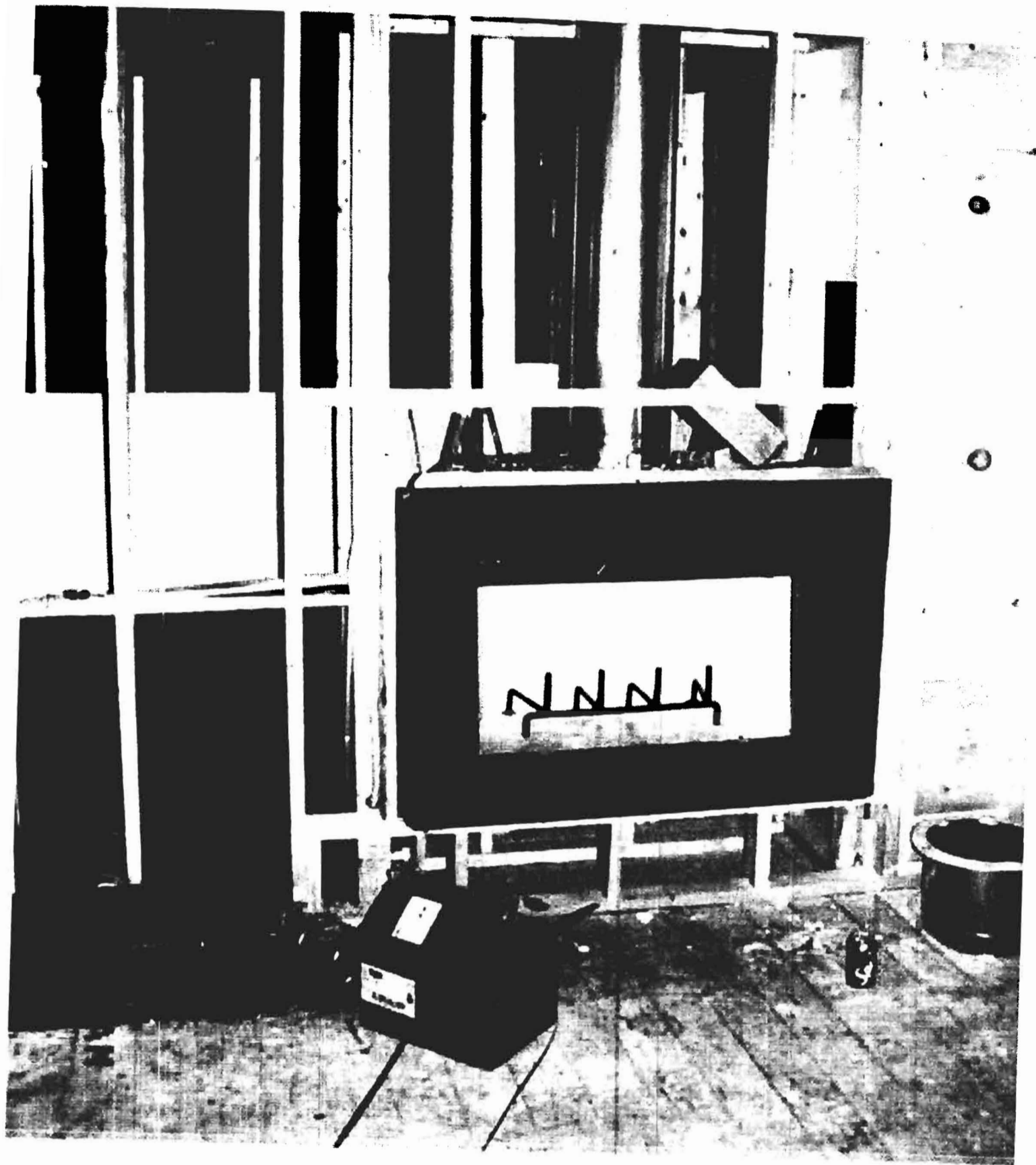
I will be available to answer your questions, just give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Nemmers', written in a cursive style.

William Nemmers







4/1

TO: Inspections 8632
FROM: Jay Reynolds, Development Review Coordinator
DATE: March 23, 2001
RE: C. of O. for # 68-72 Commercial Street/RiRa

After reviewing the file, and visiting the RiRa site, I offer the following comments:

Some conditions of approval have not been met. They are items 2, 3, and 4 of the planning conditions of approval (see below).

I would estimate that these items could be completed by June 1, 2001. Once these items are addressed and re-inspected, then a permanent Certificate of Occupancy can be issued.

At this time, I recommend issuing a temporary Certificate of Occupancy.

Please contact me if you have any questions or comments.
Thank You.

Cc: Sarah Hopkins, Development Review Services Manager
Michael Nugent, Inspections Services Manager

File: O:\drc\68commercial1.doc

Planning conditions of approval dated 10/31/00:

FLATBREAD
CO

1. That the gate on the east side of the building be relocated onto the applicant's property.

2. That a revised lighting plan for the exterior seating area be submitted for Planning staff review and approval.

3. That the applicant remove the exterior door hardware on the second story patio doors which serve as windows. The door hardware shall be replaced with a plate or cover to be painted out the color of the door.

RI-RA

4. That the applicant complete the exterior of the building as per the approved elevation and plan drawings prior to the issuance of a C of O.

5. NOTE: The applicant should be made aware that any upper floor expansion of usable area will require a conditional or contract re-zoning under the Waterfront Central Zone.

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

19990124
I. D. Number

Point East Trust
Applicant
288 State Street, Portland, ME 04101
Applicant's Mailing Address
Bill Nemmers/Tom Watson
Consultant/Agent
761-0832
Applicant or Agent Daytime Telephone, Fax

9/10/99
Application Date
commercial street # 68-72
Project Name/Description
68- 72 Commercial St, Portland Maine 04101
Address of Proposed Site
030-D-001,002
Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

Planning Conditions of Approval

That a parking signage plan be provided to Public Works traffic Engineer, for review and approval, prior to issuance of C of O.

Inspections Conditions of Approval

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. The restaurant use shall provide food service and consumption as the primary function of the restaurant. This is NOT an approval for an independent bar use. The allowable restaurant use shall be maintain. Any changes to the use would require a sep. permit.
3. Dining should not exceed beyond the existing "Building Line" as shown on the submitted plans.
4. Separate permits shall be required for any new signage.

Fire Conditions of Approval

Application requires State Fire Marshal approval.

John Meekins
Bda Morgan
Received both a copy of this Approval
Addendum & interpretation information
letter



CITY OF PORTLAND

*Kiheran Sheehan
919-291-5629*

October 31, 2000

Mr. William Nemmers
424 Fore Street
Portland, Maine 04101

re: 68-72 Commercial Street; RiRa Restaurant change of use.

Dear Mr. Nemmers:

On October 31, 2000 the Portland Planning Authority granted minor site plan approval for an 8400 square foot change of use for the RiRa Restaurant. Approval is subject to the following conditions.

- i. That the applicant remove the exterior door hardware on the second story patio doors which serve as windows. The door hardware shall be replaced with a plate or cover to be painted the color of the door.
- ii. That the applicant complete the exterior of the building as per the approved elevation and plan drawings prior to issuance of a certificate of occupancy.

Note: The applicant should be made aware that any upper floor expansion of usable space will require a conditional or contract re-zoning under the Waterfront Central Zone.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Erin Rodriguez
Mark Malone
Orlando E. Delogu

October 26, 2000

William Nemmers
424 Fore Street
Portland, Maine 04101

030 D 001

Re: Flatbread Restaurant exterior seating expansion, 68-72 Commercial Street.

Dear Mr. Nemmers:

On October 24, 2000, the Portland Planning Board voted 6-0 (Cole absent) to approve your application to expand exterior seating at 68-72 Commercial Street. The Board found that the application is in conformance with the Conditional Use Standards of the Waterfront Central Zone; and that the improvements met the standards of the Site Plan ordinance of the Land Use code.

The approval was granted for the project with the following conditions:

- i. That the applicant relocate the existing gate off the City property, and
- ii. That the applicant provide a revised lighting plan for the exterior seating area for Planning staff review and approval.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report # 56-00, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

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CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

20000190
I. D. Number

Nemmers, WM
Applicant
424 Fore Street, Portland, ME 04101
Applicant's Mailing Address
Nemmers, WM
Consultant/Agent
774-3683 **761-2836**
Applicant or Agent Daytime Telephone, Fax

Application Date
68-72 Commercial Street
Project Name/Description
68- 72 Commercial St, Portland, ME
Address of Proposed Site
030 D001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **change of use - conditional us**
N/A **N/A** **W.C.Z.**
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other
Fees Paid: Site Plan **\$400.00** Subdivision Engineer Review Date: **10/4/00**

Inspections Approval Status:

Reviewer **Marge Schmuckal**

Approved Approved w/Conditions see attached Denied
Approval Date **11/2/00** Approval Expiration Extension to Additional Sheets Attached
 Condition Compliance signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issued	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	
	date		
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____	_____	
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released			

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

20000190
I. D. Number

Nemmers, WM
Applicant
424 Fore Street, Portland, ME 04101
Applicant's Mailing Address
Nemmers, WM
Consultant/Agent
774-3683 **761-2836**
Applicant or Agent Daytime Telephone, Fax

Application Date
68-72 Commercial Street
Project Name/Description
68- 72 Commercial St, Portland, ME
Address of Proposed Site
030 D001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **change of use - conditional us**
N/A N/A W.C.Z.
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date: **10/4/00**

Fire Approval Status:

Reviewer **Lt. Mc Dougall** *u/m*

Approved Approved w/Conditions see attached Denied

Approval Date **10/12/00** Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance **Lt. Mc Dougall** **10/12/00**
signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

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	date	amount	expiration date
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	date		
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<input type="checkbox"/> Certificate of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

68-72 Commercial St

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM

20000190
I. D. Number

Nemmers, WM

Applicant
424 Fore Street, Portland, ME 04101
Applicant's Mailing Address
Nemmers, WM
Consultant/Agent
774-3683 761-2836
Applicant or Agent Daytime Telephone, Fax

Application Date
68-72 Commercial Street
Project Name/Description
68- 72 Commercial St, Portland, ME
Address of Proposed Site
030 D001
Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

Planning Conditions of Approval

Flatbread: 1. That the gate on the east side of the building be relocated onto the applicant's property.
2. That a revised lighting plan for the exterior seating area be submitted for Planning staff review and approval.
RiRa: 1. That the applicant remove the exterior door hardware on the second story patio doors which serve as windows. The door hardware shall be replaced with a plate or cover to be painted out the color of the door.
2. That the applicant complete the exterior of the building as per the approved elevation and plan drawings prior to the issuance of a C of O.
NOTE: The applicant should be made aware that any upper floor expansion of usable area will require a conditional or contract re-zoning under the Waterfront Central Zone.

Inspections Conditions of Approval

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. This is NOT an approval for a 2nd floor exterior dining use out on to the roof. Any such requests would need to be considered under a separate permit and review.
3. Separate permits are required for any new signage.

Fire Conditions of Approval

CITY OF PORTLAND, MAINE
PLANNING BOARD

030-D-001

John H. Carroll, Chair
Jaimey Caron, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Deborah Krichels
Erin Rodriguez
Mark Malone

November 29, 1999

Mr. William Nemmers
424 Fore Street
Portland, Maine 04101

re: 68-72 Commercial Street Site Plan Approval

Dear Mr. Nemmers:

On November 23, 1999 the Portland Planning Board voted 5-0 (Carroll and Rodriguez absent) to approve your application for a 13,200 square foot change of use at 68 to 72 Commercial Street. The Board found that the application met the standards of the Site Plan ordinance of the Land Use code.

The approval was granted for the project with the following condition(s):

That the applicant submit the following additional information for City Planning review and approval:

- i. An exterior lighting plan including photometrics and a catalog cut of light fixtures.
- ii. Utility capacity letters.
- iii. A revised parking layout plan for review by City Traffic and Fire Safety.
- iv. That permits or letters of nonapplicability be provided from Maine DEP and Army Corps of Engineers.
- v. Revised westerly elevation drawings showing additional fenestration, to be submitted to staff prior to tenant fit up.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report # 64 -99, which is attached.

O:\PLAN\DEVREVW\COMMER68\11-29APV.WBN

Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File

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**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

19990124
I. D. Number

Point East Trust
Applicant
288 State Street, Portland, ME 04101
Applicant's Mailing Address
Bill Nemmers/Tom Watson
Consultant/Agent
761-0832
Applicant or Agent Daytime Telephone, Fax

9/10/99
Application Date
commercial street # 68-72
Project Name/Description
68- 72 Commercial St, Portland Maine 04101
Address of Proposed Site
030-D-001,002
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **change of use/renovations**
13,000+ Proposed Building square Feet or # of Units **.25+** Acreage of Site **waterfront central** Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date: **9/10/99**

Inspections Approval Status:

Reviewer **Marge Schmuckal**

Approved Approved w/Conditions see attached Denied
Approval Date **3/16/00** Approval Expiration _____ Extension to _____ Additional Sheets Attached
 Condition Compliance _____ signature _____ date _____

Performance Guarantee Required* Not Required

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<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
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**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
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Inspections Approval Status:

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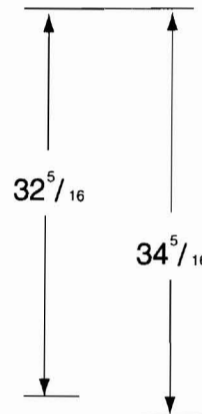
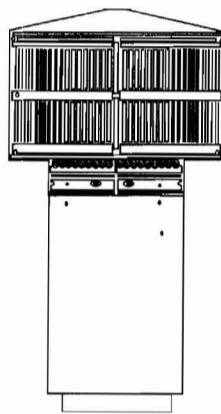


Hearth Technologies Inc.
20802 Kensington Blvd.
Lakeville, MN 55044

TR342 TR344
TR442 TR444

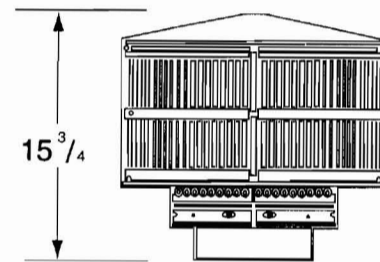
AIR COOLED ROUND TERMINAL CAP STORM COLLAR INSTALLATION INSTRUCTIONS

These Chimney TERMINAL CAPS have been tested for use with specific Hearth Technologies Inc. (HTI) Fireplaces and are UL LISTED as FIREPLACE PARTS. Refer to the Installation Instructions supplied with the fireplace for the correct accessories to be used. Check with your local Building Code Agency before you begin your installation to ensure compliance with Local Codes, including the need for Permits and follow-up inspections. If any problems are encountered regarding Code approvals, or if you need clarification of the instructions contained here, contact your local distributor/dealer, or the Technical Services Department, Hearth Technologies Inc., 20802 Kensington Blvd., Lakeville, MN 55044.



TR342 and TR442

ITEM	DESCRIPTION	QTY.
1	Terminal Cap	1
2	Storm Collar	1
3	Fastener Package	1



TR344 and TR444

WARNING!
THE CHIMNEY MUST EXTEND AT LEAST 3 FEET ABOVE THE HIGHEST POINT WHERE IT PASSES THROUGH THE ROOF, AND AT LEAST 2 FEET ABOVE ANY PORTION OF THE BUILDING WITHIN 10 FEET. THESE MINIMUM DISTANCES COMPLY WITH NATIONAL CODE CONSTRUCTION REQUIREMENTS BUT DO NOT GUARANTEE SMOKE FREE OPERATION.

CAUTION:
EDGES ARE SHARP. HAND PROTECTION IS RECOMMENDED.

TR344/TR444 ROUND TERMINAL CAP INSTALLATION PROCEDURE.

1. Install the Roof Flashing or the Chase Top. See Figure 1 for required dimensions of the Chase Top, or use Catalog Number CT35 for SL300 chimney system or CT56 for SL400 chimney system. The uppermost chimney section must extend a minimum of 2" above the top of the Chase Top collar to allow for the installation of the Terminal Cap and the Storm Collar.
2. Install the Storm Collar over the uppermost chimney section and secure in place with the provided bolt. Caulk the gaps between the Chimney and the top of the storm collar to prevent leaks. Any seams along the storm collar must also be sealed.
3. Locate the Round Terminal Cap over the uppermost chimney section and snap-lock it into position. NOTE: If you do not want to snap-lock the Round Terminal Cap in place, crush the snap-lock tabs on the terminal cap collar flat and attach to the uppermost chimney section with 3 self tapping screws.

TR342/TR442 TELESCOPING ROUND TERMINAL CAP INSTALLATION PROCEDURE.

1. The uppermost chimney section must terminate no less than 14-1/2" below the top of the flashing cone on the Chase Top. See Figure 2 for additional details.
2. Position the Telescoping Round Terminal Cap above the collar of the Chase Top and lower the cap assembly until the stainless steel telescoping slip section engage a minimum of 4" into the upper most chimney section. Push the terminal cap down until the three support brackets contact with the Chase Top collar.
3. Attach the three Support Brackets to the chase top collar with the screws provided.
4. Wrap the Storm Collar around the Outer Slip Section. Fasten the ends of the Storm Collar together with a screw at the bottom and a nut and bolt through the Clamp Lock at the top. Slide the Storm Collar down until it contacts the Chase Top and tighten the Clamp Lock.
5. Caulk the gaps between the Outer Slip Section and the top of the Storm Collar to prevent leaks. Any seams along the Storm Collar must also be sealed.

NOTICE:
To protect the Cap against the effects of corrosion, we recommend that the Terminal Cap be painted with Rust Resistant Paint.

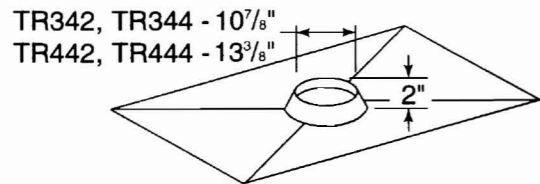


Figure 1

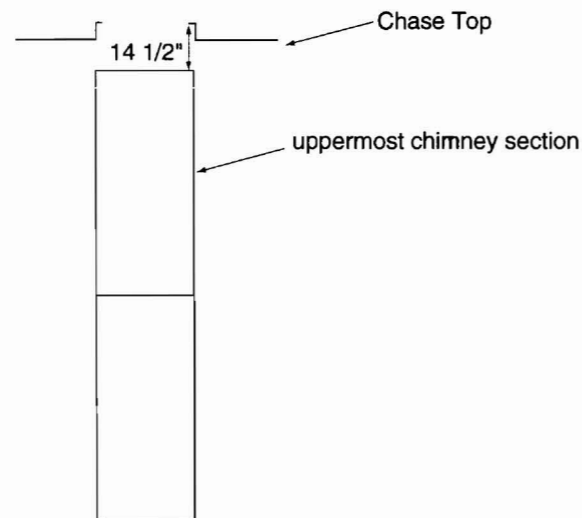


Figure 2

FIELD CONSTRUCTED SHROUDS.

Two different Shroud designs have been tested for HTI fireplace systems using TR342/344 or TR442/444 Terminal Caps. These Shrouds may be field constructed if the dimensional requirements specified in Figure 3 are maintained. These Shrouds must be constructed from a minimum .018" thick aluminized steel or equivalent. The wire mesh is to be .018" thick minimum aluminized steel with a maximum 1/2" mesh opening.

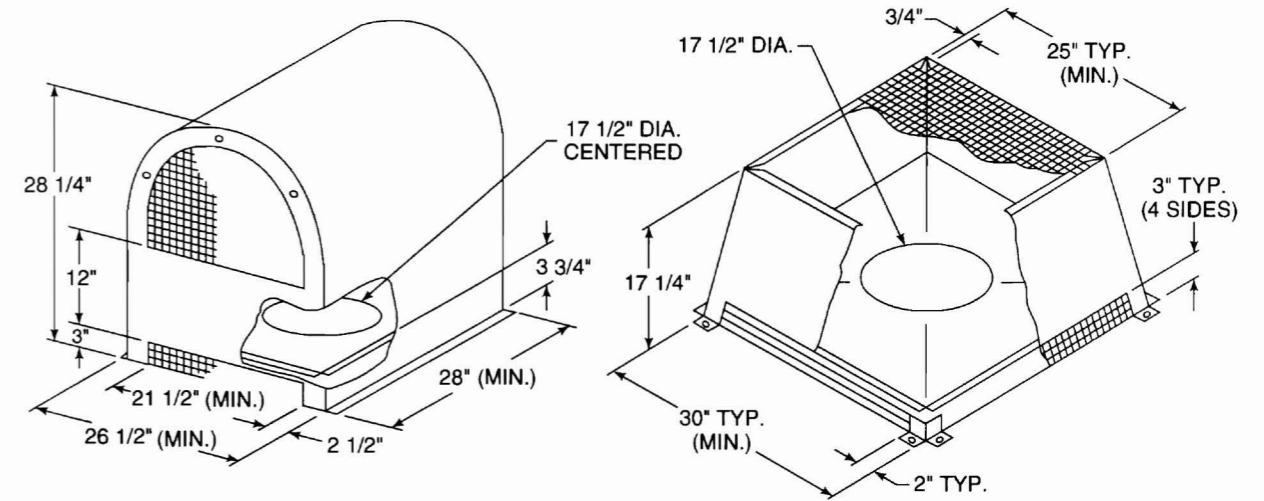


Figure 3

INSTALLATION OF THE SHROUD.

1. Center the hole in the bottom pan of the Shroud over the Terminal Cap and lower the Shroud down to the Chase Top.
2. Be sure to maintain the Shroud centered over the chimney termination and fasten the Shroud to the Chase Top with screws.
3. Be sure to caulk or seal around the screw heads to prevent leaks.

MULTIPLE CHIMNEYS IN A SINGLE CHASE.

If more than one fireplace chimney is terminated from a single chase and it is desired to use a Decorative Shroud, the following requirements must be maintained:

1. The termination caps must all be either TR342/344 for series 300 chimneys or TR442/444 for series 400 chimneys.
2. The Chase Top outside dimensions must be large enough to ensure that the dimensional requirements shown in Figure 4 can be maintained. (The 2" clearance from the chimney to any combustible material must always be maintained.)
3. Only the rectangular Shroud design, as shown in Figure 3, may be used for multiple units in a chase.
4. Locate the individual Shrouds over the termination caps and install to the Chase Top per the instructions in the previous section. Other arrangements of multiples are possible as long as the dimensions shown in Figure 4 (on following page) are observed to allow the mounting of individual Shrouds.

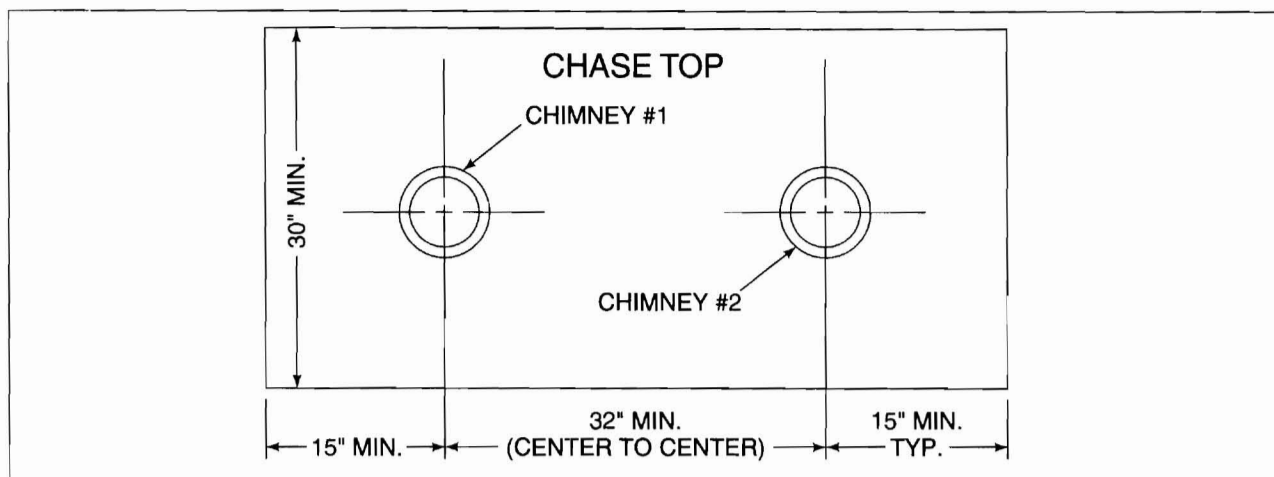


Figure 4

5. The installation will now look similar to that shown in Figure 5.
6. If the look of a single large Shroud is desired, a piece of .018" thick minimum aluminized steel can be cut and attached to the sides to give the appearance as shown in Figure 6.
7. This arrangement also prevents one system that is in use from interacting with another unit that may not be in use.

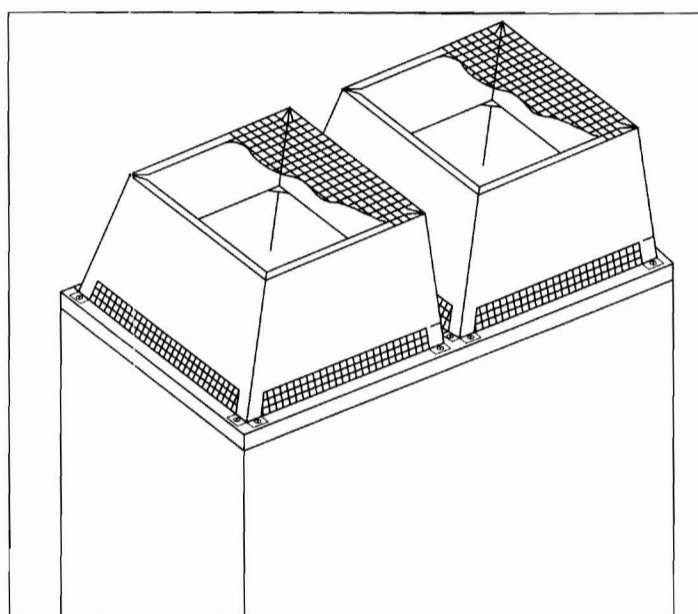


Figure 5

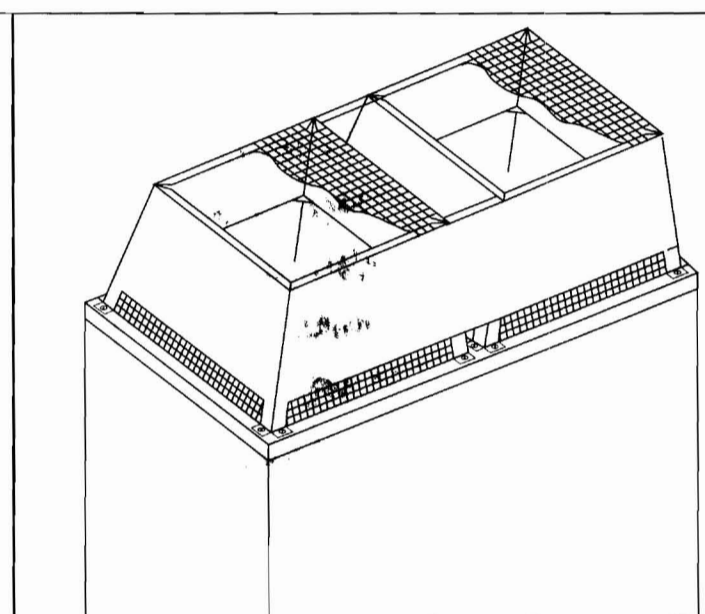


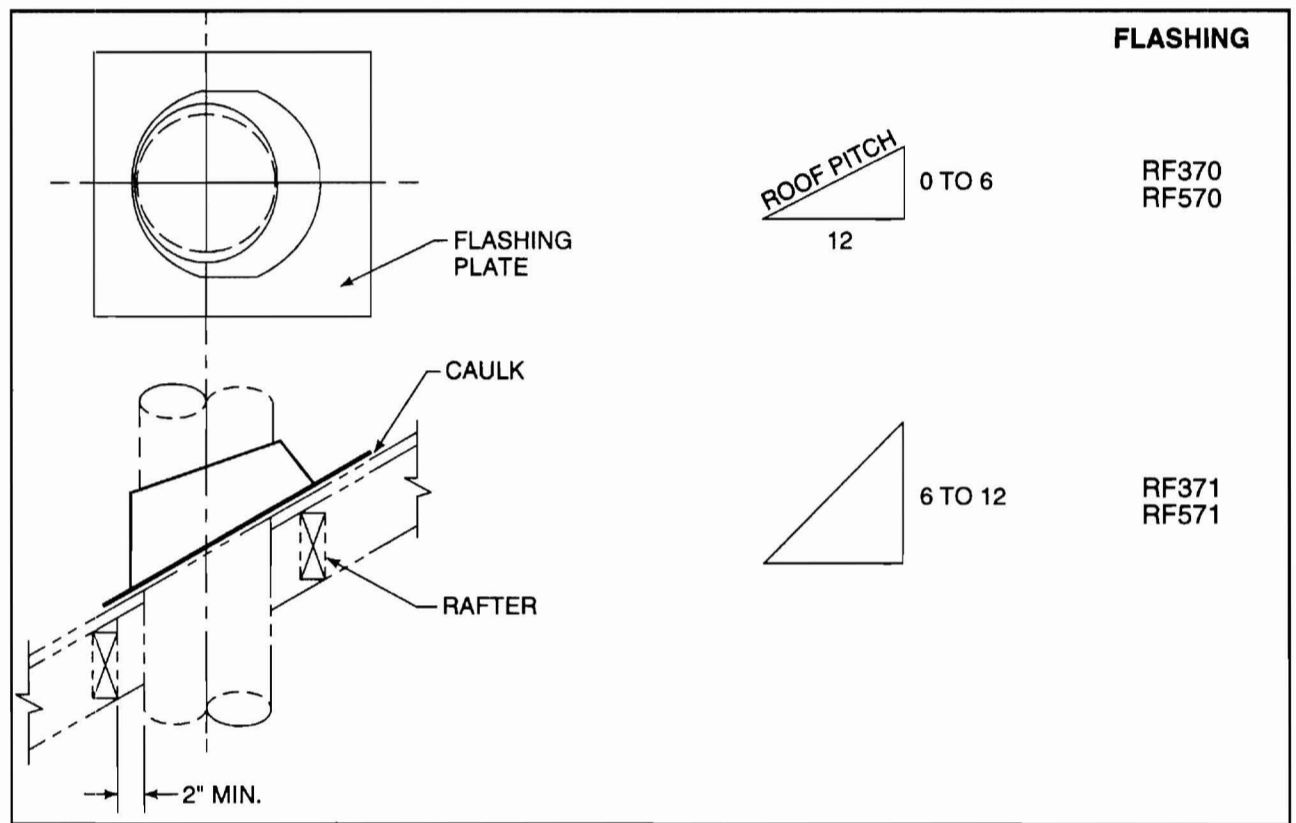
Figure 6



Hearth Technologies Inc.
20802 Kensington Blvd.
Lakeville, MN 55044

RF370 RF371 RF570 RF571 ROOF FLASHING INSTALLATION INSTRUCTIONS

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WARNING!

CLEAR AIR SPACE BETWEEN THE CHIMNEY AND THE ENCLOSURE MUST BE 2 INCHES MINIMUM. LESSER DISTANCE MAY INCREASE THE HAZARD OF FIRE.

