

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT

This is to certify that * » 395 FORE STREET LLC

Located At 395 FORE

Job ID: 2011-08-1872-CH OF USE

CBL: 032 - - I - 018 - 001 - - - -

has permission to Cange of use to restaurant

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

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

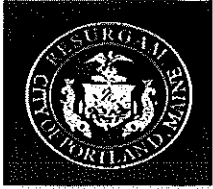
A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be

Fire Prevention Officer

Code Enforcement Officer / Plan Reviewer

THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
PENALTY FOR REMOVING THIS CARD

SCANNED



PORTLAND MAINE

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

*Director of Planning and Urban Development
Penny St. Louis
Inspection Services, Director
Tammy M. Munson*

October 11, 2011

Owner

Go Berry Yogurt
Attn: David Hyde

David,

Location

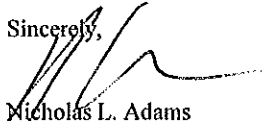
Located at 395 Fore St.
CBL: 032 I018001

On Tuesday October 11, 2011 John Martell of the City of Portland Fire Department, Brian Laflamme City of Portland Electrical Inspector, and Myself Code Enforcement Officer and Building Inspector for the City of Portland had a final inspection for Suite B first floor of 395 Fore Street. Upon our inspection John, Brian, and I are confident enough that this building has met minimum requirement for an issuance of a temporary Certificate of Occupancy. This Certificate has an expiration date of November 11, 2011. At that time the following Conditions must be met and an additional One Hundred-Fifty dollars must be made payable to the City of Portland Inspections Division and Seventy-Five dollars made payable to Portland Fire Department for the issuance of a permanent Certificate of Occupancy:

1. Bathroom Shall be label ✓
2. Exit and Emergency Lights shall be label with what panel and circuit it is fed from. ✓
3. 3 Bay sink shall have only one trap. ✓
4. Arc flash labels and updated panel schedules on all electrical panels.
5. Install cover plates on all open boxes. Clean up all wiring in basement.
6. Identify Label and secure all main electrical panels and services. ✓
7. A watertight outlet shall be installed above sink.

These conditions must be met as for the issuance of a permanent Certificate of Occupancy. To the best of our knowledge and belief Go Berry Yogurt located on the first floor at 395 Fore St. has been satisfactory completed with the exception of these conditions before the issuance of a permanent Certificate.

Sincerely,


Nicholas L. Adams
Code Enforcement Officer
207-874-8789

BUILDING PERMIT INSPECTION PROCEDURES

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

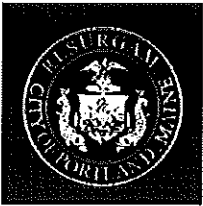
or email: buildinginspections@portlandmaine.gov

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
 - **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
 - **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**
1. Close-in inspection required prior to insulating or drywalling.
 2. Final certificate of occupancy inspection required prior to occupancy.
 3. An opening health inspection must per formed prior to opening.

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OF CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUOPIED.



PORTLAND MAINE

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Director of Planning and Urban Development
Penny St. Louis

Job ID: 2011-08-1872-CH OF USE

Located At: 395 FORE

CBL: 032 - - I - 018 - 001 - - - -

Conditions of Approval:

Zoning

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.
3. This property shall remain a restaurant with the issuance of this permit and subsequent issuance of a certificate of occupancy. Any change of use shall require a separate permit application for review and approval.
4. Separate permits are required for **any** new signage.

Fire

This building is 4 stories; mixed use: mercantile, business and apartments; and requires a supervised fire alarm system.

The door from the tenant into the stair(s) shall be a 1-hour fire rated assembly.

All construction shall comply with City Code Chapter 10.

Emergency lights and exit signs are required. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit and on the same circuit as the lighting for the area they serve.

Fire extinguishers are required. Installation per NFPA 10.

The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.

A separate Fire Alarm Permit is required for new systems; or for work effecting more than 5 fire alarm devices; or replacement of a fire alarm panel with a different model.

A separate Suppression System Permit is required for all new suppression systems or sprinkler work effecting more than 20 heads.

Sprinkler protection shall be maintained. Where the system is to be shut down for maintenance or repair, the system shall be checked at the end of each day to insure the system has been placed back in service.

Building

1. Separate permits are required for any electrical, plumbing, sprinkler, fire alarm HVAC systems, heating appliances, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
2. Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
3. Approval of City license is subject to health inspections per the Food Code.
4. A grease trap may have to be installed based on the type of food you are preparing.
5. All framing must be steel studs and all wiring must be noncombustible.

City of Portland, Maine - Building or Use Permit Application

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

Job No: 2011-08-1872-CH OF USE	Date Applied: 7/29/2011	CBL: 032 - - 1 - 018 - 001 - - - - -	
Location of Construction: 399 FORE ST	Owner Name: * 395 FORE STREET LLC	Owner Address: PO BOX 7225 PORTLAND, ME - MAINE 04112	Phone:
Business Name: "Goberry"	Contractor Name: David Hyde @ PC Construction	Contractor Address: 133 Presumpscot Street, Portland, ME 04103	Phone: (207) 874-2323
Lessee/Buyer's Name:	Phone:	Permit Type: Change of use with alterations	Zone: B-3
Past Use: Retail clothing store	Proposed Use: Change the use from retail to a frozen Yogurt restaurant (more than 9 seats) with alterations	Cost of Work: \$33,000.00	CEO District:
		Fire Dept: <input checked="" type="checkbox"/> Approved w/conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Inspection: Use Group: B Type: 2 IBC 09
Proposed Project Description: Tenant Fit-up for Yogurt Restaurant		Signature: <i>[Signature]</i> (58)	
		Signature: <i>[Signature]</i>	
		Pedestrian Activities District (P.A.D.)	
Permit Taken By: Lannie		Zoning Approval	

<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building Permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False informatin may invalidate a building permit and stop all work.</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetlands</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p><input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM</p> <p>Date: <i>ok with conditions</i> <i>S 8/8/11</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><i>with</i></p> <p><input type="checkbox"/> Not in Dist or Landmark</p> <p><input type="checkbox"/> Does not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p><i>any other work requires a separate review and approval</i></p> <p>Date:</p>
	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	PHON



General Building Permit Application

B-3
Historic

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>399 Fore St Portland ME 04112</u>		
Total Square Footage of Proposed Structure/Area <u>750 sq ft</u>	Square Footage of Lot	Number of Stories
Tax Assessor's Chart, Block & Lot Chart# <u>32</u> Block# <u>I</u> Lot# <u>18</u>	Applicant *must be owner, Lessee or Buyer* Name <u>David Hyde</u> Address <u>PO Box 415</u> City, State & Zip <u>Freeport, ME 04032</u>	Telephone: <u>207-671-9764</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name <u>Same</u> Address City, State & Zip	Cost Of Work: \$ <u>33,000</u> C of O Fee: \$ <u>75</u> Total Fee: \$ <u>405⁰⁰/1100</u>
Current legal use (i.e. single family) <u>retail</u> Number of Residential Units <u>0</u>		
If vacant, what was the previous use? _____		
Proposed Specific use: <u>Frozen yogurt restaurant</u>		
Is property part of a subdivision? _____ If yes, please name _____		
Project description: <u>Build out to transform from a clothing store to a frozen yogurt restaurant</u>		
Contractor's name: <u>PC Construction Co</u>		
Address: <u>133 Presumpcot St</u>		Telephone: <u>207 874-2323</u>
City, State & Zip: <u>Portland ME 04103</u>		Telephone: <u>X 106</u>
Who should we contact when the permit is ready: <u>David Hyde</u>		Telephone: <u>207 671 9764</u>
Mailing address: <u>PO Box 415 Freeport, ME 04032</u>		

11.4.11

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: David Hyde Date: 7-29-11

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

THIS INDENTURE OF LEASE made and entered into this 26th day of July 2011 by and between 395 Fore Street, LLC, party of the first part (hereinafter referred to as "Lessor") and David A. Hyde, DBA GoBerry, party of the second part (hereinafter referred to as "Lessee").

W I T N E S S E T H

THAT Lessor for and in consideration of the rent reserved, covenants and agreements hereinafter set forth to be kept, observed and performed by Lessee, has demised and leased and does hereby demise and let unto Lessee, the following described premises situated in the City of Portland, in the County of Cumberland, State of Maine, more particularly described as follows:

DESCRIPTION: Retail space, located at 399 Fore Street, Store B, Portland, Maine 04101.

TERM TO HAVE AND TO HOLD the above-described premises (hereinafter called the "demised premises") unto the Lessee for a term of (3) years and (3) days from August 29, 2011 through August 31, 2014.

RENTAL YIELDING AND PAYING therefore the rent reserved for the first three days of One Hundred and Fifty-Four Dollars (\$154.86) payable in one installment of \$154.86 on August 29, 2011 and the rent reserved for the first year of Nineteen Thousand Two Hundred Dollars (\$19,200.00) payable in consecutive equal installments of Sixteen Hundred Dollars (\$1,600.00) each month in advance, on the first day of each and every month for the period of September 1, 2011 through August 31, 2012. The rent for the second year of the lease will be the first year's rent plus an increase equal to the average increase in the CPIU for the previous twelve months payable in equal monthly consecutive installments from September 1, 2012 through August 31, 2013. The rent for the third year of the lease will be the second's year rent plus an increase equal to the average increase in the CPIU for the previous twelve months payable in equal consecutive installments from September 1, 2013 through August 31, 2014.

LATE FEE

A LATE FEE of four percent (4%) of the rent amount will be added to each payment that is fifteen or more days in arrears.

COVENANTS

The parties hereto, for and in consideration of the mutual promises and agreements herein contained, covenant and agree as follows:

RENT

Lessee covenants and agrees to pay each and every installment of the rent reserved as herein specified promptly when due and without demand. In the event that the Lessee shall fail to do so, the Lessor may hand deliver a notice to Lessee at said space to terminate this lease, at Lessor's option, if the said rent and any other outstanding fees

7/27/11
Date

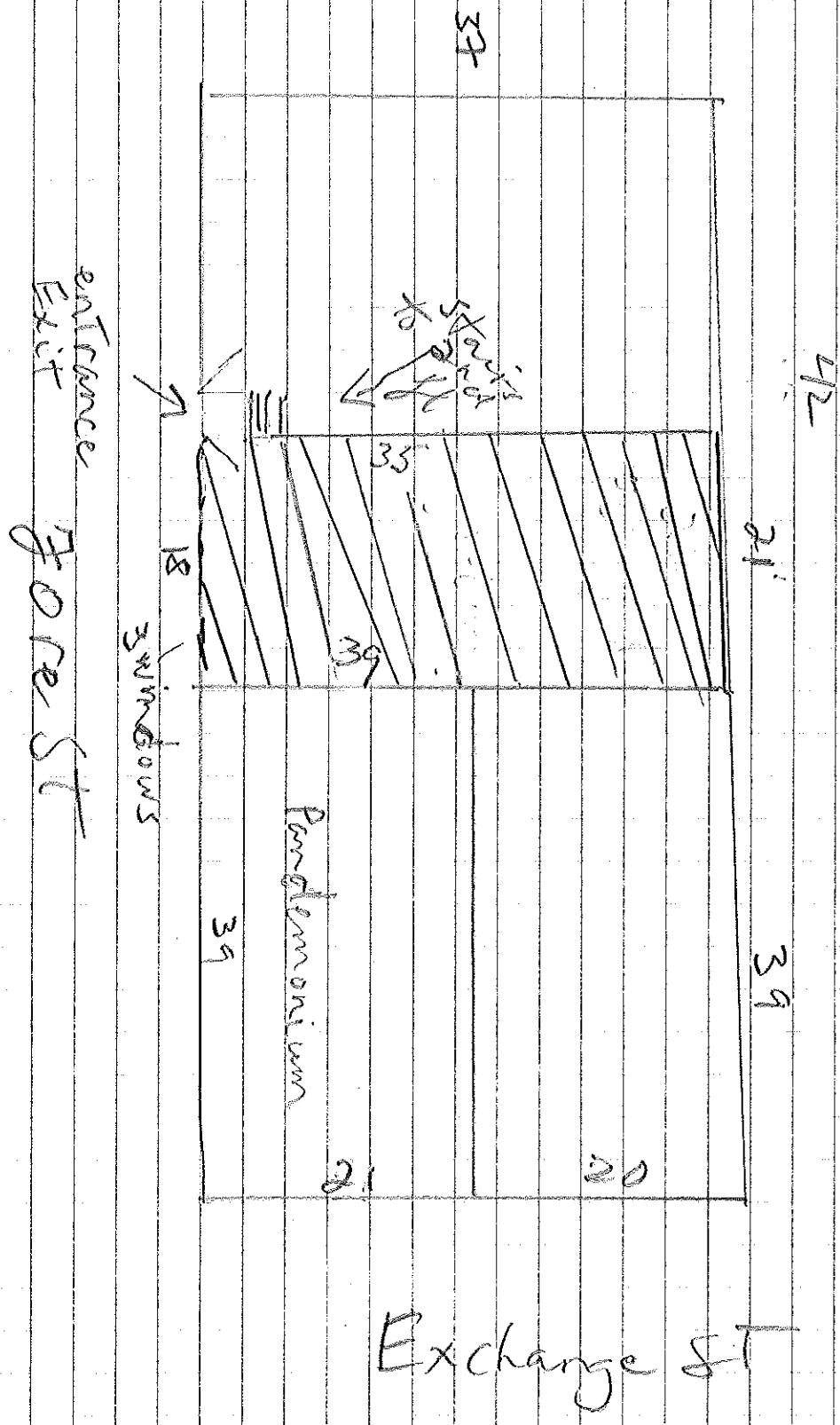
Cathy Ann Wirth
Cathy-Ann Wirth/Manager
395 Fore Street, LLC/Lessor

7/27/11
Date

David A. Hyde
David A. Hyde/ Lessee
DBA GoBerry

Security Deposit received in the amount of \$1600 on July 27, 2011

Existing floor Footprint = Planned Footprint
current shape/wholies → 90 Berry





Certificate of Occupancy

CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division

CBL: 032-A-018-001

Date Issued: 10/11/2011

Location: 395 FORE ST

Issued to 395 Fore Street LLC

This is to certify that the building, premises, or part thereof, at the above location, built-altered-changed as to use under Building Permit No. 2011-08-1872-CH OF USE, has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Suite B

APPROVED OCCUPANCY

Restaurant
Use Group B
Type 2B
IBC 2009

Limiting Conditions: Occupant load not to exceed 49 occupants. This is a temporary occupancy certificate with an expiration date of November 11, 2011. See attached Memo.

Approved: 10/11
[Signature]
Inspector

[Signature]
Inspector Division Director

Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.



Certificate of Occupancy



CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division

Location: 395 FORE ST

CBL: 032- I-018-001

Issued to: 395 Fore St LLC

Date Issued: October 27, 2011

This is to certify that the building, premises, or part thereof, at the above location, built-altered-changed as to use under Building Permit No. 2011-08-1872-CH OF USE, has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

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Suite B

APPROVED OCCUPANCY

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Use Group B
Type 2B
IBC-2009

Limiting Conditions: Occupant Load not exceed 49 occupants.

Approved: 10-27-11
(Date) ML
Inspector

[Signature]
Inspections Division Director

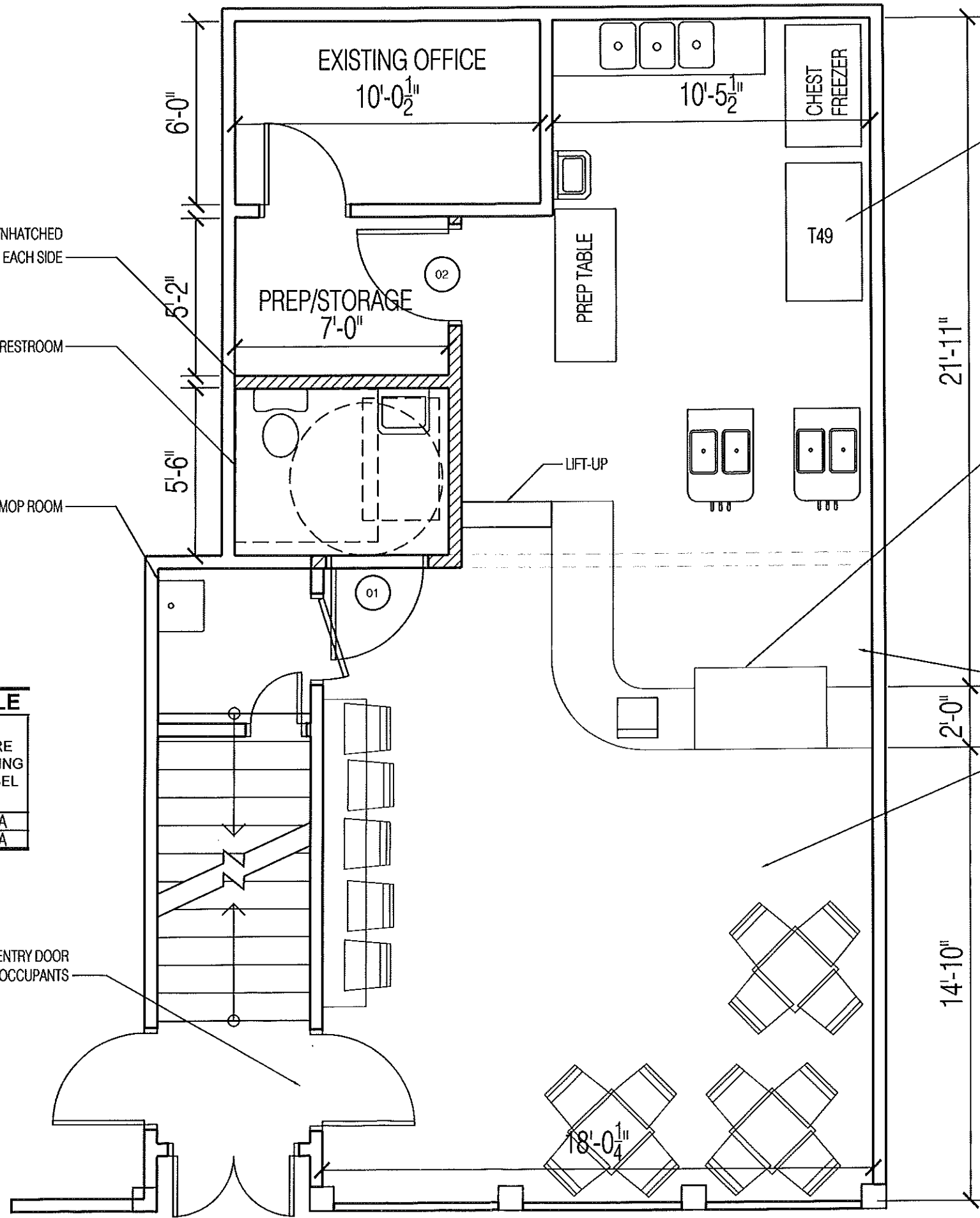
Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.

17 seats

Total enclosed 26

Single drop for 3 bay

- Locker lights
- Water tight outlet above sink
- Dry Flush Toilet
- Clean up exister lining in Passerel
- Bedroom Sign
- more electrical Power
- Suite B



NEW PARTITIONS ARE SHOWN HATCHED
2X4 STUDS TO CEILING WITH 5/8" GWB EACH SIDE

NEW ADA COMPLIANT RESTROOM

CONVERT EXISTING WATER CLOSET TO MOP ROOM

2 DOOR REACH IN REFRIGERATOR

SALES COUNTER

NON-PUBLIC SPACE 451 SQ. FT.
BUSINESS GROUP-B, 100 SQ.FT. PER OCCUPANT
BUSINESS OCCUPANCY 5 OCCUPANTS

PUBLIC SPACE 315 SQ. FT.
ASSEMBLY A-2, UNCONCENTRATED 15 SQ.FT. NET PER O
ASSEMBLY OCCUPANCY 21 OCCUPANTS

TOTAL OCCUPANCY: 26 OCCUPANTS

CONSTRUCTION TYPE V, COMBUSTIBLE
UNSPRINKLED

EXISTING 2'-8" X 6'-8" ENTRY DOOR
IN SWING ALLOWED DUE TO LESS THAN 50 OCCUPANTS

DOOR AND FRAME SCHEDULE						
MARK	DOOR			MATL	FRAME MATL	FIRE RATING LABEL
	WD	HGT	THK			
1	3'-0"	6'-8"	1 3/4"	PAINT GRADE SOLID CORE WOOD	WOOD	N/A
2	3'-0"	6'-8"	1 3/4"	PAINT GRADE SOLID CORE WOOD	WOOD	N/A



GOBERRY FITOUT
GOBERRY, 399 FORE STREET

DATE: 7.29.2011
DRAWN BY: BB
A-1.0