

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT

This is to certify that COW PLAZA GARAGE, LLC - GELATO FIASCO Located At 425 FORE ST

CBL: 032- I-041-001

Job ID: 2011-10-2422-CH OF USE

has permission to Change of use Retail to Restaurant Gelato Store

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

 11/10/11

Code Enforcement Officer / Plan Reviewer

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

City of Portland, Maine - Building or Use Permit Application

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

Job No: 2011-10-2422-CH OF USE	Date Applied: 10/7/2011	CBL: 032- 1-041-001	
Location of Construction: 425 FORE ST	Owner Name: Cow Plaza Garage, LLC	Owner Address: 100 Commercial Street Portland, ME 04101	Phone:
Business Name: GelatoFiasco	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name:	Phone: 207-649-1594	Permit Type: BLDG – Building – change of use	Zone: B-3
Past Use: Retail	Proposed Use: Restaurant – Gelato Fiasco - Change of use from retail to restaurant (12 seats)	Cost of Work: 47000.000000	CEO District:
		Fire Dept: <input checked="" type="checkbox"/> Approved w/conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A Signature: <i>[Signature]</i> (58)	Inspection: Use Group: <i>A2</i> Type: <i>2B</i> <i>IBC-2009</i> Signature: <i>[Signature]</i> <i>11/10/11</i>
Proposed Project Description: Change of use Retail to Restaurant Gelato Store		Pedestrian Activities District (P.A.D.)	
Permit Taken By:		Zoning Approval	

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 informatin may invalidate a building permit and stop all work.

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Not in Dist or Landmark
<input type="checkbox"/> Wetlands	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
<input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: <i>OK w/conditions</i> <i>10/17/11</i>	Date:	Date: <i>ARW</i>

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 appication 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
---	------	-------

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.**

Close In Elec/Plmb/Frame prior to insulate or gyp

Certificate of Occupancy Inspection

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 OCCUPIED.



PORTLAND MAINE

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

Director of Planning and Urban Development
Penny St. Louis

Job ID: 2011-10-2422-CH OF USE

Located At: 425 FORE ST

CBL: 032- I-041-001

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. Separate permits shall be required for any new signage.

Fire

1. All construction shall comply with City Code Chapter 10.
2. Application requires State Fire Marshal approval.
3. The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.
4. 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.
5. No smoke detectors shall be installed in this occupancy. Pull stations and water flow shall activate the fire alarm system.
6. Sprinkler supervision shall be provided in accordance with NFPA 101, *Life Safety Code*, and NFPA 72, *National Fire Alarm and Signaling Code*.
7. Fire Alarm system shall be maintained. If system is to be off line over 4 hours a fire watch shall be in place. Dispatch notification required 874-8576.
8. The sprinkler system shall be installed in accordance with NFPA 13.
9. A separate Suppression System Permit is required for all new suppression systems or sprinkler work effecting more than 20 heads.
10. 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.
11. The Fire Department will require Knox locking caps on all Fire Department Connections on the exterior of the building.
12. System acceptance and commissioning must be coordinated with alarm and suppression system contractors and the Fire Department. Call 874-8703 to schedule.
13. A model 4100 Knox Box is required.
14. Fire extinguishers are required per NFPA 10.
15. 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.
16. Any cutting and welding done will require a Hot Work Permit from Fire Department.
17. Walls in structure are to be labeled according to fire resistance rating. IE; 1 hr. / 2 hr. / smoke proof.
18. A single source supplier should be used for all through penetrations.

Building

1. Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
2. Equipment must be installed in compliance per the manufacturer's specifications.
3. New cafe, restaurant, lounge, bar or retail establishment where food or drink is sold and/or prepared shall meet the requirements of the City and State Food Codes.
4. Approval of City license is subject to health inspections per the Food Code.
5. Separate permits are required for any electrical, plumbing, sprinkler, fire alarm, HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
6. Ventilation of this space is required per ASHRAE 62.1 – 2007
7. Interior renovation of commercial properties requires inspection for hazardous materials and, if found, removal by a licensed contractor per the State of Maine DEP guidelines, FMI,
www.maine.gov/dep/rwm/asbestos/pdf/asbinspecforminstructions.pdf



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: 425 Fore St., Unit B, Portland, ME		
Total Square Footage of Proposed Structure/Area 1,236 SF		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# 114 Block# A Lot# 10 1132 I 41		Applicant *must be owner, Lessee or Buyer* Name 425 Fore St. L.L.C. Address 74 Maine St. City, State & Zip Brunswick, ME 04011
Telephone: 207.649.1594		
Lessee/DBA (If Applicable) The Gelato Fiasco	Owner (if different from Applicant) Name Coppleman Garage LLC Address 100 Commercial St. City, State & Zip Portland ME 04101	Cost Of Work: \$ 46,350 C of O Fee: \$ 480 Total Fee: \$ 480 490 + 75 565
Current legal use (i.e. single family) _____ If vacant, what was the previous use? Mercantile Proposed Specific use: Restaurant Is property part of a subdivision? No If yes, please name _____ Project description: Gelato store with seating for 12 and no cooking on site. All food product will be prepared off site and brought in for batch freezing		
Contractor's name: T.B.D. Address: _____ City, State & Zip _____ Telephone: _____ Who should we contact when the permit is ready: Gelato Fiasco Telephone: 207-649-1594 Mailing address: 74 Maine St., Brunswick, ME 04011		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: _____ Date: **10/6/11**

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

RECEIVED
OCT 11 2011
Dept. of Building Inspection
City of Portland Maine
11/11/11



Certificate of Design Application

From Designer:

Foreside Architects, Mark Burnes AIA

Date:

10/6/11

Job Name:

425 Fore St. L.L.C.



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

Received from

Location of Work

Cost of Construction \$

Building Fee:

Permit Fee \$

Site Fee:

Certificate of Occupancy Fee:

Total:

Building (IL)

Plumbing (IS)

Electrical (I2)

Site Plan (U2)

Other

CBL:

Check #:

Total Collected \$

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by:

WHITE - Applicant's Copy

YELLOW - Office Copy

PINK - Permit Copy

Criteria listed below:

the 2003 IRC Yes

rated (section 302.3) Separated

on 1802.2) No

Live load reduction

Roof live loads (1603.1.2, 1607.11)

Roof snow loads (1603.7.3, 1608)

Ground snow load, P_g (1608.2)

If $P_g > 10$ psf, flat-roof snow load P_f

If $P_g > 10$ psf, snow exposure factor, C_e

If $P_g > 10$ psf, snow load importance factor, I_s

Roof thermal factor, C_t (1608.4)

Sloped roof snowload, P_s (1608.4)

Seismic design category (1616.3)

Basic seismic force resisting system (1617.6.2)

Response modification coefficient, R_d and

deflection amplification factor, C_d (1617.6.2)

Analysis procedure (1616.6, 1617.5)

Design base shear (1617.4, 1617.5.1)

Is (1803.1.6, 1612)

Flood Hazard area (1612.3)

Elevation of structure

Is

Concentrated loads (1607.4)

Partition loads (1607.5)

Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)



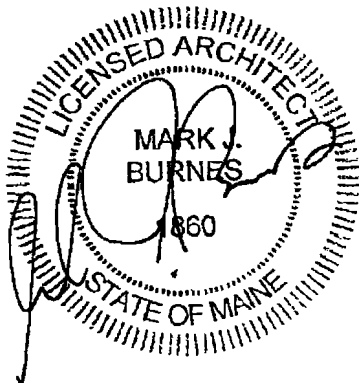
Accessibility Building Code Certificate


Designer: Foreside Architects - Mark Burnes AIA

Address of Project: 425 Fore St., Portland, ME 04101

Nature of Project: Gelato store with seating for 12 and no cooking on site. All food product with be prepared off site and brought in for batch freezing

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



Signature: 

Title: Mark Burnes AIA - Principal

Firm: Foreside Architects

Address: 281 Veranda St

Portland, ME 04101

Phone: 207-781-3344

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design

Date: 10/6/11

From: _____

These plans and / or specifications covering construction work on:

Gelato store with seating for 12 and no cooking on
site. All food product with be prepared off site and
brought in for batch freezing

Have been designed and drawn up by the undersigned, a Maine registered Architect /
Engineer according to the **2003 International Building Code** and local amendments.

Signature: 

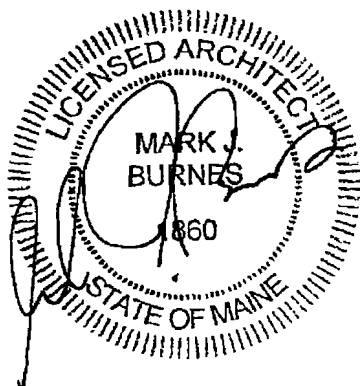
Title: Mark Burnes AIA - Principal

Firm: Foreside Architects

Address: 281 Veranda St

Portland, ME 04101

Phone: 207-781-3344



For more information or to download this form and other permit applications visit the Inspections Division
on our website at www.portlandmaine.gov

RECEIVED

OCT - 7

Dept. of Building Inspections 5
City of Portland

RECEIVED

OCT 17 2011

Dept. of Building Inspections
City of Portland Maine

2

TENANT BUILDOUT: Tenant shall build out the Leased Premises for its use. All plans and specifications shall be submitted in advance for Landlord approval which approval shall not be unreasonably withheld or delayed.

LANDLORD BUILDOUT: None.

LEASE

AGREEMENT OF LEASE made this 14th day of September, 2011, between COW PLAZA GARAGE a Maine limited liability company with a mailing address of 100 Commercial St., Portland, ME 04101 ("Landlord") and THE GELATO FIASCO, a Maine corporation, with a mailing address of 74 MAINE ST. ("Tenant").
BRUNSWICK, ME 04011

WITNESSETH

For and in consideration of the rent reserved herein, and the covenants and agreements hereinafter set forth to be kept, observed and performed by Tenant, Landlord hereby demises and lets unto Tenant and Tenant hereby leases from Landlord upon the covenants and agreements hereinafter set forth, the Leased Premises hereinafter described. The parties hereby agree that this is a commercial lease.

1. Leased Premises.

(a) Description. For the purposes of this Lease, (i) the term "Property" shall mean the land and the improvements located thereon commonly known as 425 Fore Street, Portland, Maine, which is depicted on the survey attached hereto as Exhibit A-1, and (ii) the term "Building" shall mean the building located on the Property, which contains the parking garage and the retail space located beneath the parking garage. The Leased Premises consists of that portion of the Building commonly known as Unit 3, which is deemed to contain 1,392 rentable square feet and is shown as the cross-hatched area on the floor plan attached hereto and incorporated herein as Exhibit A (the "Premises" or "Leased Premises"), together with the non-exclusive use in common with others, of (i) such easements and appurtenances necessary for access to the Leased Premises, (ii) all parking areas, walkways, courtyards and landscaped areas (if any) located on the Property, and (iii) all other portions of the Property that are designated as common areas by Landlord from time to time. Landlord reserves and excepts all rights of ownership and use in the Property outside the Leased Premises, including, without limitation, the Building and all other structures, improvements, plazas, parking areas (if any), and common areas on the Property, except that at all times during the term of this Lease, Tenant shall have a reasonable means of access from the public way to the Leased Premises.

(b) Condition. The Leased Premises are being leased in their current condition, "as is, where is" with all faults and without warranty or representation by Landlord of any kind, either express or implied, except for the Landlord Buildout.

2. Term: Contingencies.

(a) Term. The term of this Lease shall commence on the Commencement Date and, unless sooner terminated or extended pursuant to the terms hereof, and shall expire on the day immediately preceding the tenth (10th) anniversary of the Adjustment Date, inclusive (the "Term").

(b) Termination Right.

(i) Tenant shall deliver to Landlord its plans and specifications within seven (7) days after the Lease has been fully executed after which Landlord has five (5) days to approve or disapprove Tenant's plans and specifications it being understood that Landlord's failure to approve or disapprove Tenant's plans and specifications within the five (5) days shall be deemed approval of said plans and specifications.

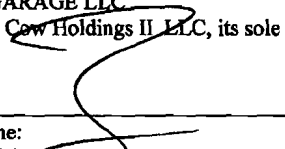
(ii) Tenant shall have the right to terminate this Lease if Tenant is unable to obtain approvals required from the City to construct the Tenant Build-out, obtain necessary sign permits, or to operate its business within the Leased Premises. Tenant shall have the right to terminate this Lease by notice given to Landlord at any time before October 13, 2011. If Tenant exercises its termination right, then this Lease shall terminate as of the giving of such termination notice, and neither party shall have any further obligations under

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be executed in duplicate under seal by their respective duly authorized representatives as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

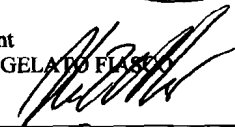


Landlord
COW PLAZA GARAGE LLC
By: East Brown Cow Holdings II LLC, its sole member

By: 
Name: _____
Its Manager

Tenant
THE GELATO FLASCO



By: 
Name: SOSNIA E DAVIS
Its: VICE PRESIDENT