

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING DEPARTMENT

Please Read
Application And
Notes, If Any,
Attached

Permit Number: 091217

This is to certify that 551 CONGRESS STREET LLC Wash Bar **PERMIT ISSUED**

has permission to outside seating 4 tables and 12 chairs 102 sq ft

AT 551 CONGRESS ST CB 2037 C016001 DEC - 1 2009

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

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

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other work is set-in. 24 HOUR NOTICE IS REQUIRED.

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

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health Dept. _____

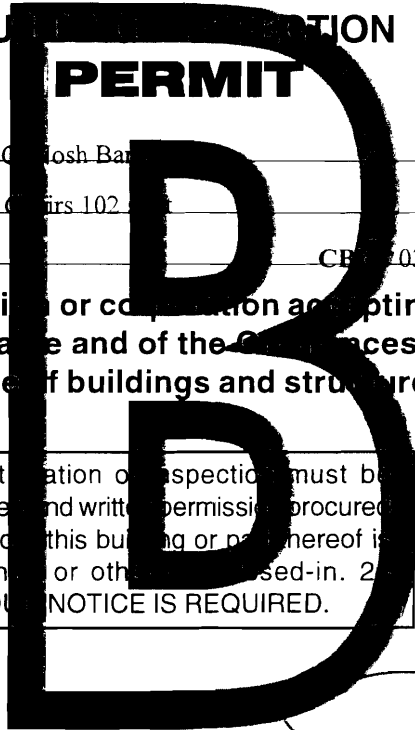
Appeal Board _____

Other _____

Department Name

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD



City of Portland, Maine - Building or Use Permit Application

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

Permit No: 09-1217	Issue Date:	CBL: 037 C016001
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Location of Construction: 551 CONGRESS ST	Owner Name: 551 CONGRESS STREET LLC	Owner Address: PO BOX 6799	Phone:
Business Name:	Contractor Name: Nosh Bar	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	Zone: B-3

Past Use: Commercial - "Nosh Bar"	Proposed Use: Commercial - "Nosh Bar" - outside seating 4 tables and 12 Chairs 102 sq ft	Permit Fee: \$284.00	Cost of Work: \$284.00	CEO District: 1
		FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <i>N/A</i>	INSPECTION: Use Group: <input checked="" type="checkbox"/> Type: <i>Outdoor Seating</i>	

Proposed Project Description:
outside seating 4 tables and 12 Chairs 102 sq ft

Signature:	Signature:
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
Signature:	Date:

Permit Taken By: Ldobson	Date Applied For: 10/28/2009	Zoning Approval
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<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 information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>11/5/09</i>	<p>Zoning Appeal</p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<p>Historic Preservation</p> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
	<p>PERMIT ISSUED</p> <p>DEC - 1 2009</p> <p>City of Portland</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 PHONE

BUILDING PERMIT INSPECTION PROCEDURES

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

to schedule your inspections as agreed upon

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

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

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

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

 X **The outdoor seating may NOT be used until the permit is issued and posted on site.**

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.

Signature of Applicant/Designee

Date

Signature of Inspections Official

Date

PERMIT ISSUED

DEC - 1 2009

City of Portland

City of Portland, Maine - Building or Use Permit

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

Permit No: 09-1217	Date Applied For: 10/28/2009	CBL: 037 C016001
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Business Name:	Contractor Name: Nosh Bar	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	

Proposed Use: Commercial - "Nosh Bar" - outside seating 4 tables and 12 Chairs 102 sq ft	Proposed Project Description: outside seating 4 tables and 12 Chairs 102 sq ft
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 11/05/2009

Note: **Ok to Issue:**

- 1) The City's Traffic Engineer shall approve the current proposal.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Tammy Munson **Approval Date:** 11/06/2009

Note: **Ok to Issue:**

- 1) The outside dining permit is approved for the area delineated at the inspection and stated on the permit, and must be kept on site.
THIS PERMIT MUST BE RENEWED ANNUALLY
- 2) This permit approves outside seating only. Any alcohol or entertainment in this space requires licensing approvals from the City Clerk.
- 3) The tables and chairs must not block any means of egress of any building, even during storage.

Comments:

11/5/2009-mes: Be sure the City's Traffic Engineer approves this plan. There have been some discussions in the past concerning this site. It is right on a corner....

11/5/2009-mes: I returned to Lannie as the current rule states.

From: Alexandra Murphy
To: Lannie Dobson
Date: 11/4/2009 3:55:19 PM
Subject: Nosh, 551 Congress St

On Monday, November 2, 2009, the Portland City Council voted unanimously to approve Nosh, LLC d/b/a Nosh Bar at 551 Congress St a Class XI Restaurant/Lounge License with Outdoor Dining.

Alexandra J. P. Murphy
Business License Administrator
City Clerk Department
389 Congress Street
Portland, ME 04101
(207) 874-8557 phone
(207) 874-8612 fax

CC: Tammy Munson

PERMIT ISSUED
DEC - 1 2009
City of Portland



Outdoor Dining 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.

<input checked="" type="checkbox"/> New Application for Outside Dining			<input type="checkbox"/> Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: _____			or Pending Council Date <u>11-2-09</u>		
Location/Address of Outdoor Seating: _____					
Total Square Footage of Proposed Seating Area ¹ <u>133 sq. ft.</u>			Square Footage of Lot <u>10,600 sq. ft.</u>		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>037 C 016</u>		Phone#: <u>(207) 749-0340</u>		Owner:	
Applicant * must be owner or Lessee Name: <u>NOSH BAR</u> Address: <u>551 CONGRESS ST.</u> City, State & Zip: <u>PORTLAND, ME. 04101</u>		Lessee/Buyer's Name: (If Applicable) <u>NOSH BAR</u> <u>MATTHEW MORAN</u> <u>JASON LOVING</u>		Annual Fee: \$80 Total Sq. Ft. <u>6x17 =</u> Sq. Ft. Fee: \$ Total Fee: \$	
Current use: <u>restaurant/Lounge formerly The White Heart</u>					
Business name: <u>*NOSH BAR*</u>					
Seating area dimensions: _____					
How many chairs? <u>12</u> How many tables? <u>4</u>					
<input checked="" type="checkbox"/> Yes Alcohol is served.					
<input type="checkbox"/> No Alcohol being served.					
Who should we contact for the pre-inspection: <u>MATTHEW J. MORAN</u>					
Mailing address: <u>18 PATRICK DR. GORHAM, ME.</u> Phone: <u>(207) 749-0340</u>					

OK
[Signature]

RECEIVED
OCT 28 2009
Dept. of Building Inspections
City of Portland Maine

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

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

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

Signature of Applicant:

[Signature]

Date: 10/28/09

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee. **This is not a permit; you may not commence ANY work until the permit is issued.**

CONGRESS ST.

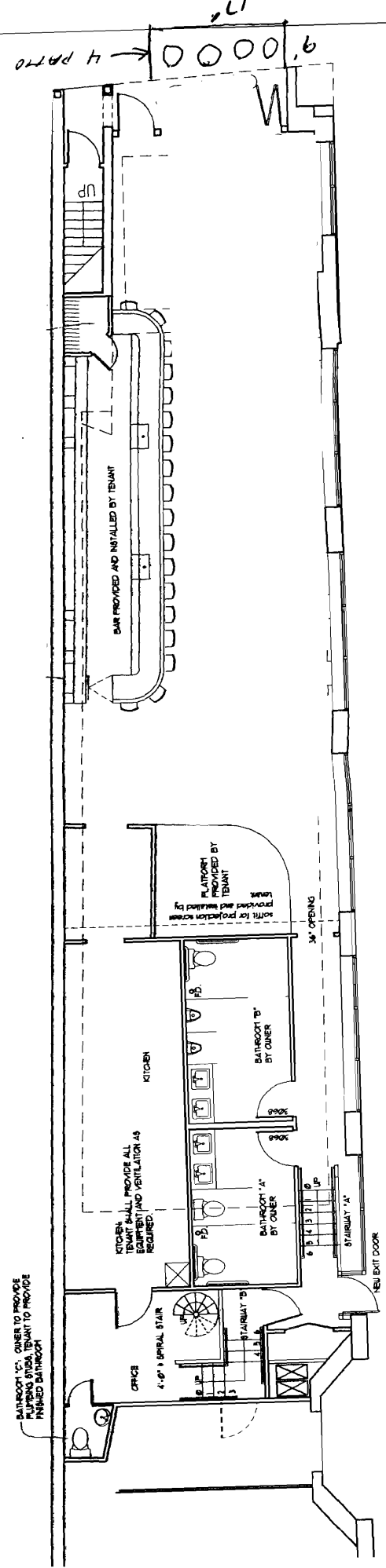
551 CONGRESS STREET
PORTLAND, MAINE

OAK ST.

OWNER'S FIRST 3 YEAR PERMIT
6X17
SMIT

1035 COI

11-04-09



9' 0 0 0 0 0 0 0 ← 4 PATRO TABLES

17'

BATHROOM 'C', OWNER TO PROVIDE PLUMBING STUDS, TENANT TO PROVIDE FINISHED BATHROOM

OFFICE

4-0\" SPIRAL STAIR

STAIRWAY 'B'

STAIRWAY 'A'

NEW EXIT DOOR

BATHROOM 'A' BY OWNER

BATHROOM 'B' BY OWNER

KITCHEN

KITCHEN TENANT SHALL PROVIDE ALL EQUIPMENT AND VENTILATION AS REQUIRED.

LANDING PROVIDED BY TENANT

NOTE FOR PROTECTION FROM FIRE

3'6\" OPENING

BAR PROVIDED AND INSTALLED BY TENANT



OUTDOOR DINING PERMIT CHECKLIST

Permits are required for expanding food service establishments to the outside on City Property. The annual fee is \$80.00 plus \$2.00 per square foot of dining area on streets, sidewalks or other public ways and \$80.00 plus \$6.00 per square foot of dining area in city parks. For purposes of fee calculation, the area abutting the buildings which border Monument Square and extending ten (10) feet from the facade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the facade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.

Outdoor dining is permitted year round under the permit; however, furniture must be removed in inclement weather to allow for sidewalk snow removal. **The permit must be renewed each year.**

All of the following information is required and must be submitted. You will also be required to fill out an Outdoor Dining Permit Application.

A plot plan is required and must include:

- A drawing of the lot, where the building sits on the lot along with the lot and building dimensions
- The dimensional setback from the sidewalk to the building
- The location of the street, and if it's a corner lot, the intersecting streets
- The sidewalk along with its width and curbing location
- The location of the table and chair placement, including dimensions
(NOTE: there must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on corners, and egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code).

Additional Requirements:

- The permit holder is required to produce, at the time of submission, and maintain public liability insurance coverage in an amount of not less than four hundred thousand dollars (\$400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured thereon.

All permits for outdoor dining are issued subject to the following conditions:

- The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.

- The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
- No food shall be prepared outside.
- If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.
- The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signed and acknowledged: Matthew J. Moran Date: 10/28/09

Printed name MATTHEW J. MORAN

Establishment NOSH BAR

Location 551 CLEVELAND ST. PORTLAND, ME 04101