

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING DEPARTMENT

Please Read Application And Notes, If Any, Attached

Permit Number: 070859  
**PERMIT ISSUED**  
AUG 15 2007  
CITY OF PORTLAND

This is to certify that RAND REBECCA B /Maine Canvas

has permission to Install awning: 8' x 22.6' x 30' over rear

AT 390 COMMERCIAL ST

042 D004001

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 work in progress must be reported before this building or part thereof is closed or closed-in. 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

*Thomas M. Mally* 8/15/07  
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: 07-0859	Issue Date:	CBL: 042 D004001
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Location of Construction: 390 COMMERCIAL ST	Owner Name: RAND REBECCA B	Owner Address: 3 PINE GROVE WAY	Phone: 773-7070
Business Name:	Contractor Name: Maine Bay Canvas	Contractor Address: 53 Industrial Way Portland	Phone: 2078788888
Lessee/Buyer's Name	Phone:	Permit Type: Awning, no signage	Zone: WCZ

Past Use: Commercial / Restaurant	Proposed Use: Commercial / Restaurant Install temporary, seasonal awning: 8' x 22.6' x 30' over rear deck - NO SIDES	Permit Fee: \$180.00	Cost of Work: \$16,000.00	CEO District: 2
Proposed Project Description: Install temporary, seasonal awning: 8' x 22.6' x 30' over rear deck - NO SIDES		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A2 Type: SB IBC 2003	

Signature: *Corey Coe*      Signature: *Jr 8/15/07*

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action:  Approved     Approved w/Conditions     Denied

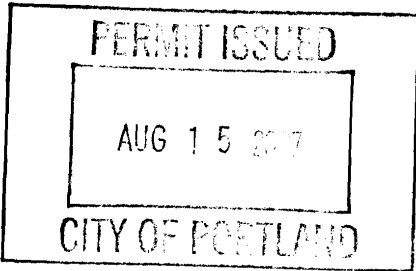
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Taken By: dmartin	Date Applied For: 07/16/2007
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**Zoning Approval**

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

<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input checked="" type="checkbox"/> <i>Absolutely NO</i> <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> <i>Sides to this Awning are Allowed</i> <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MIM <input type="checkbox"/> Denied Date: <i>8/7/2007</i>	<b>Zoning Appeal</b> <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: _____	<b>Historic Preservation</b> <input checked="" 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: _____
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**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

**City of Portland, Maine - Building or Use Permit**

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

<b>Permit No:</b> 07-0859	<b>Date Applied For:</b> 07/16/2007	<b>CBL:</b> 042 D004001
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<b>Location of Construction:</b> 390 COMMERCIAL ST	<b>Owner Name:</b> RAND REBECCA B	<b>Owner Address:</b> 3 PINE GROVE WAY	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Maine Bay Canvas	<b>Contractor Address:</b> 53 Industrial Way Portland	<b>Phone:</b> (207) 878-8888
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Awning, no signage	

<b>Proposed Use:</b> Commercial / Restauant Install temporary, seasonal awning: 8' x 22.6' x 30' over rear deck - NO SIDES	<b>Proposed Project Description:</b> Install temporary, seasonal awning: 8' x 22.6' x 30' over rear deck - NO SIDES
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 07/26/2007  
**Note:** see comments      **Ok to Issue:**

- 1) This permit is being approved on the basis of revised plans submitted on 7/23/07. Any deviations shall require a separate approval before starting that work.
- 2) It is understood that there will be absolutely NO SIDES on this temporary, seasonal awning. Sides of ANY type will cause your establishment to be in violation of your approved site plan and of the WCZ Zone in which you are located. Your current approved addition maximized the allowable area that you could expand for the life of the building.
- 3) It is understood that there is no signage or logos on this awning.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Tom Markley      **Approval Date:** 08/15/2007  
**Note:**      **Ok to Issue:**

- 1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

**Dept:** Fire      **Status:** Approved      **Reviewer:** Capt Greg Cass      **Approval Date:** 08/01/2007  
**Note:**      **Ok to Issue:**

**Comments:**

7/17/2007-mes: called Becky Rand - this "awning" which is a roof and sides, is going over the rear deck which is in violation of the WCZ zone square footage allowance. She might want to appeal, but will be talking to her architect and Maine Bay Canvas. The permit is on hold right now. I also did not get a plot plan and structural plans are missing.

7/26/2007-mes: on 7/23/07 I received revised plans showing only a temporary, seasonal awning with no sides, no screens etc.



# Signage/Awning 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: <u>Becky's Diner</u> <u>390 COMMERCIAL STREET</u>		
Tax Assessor's Chart, Block & Lot Chart# <u>42</u> Block# <u>D</u> Lot# <u>004</u>	Owner: <u>Becky RAND</u>	Telephone: <u>773-7070</u>
Lessee/Buyer's Name (If Applicable)	Contractor name, address & telephone: <u>MAINE BAY CANVAS</u> <u>53 INDUSTRIAL WAY</u> <u>PORTLAND, ME 04103</u>	Total s.f. of signage x \$2.00 Per s.f. plus \$30.00/\$65.00 For H.D. signage= Total Fee: \$ _____ Awning Fee= cost of work _____ Total Fee: \$ <u>180.</u>
Who should we contact when the permit is ready: <u>Becky RAND</u> phone: <u>773-7070</u>		
Tenant/allocated building space frontage (feet): Length: <u>90'</u> Height: <u>30'</u> Lot Frontage (feet) _____ Single Tenant or Multi Tenant Lot _____		
Current Specific use: <u>RESTAURANT</u> If vacant, what was prior use: _____ Proposed Use: _____		
Information on proposed sign(s): Freestanding (e.g., pole) sign? Yes ___ No ___ Dimensions proposed: _____ Height from grade: _____ Bldg. wall sign? (attached to bldg) Yes ___ No ___ Dimensions proposed: _____		
Proposed awning? Yes <input checked="" type="checkbox"/> No ___ Is awning backlit? Yes <input checked="" type="checkbox"/> No ___ Height of awning: <u>8'</u> Length of awning: <u>22'6"</u> Depth: <u>30'</u> Is there any communication, message, trademark or symbol on it? Yes ___ No <input checked="" type="checkbox"/> If yes, total s.f. of panels w/communications, message, trademark or symbol: _____ s.f.		
Information on existing and previously permitted sign(s): Freestanding (e.g., pole) sign? Yes ___ No ___ Dimensions: _____ Bldg. wall sign? (attached to bldg) Yes <input checked="" type="checkbox"/> No ___ Dimensions: _____ Awning? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Sq. ft. area of awning w/communication: <u>EMPTY WAY</u>		
A site sketch and building sketch showing exactly where existing and new signage is located must be provided. Sketches and/or pictures of proposed signage and existing building are also required.		

Please submit all of the information outlined in the Sign/Awning Application Checklist. Failure to do so may result in the automatic denial of your permit.

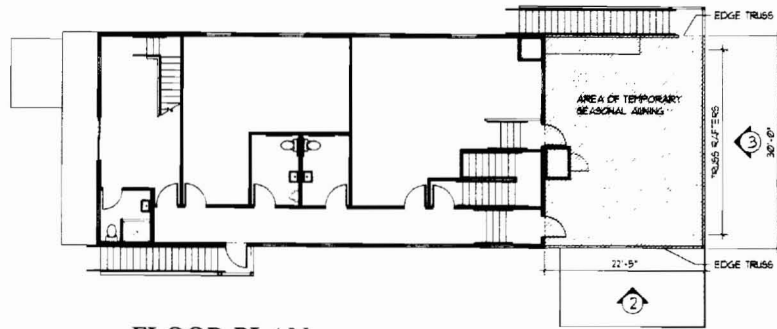
In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building 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] DEPT. OF BUILDING INSPECTION / 07  
CITY OF PORTLAND, ME

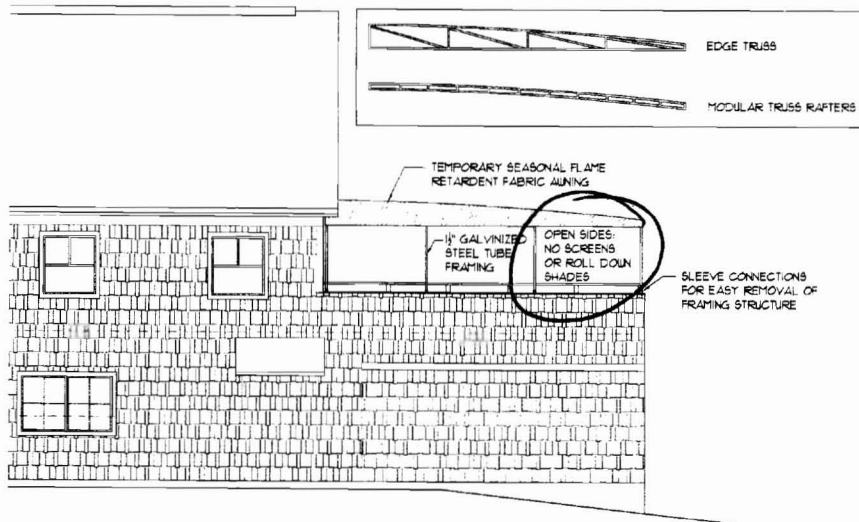
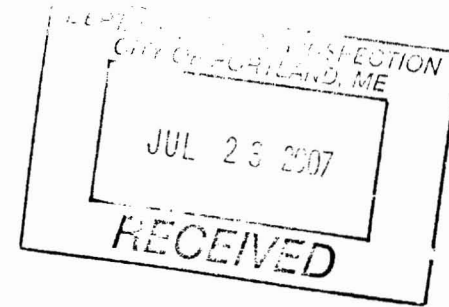
This is not a permit; you may not commence ANY work until the permit is issued.

JUL 16 2007  
RECEIVED



① FLOOR PLAN  
SCALE: 1/8" = 1'-0"

NOTE:  
TEMPORARY SEASONAL AWNING TO BE TAKEN DOWN YEARLY ON OCTOBER 31ST AND "FL" BACK UP ON "MAY" ST



② SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



③ REAR ELEVATION  
SCALE: 1/4" = 1'-0"

critical that this is a temporary, seasonal awning - It does NOT have screens on the sides, nor roll down shades or sides of any kind

OWNER:	ARCHETYPE, P.A. ARCHITECTS 48 Lane Wharf Portland, Maine 04101 (207) 772-4012 Fax (207) 772-4056
Project:	BECKY'S DINER PORTLAND, MAINE
Scale:	AS NOTED
Date:	July 23, 2007
Revisions:	
	TEMPORARY SEASONAL AWNING
	A-7

**From:** Marge Schmuckal  
**To:** Jared McKenna  
**Date:** 7/23/2007 12:18:09 PM  
**Subject:** Re: Becky's Diner Temporary Seasonal Awning

Thanks for the info - I would like a copy of the scalable plans. Please drop it off as soon as possible.  
thanks,  
Marge

>>> "Jared McKenna" <jared@archetypepa.com> 7/23/2007 12:03:35 PM >>>

Marge,

Attached is a drawing showing the proposed temporary seasonal awning for Becky's Diner. After reading your email to Becky and looking at the proposed awning we believe the revisions shown meet the intent of the zoning ordinance. A temporary structure is shown using sleeve connections on the framing for easy removal of the awning. The awning is shown to remain open on the sides and have no screens, roll down shades or other means of closing off the sides. It is also noted that it shall be removed starting in November and through the month of April. If you have any questions at all feel free to email/call.

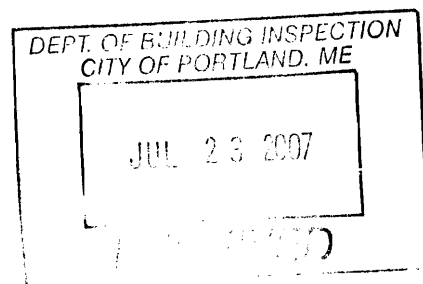
I believe the pdf attached is readable but if you would like a printed 24x36 version dropped off I can do that.

Thanks.

Jared McKenna  
Archetype Architects  
Portland, ME 04101, USA  
Tel: (207)-772-6022  
Fax: (207)-772-4056  
jared <mailto:jared@archetypepa.com> @archetypepa.com

<blocked::http://www.archetype-architects.com/>  
[www.archetype-architects.com](http://www.archetype-architects.com)

**CC:** David Lloyd



**From:** "Rebecca Rand" <dinergirl6@hotmail.com>  
**To:** <MES@portlandmaine.gov>  
**Date:** 7/18/2007 2:15:34 AM  
**Subject:** FW: Becky's diner

Hi Marge, I found this e-mail tonight. It is from you to Bill Needleman and was forwarded to David and then to me. I guess this is likely the reason I got the idea that covering the deck with a roof was not acceptable but an awning would be okay and not add to the square footage. This would not be a permanent structure. It cannot bear a snow load and must be removed for over six months of the year. thanks Becky

>From: "David Lloyd" <lloyd@archetypepa.com>  
>To: "'Becky Rand'" <dinergirl6@hotmail.com>  
>Subject: FW: Becky's diner  
>Date: Fri, 17 Nov 2006 12:47:21 -0500

>

>Fyi

>

>David Lloyd  
>Archetype, P.A.  
>48 Union Wharf  
>Portland, ME 04101  
>Phone: (207) 772-6022  
>Fax: (207) 772-4056  
>lloyd@archetypepa.com  
><http://www.archetype-architects.com>

>

>-----Original Message-----

>From: David Lloyd [mailto:lloyd@archetypepa.com]  
>Sent: Friday, November 17, 2006 12:40 PM  
>To: 'Marge Schmuckal'; 'William Needelman'; 'Barry Yudaken'  
>Subject: RE: Becky's diner

>

>Marge

>The addition is 30 feet by 30 feet. The attic space is only to be used as  
>mechanical area and some paper and miscellaneous restaurant storage. ,not  
>as  
>an inhabited space. The stairs are to allow good access, Becky's knees are  
>getting older, for the storage aspects of the building. Please keep in mind  
>that the space cannot be used for other uses as it would be in violation of  
>IBC and 101 Life Safety. Becky has no basement and needs this extra storage  
>. She would be glad to talk to anyone at city hall and or write a statement  
>expressing her restricted use of the space .I will send you a section of  
>the  
>building showing restricted use of the attic space. The dormer was added  
>as  
>an aesthetic element.

>

>Please call with any questions

>

>David Lloyd  
>Archetype, P.A.  
>48 Union Wharf  
>Portland, ME 04101

>Phone: (207) 772-6022  
>Fax: (207) 772-4056  
>lloyd@archetypepa.com  
>http://www.archetype-architects.com

>  
>-----Original Message-----

>From: Marge Schmuckal [mailto:MES@portlandmaine.gov]  
>Sent: Friday, November 17, 2006 11:51 AM  
>To: lloyd@archetypepa.com; William Needelman  
>Subject: RE: Becky's diner

>  
>I do not believe that the covered deck makes a difference. The square  
>footage has not changed.

>Marge

>

> >>> William Needelman 11/17/2006 11:26:17 AM >>>

>Marge,

>

>Is the covered deck OK? I ask because that is another alteration from  
>the previously submitted plan.

>

>David, Please know that without resolution of these issues as soon as  
>possible we will not be able to go to the Board on Nov. 28.

>

>Bill

>

> >>> Marge Schmuckal 11/17/2006 10:36:05 AM >>>

>David,

>I see several changes on your plans that I received on 11/13/06. First  
>of all the scaling seems to be off on your site plan. I scale the  
>addition at 31' x31'. I would like the plans to be consistent as to  
>size. I am also seeing a new entry ADA access which I have no problem  
>with except it eliminates one parking space (however you are still  
>meeting the WCZ zone requirements). I am also seeing the removal of a  
>new rear deck structure right on the wharf/pier line which is fine. I  
>never understood what that was anyway.

>

>I am concerned about what you call the "attic". Now there are full  
>stairs going up there. Also a new dormer is added for the "attic". I  
>will need to see floor plans and elevations of the interior of that  
>area. It may need to be counted as square footage and I think you are  
>pretty near the max.

>

>Can you give me more information and plans about this "attic" area?

>

>Thank you,

>

>Marge

>

> >>> "David Lloyd" <lloyd@archetypepa.com> 11/13/2006 11:10:13 AM >>>

>Marge

>

>The owner has informed me that the attic will contain some mechanical  
>ductwork, Solar energy related items like batteries and storage for  
>archived  
>paper records



>  
>David Lloyd  
>Archetype, P.A.  
>48 Union Wharf  
>Portland, ME 04101  
>Phone: (207) 772-6022  
>Fax: (207) 772-4056  
>lloyd@archetypepa.com  
>http://www.archetype-architects.com  
>  
>-----Original Message-----  
>From: Marge Schmuckal [mailto:MES@portlandmaine.gov]  
>Sent: Monday, November 13, 2006 10:57 AM  
>To: lloyd@archetypepa.com; William Needelman  
>Cc: yudaken@archetypepa.com  
>Subject: Re: Becky's diner  
>  
>David,  
>I received the new plans this morning from Bill. Be very specific  
>about the uses in the "attic", i.e. storage for what specific items?  
>etc. The more information I have the better I can make any  
>determinations that need to be done.  
>Marge  
>  
> >>> "David Lloyd" <lloyd@archetypepa.com> 11/13/2006 10:05:25 AM >>>  
>Marge  
>  
>  
>  
>I talked to Bill Needleman today. Just want you to be aware of the  
>subjects  
>and your interpretations would be appreciated as soon as possible  
>  
>  
>  
>1 we will write a narrative that the attic space is to be used only  
>for  
>mechanical and some storage  
>  
>  
>  
>2 We put a roof over the deck at the rear of the building. It is now a  
>screen porch. We cannot add square footage to the building . This  
>screen  
>porch is approximately 600 square feet. If you deem this to be  
>building  
>square footage ,hopefully not , then we will remove the roof  
>  
>  
>  
>  
>  
>David  
>  
>  
>

>David Lloyd  
>Archetype, P.A.  
>48 Union Wharf  
>Portland, ME 04101  
>Phone: (207) 772-6022  
>Fax: (207) 772-4056  
>lloyd@archetypepa.com  
><http://www.archetype-architects.com>  
><<http://www.archetype-architects.com/>>  
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<http://liveearth.msn.com>

**From:** Lee Urban  
**To:** Marge Schmuckal  
**Date:** 7/18/2007 10:00:33 AM  
**Subject:** Fwd: Becky's Diner,deck awning

Hello, Marge, . . .

Bill just stuck his head into my office. I gather that you may be in a better position than he to get some information as requested below. Can you draft up something for me?

Thanks.

>>> Lee Urban 7/18/2007 8:14:32 AM >>>

Alex or Bill, I want very much to be the one to respond to David in light of his ill-considered first sentence.

Can you please give me background that I can cut and paste into my response. Please leave the obscenities to be hurled at David to me. After a few years in the Navy, I acquired quite an inventory.

>>> "David Lloyd" <[lloyd@archetypepa.com](mailto:lloyd@archetypepa.com)> 7/17/2007 4:41:49 PM >>>

Lee

I wonder if you could help Becky to get some rational help from the city. As you know she is under construction and we have a roof deck for summer dining on the rear of the building. During the approval process we were told that we could not have a roof on the deck ,so it was eliminated. Subsequent to that Becky went out and purchased a canvas canopy for her summer diners and applied for a permit. She has been denied. My question to you is there any way we can allow Becky to put up a summer awning? I find it hard to believe that this will hurt the city. I hate to make this woman go through an appeal process. She is definitely processed out.

Thanks

David

David Lloyd  
Archetype, P.A.  
48 Union Wharf  
Portland, ME 04101  
Phone: (207) 772-6022  
Fax: (207) 772-4056  
[lloyd@archetypepa.com](mailto:lloyd@archetypepa.com)  
<http://www.archetype-architects.com> <<http://www.archetype-architects.com/>>

**From:** Marge Schmuckal  
**To:** Lee Urban  
**Date:** 7/19/2007 11:27:01 AM  
**Subject:** Becky's - 390 Commercial Street

Lee,

On Tuesday I received an application for a new 22' x30' full awning with sides for the new rear deck of Becky's expansion. I called her that same day and had a discussion with her. I reiterated the ordinance regulations. She related that she has already paid for this awning. She thought that an awning was ok vs a wooden structure. She wanted to "appeal" this regulation. I think it would be a regular variance appeal (not a practical difficulty variance). She may not have to appeal.

The reason why the deck can not be enclosed and used as part of the floor area expansion is because Becky's expansion (without including the deck as floor area) is maxed out by ordinance. Mind you, the WCZ Zone changed to allow her expansion, She and her team had input in the those changes.

I believe that something might be able to be worked out for Becky and with the zoning ordinance regulations also being met. The ordinance defines "floor area" basically as a space enclosed by exterior walls. If she stays with this seasonal awning roof with no screen or roll down sides, she still could meet the definition of the ordinance, and the deck would not have to be included in the floor area expansion. However, I am concerned about the awning "expanding" in the future to include those "exterior walls". I am also concerned that Planning Board members may misinterpret the awning. There was discussion at the PB concerning the wooden roof and sides that were shown on earlier plans and removed. Bill has suggested a communication to the PB so they would be apprised of the situation.

Before I can move forward on this permit I will need revised information and plans from Becky showing how she will revise her awning to meet the ordinance. I will be forwarding this information on to Becky also.

Marge

**CC:** William Needleman

**From:** Marge Schmuckal  
**To:** Lee Urban  
**Subject:** Becky's - 390 Commercial Street

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Marge

**CC:** William Needleman

*Family amusement centers:* Any structure, open to the public, which may contain coin-operated games and similar entertainment and amusement devices.

*Fill.* Soil, earth, loam, sand, gravel, rock and other mineral deposits.

*Filling.* The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling as defined herein.

Floor area: A floor space enclosed by exterior or standard fire walls, exclusive of vent shafts and courts.

*Floor area ratio:* The proportion of total floor area in a development to the total land area. The ratio is calculated as follows:

$$\frac{8,000 \text{ square feet (total floor area)}}{20,000 \text{ square feet (total land area)}} = .040 \text{ floor area ratio}$$

*Freshwater wetland:* Freshwater swamps, marshes, bogs and/or similar areas which are:

- (a) Of ten (10) or more contiguous acres or of less than ten (10) contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten (10) acres or of less than ten (10) acres that is depicted on the Shoreland Zoning Map; and
- (b) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

*Gross area:* Square footage of land area excluding areas of special flood hazard as defined in section 14-450.5 of this chapter.

**From:** Marge Schmuckal  
**To:** Rebecca Rand  
**Date:** 11/27/2006 9:11:14 AM  
**Subject:** Re: Becky's Diner

Becky,

The revisions to the WCZ Zoning only allow a one time expansion which is limited by square footage. There is no waiting period before you can expand even more. If there is a roof or sides to the top of your addition, I will have to count it as square footage and as part of the expansion. Actually, my interpretation to allow the top of your new additon to be used for outside seating, could be easily be appealed and over turned.

Marge

>>> "Rebecca Rand" <dinergirl6@hotmail.com> 11/27/2006 6:44:15 AM >>>

Hi Marge,

David called to tell me that the porch cannot be enclosed or it will be counted as square footage for the renovation. If we put just the roof on without the screens, would that be considered "enclosed?" My concern is the enormous number of seagulls at the fish processing plants on the dock behind us. Besides going to the bathroom on people, they also get very aggressive and steal food off plates. If we cannot just roof it, then how long do we have to wait to put in for another renovation to add the roof? Is this allowed? what would you do if you were me? I know we are out of time but I am scared of seagulls. thanks Becky

---

Share your latest news with your friends with the Windows Live Spaces friends module.

[http://clk.atdmt.com/MSN/go/msnkwsp0070000001msn/direct/01/?href=http://spaces.live.com/spacesapi.aspx?wx\\_action=create&wx\\_url=/friends.aspx&mk](http://clk.atdmt.com/MSN/go/msnkwsp0070000001msn/direct/01/?href=http://spaces.live.com/spacesapi.aspx?wx_action=create&wx_url=/friends.aspx&mk)

**From:** Marge Schmuckal  
**To:** Marge Schmuckal; William Needelman  
**Date:** 11/22/2006 4:02:38 PM  
**Subject:** Re: 390 Commercial Street - Becky's

Bill,  
As an addendum, I want to confirm where the floodplain elevation line is located on site. A certificate of flood elevation may be required for construction.

~~Marge~~

>>> Marge Schmuckal 11/22/2006 3:58:15 PM >>>

Bill,

I have reviewed the latest formal submittal which I recieved on 11/13/06 and submittals by e-mail of which the latest was of 11/21/06.

This project can meet the requirements of the WCZ Zone if the deck on the roof of the addition is not enclosed. If that area is enclosed, I would need to include the floor area as part of the new expansion. An e-mail dated 11/17/06 from David Lloyd informed me that the enclosure would be removed from the project if the floor area was to be counted toward the expansion. So I would expect to see the enclosure removed from the formal submittal.

I have also received several floor plans showing me what is being proposed for the attic area. The final e-mail submittal on 11/21/06 convinced me that the attic area is just that, an attic area. And I am not counting that area for purposes of expanded square footage.

The proposed parking is meeting the WCZ zoning requirements for parking.

Marge Schmuckal  
Zoning Administrator

**CC:** lloyd@archetypepa.com; yudaken@archetypepa.com



# SIGNAGE/AWNING PRE-APPLICATION QUESTIONNAIRE

PLEASE COMPLETE ALL INFORMATION

ADDRESS: 390 Commercial Street ZONE: \_\_\_\_\_

CBL: \_\_\_\_\_

SINGLE TENANT LOT? YES  NO \_\_\_\_\_ MULTI TENANT LOT? YES \_\_\_\_\_ NO \_\_\_\_\_

MORE THAN ONE SIGN TOTAL WITH PROPOSED SIGN? YES \_\_\_\_\_ NO \_\_\_\_\_

### TENANT/ALLOCATED BUILDING SPACE FRONTAGE (FEET):

Length: \_\_\_\_\_ Height: \_\_\_\_\_

#### INFORMATION ON PROPOSED SIGN(S):

FREESTANDING (e.g., pole) SIGN? YES \_\_\_\_\_ NO \_\_\_\_\_ DIMENSIONS PROPOSED: \_\_\_\_\_

BLDG. WALL SIGN? (attached to bldg) YES \_\_\_\_\_ NO \_\_\_\_\_ DIMENSIONS PROPOSED: \_\_\_\_\_

#### INFORMATION ON ALREADY EXISTING AND PERMITTED SIGN(S):

FREESTANDING (e.g., pole) SIGN? YES \_\_\_\_\_ NO \_\_\_\_\_ DIMENSIONS: \_\_\_\_\_

BLDG. WALL SIGN(attached to bldg) ? YES \_\_\_\_\_ NO \_\_\_\_\_ DIMENSIONS: \_\_\_\_\_

AWNING? YES \_\_\_\_\_ NO \_\_\_\_\_ DIMENSIONS: \_\_\_\_\_

LOT FRONTAGE (FEET): \_\_\_\_\_

AWNING YES XX NO \_\_\_\_\_ IS AWNING BACKLIT? YES \_\_\_\_\_ NO XX

HEIGHT OF AWNING: 4' LENGTH OF AWNING: 30' DEPTH: 22'-6'

IS THERE ANY COMMUNICATION, MESSAGE, TRADEMARK OR SYMBOL ON IT? YES \_\_\_\_\_ NO XX

IF YES, TOTAL S.F. OF PANELS WITH COMMUNICATIONS/MESSAGE/TRADEMARK/SYMBOL? \_\_\_\_\_ s.f.

**A SITE SKETCH AND BUILDING SKETCH SHOWING EXACTLY WHERE EXISTING AND NEW SIGNAGE IS LOCATED MUST BE PROVIDED. SKETCHES AND/OR PICTURES OF PROPOSED SIGNAGE ARE ALSO REQUIRED.**

SIGNATURE OF APPLICANT: *Alicia B. O'Rand* DATE: 7/16/07

\*\*\*\*\* FOR OFFICE USE ONLY \*\*\*\*\*

Sheet:  
20

Sheet:

Drawn	W.M.W.
Check	J.D.
Date	OCT / 99
Scale	NTS.
Job No.	88051

DIEZ-SOLOMON  
ASSOCIATES, INC.

STRUCTURAL DESIGN

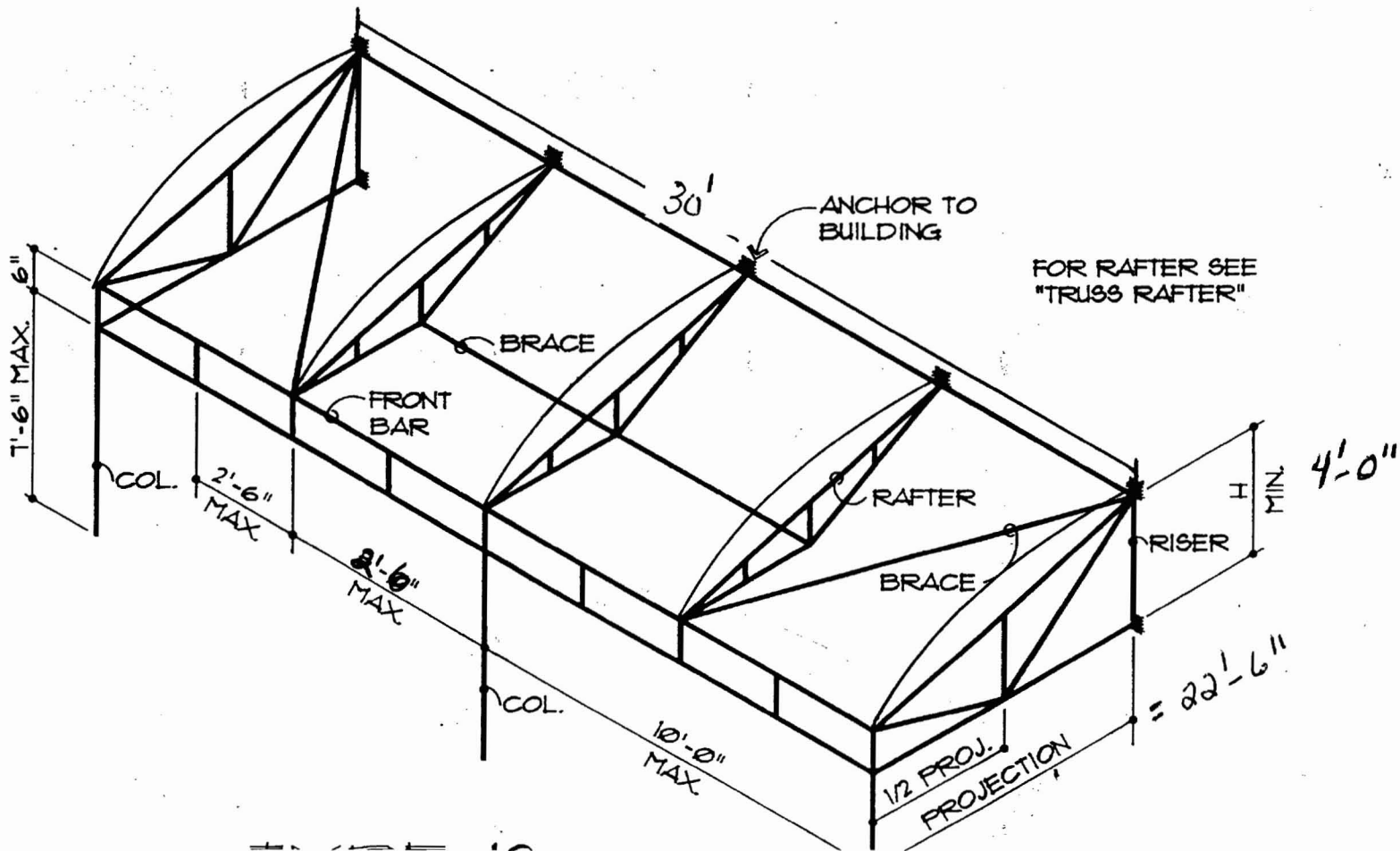
9123 N. MILITARY TRAIL, SUITE 222  
PALM BEACH GARDENS, FL 33410  
(407) 622-6985

allied / UNITEX

(800) 882 - 5543

(800) 456 - 6282

ENGINEERED AWNING DESIGNS



# Certificate of Flame Resistance



REGISTERED  
APPLICATION  
CONCERN No.

F-44403

ISSUED BY

FERRARI  
1510 S.W. 5TH COURT  
POMPANO BEACH, FL. 33069

Date Work Performed

6/28/07

This is to certify that the materials described on the reverse side hereof have been flame-retardant treated (or are inherently nonflammable).

FOR ASTRUP COMPANY AT 2937 WEST 25th STREET

CITY CLEVELAND STATE OHIO 44113

Certification is hereby made that: (Check "a" or "b")

(a) The articles described on the reverse side of this Certificate have been treated with a flame-retardant chemical approved and registered by the State Fire Marshal and that the application of said chemical was done in conformance with the laws of the State of California and the Rules and Regulations of the State Fire Marshal.  
Name of chemical used \_\_\_\_\_ Chem. Reg. No. \_\_\_\_\_

Method of application \_\_\_\_\_

(b) The articles described on the reverse side hereof are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use. 542  
Trade name of flame-resistant fabric or material used PRECONSTRAINT Reg. No. F-44403

The flame Retardant Process Used WILL NOT Be Removed By Washing  
(will or will not)

LUDOVIC ROLLIN  
Name of Production Superintendent

By QUALITY MANAGER  
Title

We hereby certify this to be a true copy of the original "CERTIFICATE OF FLAME RESISTANCE" issued to us, "original copy" of which has been filed with the California State Fire Marshal.

The ASTRUP COMPANY

By [Signature]

Control/lot # \_\_\_\_\_

Quantity 57.680 YDS

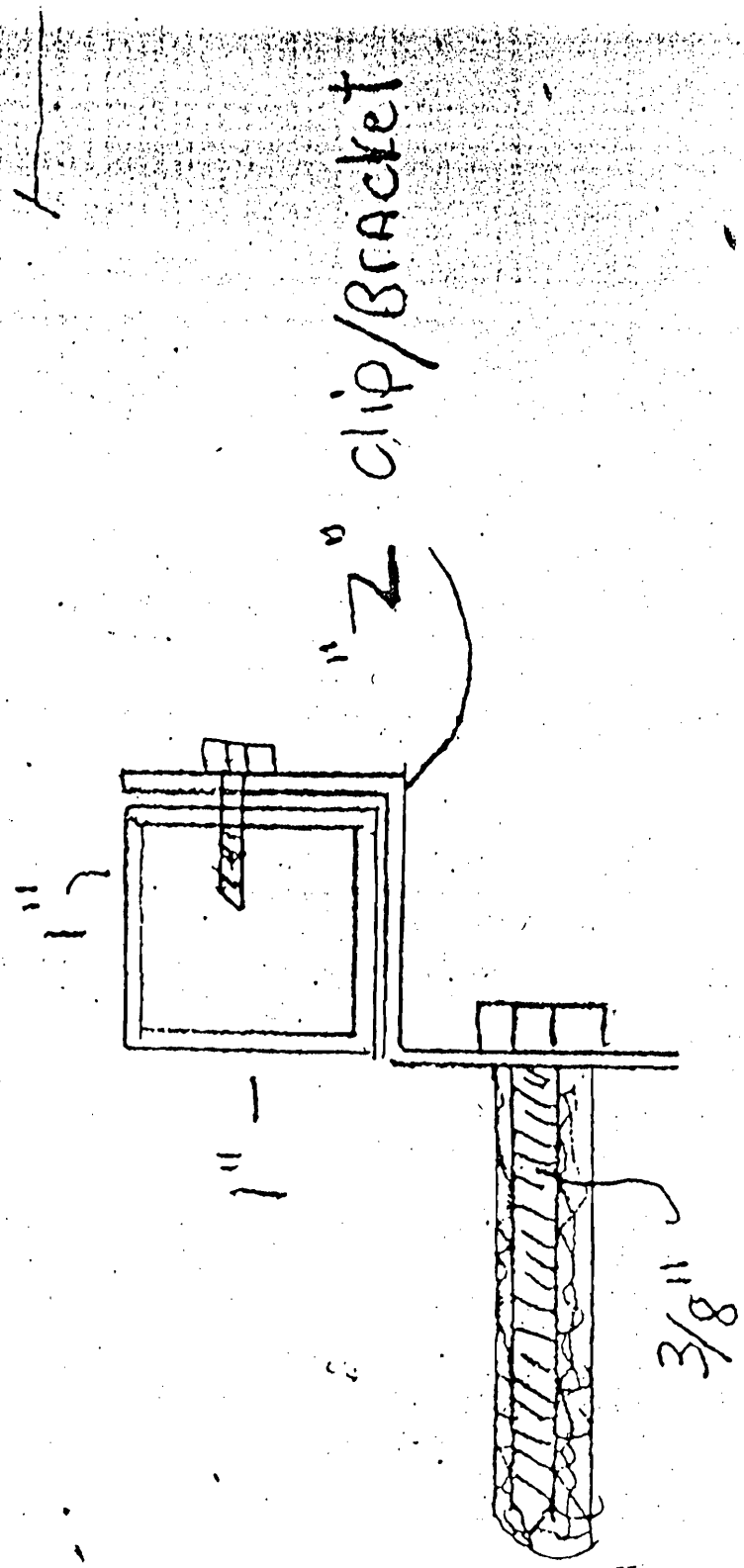
Customer order # RON

Description FERRARI 542 17OZ/SY 70.8" MID BLUE

Astrup Invoice # 3580097

Product Code 879063

MAINE BAY CANVAS  
53 INDUSTRIAL WAY  
PORTLAND, ME. 04103-1071



FASTENER

# California State Fire Marshal

## REGISTERED FLAME-RETARDANT

Original     Additional

Registration Number F-209

---

**Verilon<sup>®</sup> Clear Flexible Vinyl**

---

A Product Markered by

**CPI, Inc.**

452 Diens Drive, Wheeling, IL 60090

Phone: 312/541-1940    Telex: 25-298

has been tested by an approved laboratory in accordance with the provisions of Section 13121 of the Health and Safety Code, and meets the minimum requirements established by the State Fire Marshal for

**FLAME RETARDANT FABRIC**

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A handwritten signature in black ink, appearing to read "C. J. ...".

---

State Fire Marshal

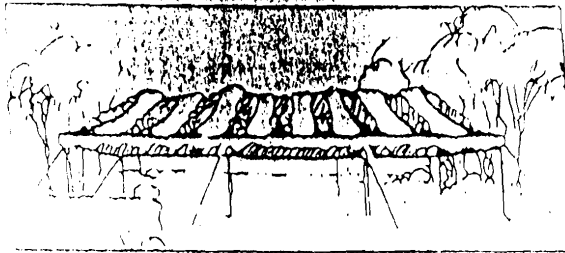
LANDLORD RELEASE FORM

WRITTEN CONSENT AND AGREEMENT RELATING TO A CERTAIN SIGN PROPOSED TO BE  
ERECTED ON A BUILDING AT 390 Commercial St  
IN PORTLAND, MAINE Rebecca B. Rand being the owner of the premises  
at 390 Commercial St in Portland, Maine hereby gives consent to the  
erection of a certain sign owned by me over the  
public sidewalk or on the building from said premises as described in  
application to the Division of Inspection Services of Portland, Maine for a  
permit to cover erection of said sign:

And in consideration of the issuance of said permit Rebecca B. Rand  
owner of said premises, in event said sign shall cease to serve the purpose  
for which it was erected or shall become dangerous and in event the owner of  
said sign shall fail to remove said sign or make it permanently safe in case  
the sign still serves the purpose for which it was erected, hereby agrees  
for himself or itself, for his heirs, its successors, and his or its  
assigns, to completely remove said sign within ten days of notice from said  
Inspector of Buildings that said sign is in such condition and of order from  
him to remove it.

In Witness whereof, the owner of said premises has signed this consent and  
agreement this 16<sup>th</sup> day of July 2007.

Rebecca B. Rand



# Maine Bay Canvas

53 Industrial Way, Portland, Maine 04103  
207-878-8888

FAX # : (207) 878-5119

#####  
# FAX COVER SHEET #  
#####

DATE 7/10/07

TIME: \_\_\_\_\_

THIS SHEET IS PAGE # 1 OF 8 PAGES IN TOTAL.

To: Becky @ Becky's  
Diner

FROM THE DESK OF

Party Tent Rentals • Custom Awnings • General Canvas Work



Dan Gauvin

**Maine Bay Canvas, Inc.**

53 Industrial Way • Portland, Maine 04103  
207-878-8888 • 1-800-287-8887 • Fax: 207-878-5119

PHONE \_\_\_\_\_

REF:

# CHECKLIST FOR SIGN/AWNING APPLICATION

Applicants for a sign or awning permit are required to submit the following information to the Code Enforcement Office at the time of application:

- N/A Certificate of Liability listing the City as additional insured if any portion of the sign abuts or encroaches on any public right of way, or can fall into any public right of way. Amount must equal \$400,000.00.
- yes Letter of permission from the owner indicating the permissions granted and the tenant/space building frontage.
- A sketch plan of lot, indicating location of buildings, driveways, and any abutting streets or rights of way, lengths of building frontages, street frontages, and all existing setbacks. Indicate on the plan all existing and proposed signs with their dimensions and specific locations. Be sure to include distance from the ground and building facade dimensions for any signage attached to a building.
- yes A sketch or photo of any proposed sign(s) indicating *content, dimensions, materials, source of illumination, and construction method, as well as specifics of installation/attachment.*
- yes Certificate of Flammability required for awning or canopy at time of application.
- N/A UL# required for lighted signs at the time of Final Inspection. Failure to provide this information will invalidate the Sign Permit.
- Pre-Application Questionnaire completed and attached. Photos of existing signage attached.

**Permit Fee for signage or awning-with-signage:  
\$30.00 plus \$2.00 per square foot of sign.**

**Permit Fee for awning-without-signage is based on cost of work:  
\$30.00 for the first \$1,000.00, plus \$9.00 for each additional \$1,000.00.**

**Base Application Fee for any Historic District signage is \$65.00 instead of \$30.00**

16,000	30.00	1000
	135.00	15,000
	<u>        </u>	
	\$ 165.00	



**City of Portland, Maine - Building or Use Permit**

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

<b>Permit No:</b> 07-0859	<b>Date Applied For:</b> 07/17/2007	<b>CBL:</b> 042 D004001
------------------------------	--	----------------------------

<b>Location of Construction:</b> 390 COMMERCIAL ST	<b>Owner Name:</b> RAND REBECCA B	<b>Owner Address:</b> 3 PINE GROVE WAY	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Maine Bay Canvas	<b>Contractor Address:</b> 53 Industrial Way Portland	<b>Phone</b> (207) 878-8888
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Signs - Permanent	

<b>Proposed Use:</b> Commercial / Restaraunt Install awning: 8' x 22.6' x 30' over rear patio	<b>Proposed Project Description:</b> Install awning: 8' x 22.6' x 30' over rear patio
--	--

<b>Dept:</b> Zoning	<b>Status:</b> Pending	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b>
<b>Dept:</b> Building	<b>Status:</b> Pending	<b>Reviewer:</b>	<b>Approval Date:</b>
<b>Note:</b>			<b>Ok to Issue:</b>

**Comments:**

7/17/2007-mes: called Becky Rand - this "awning" which is a roof and sides, is going over the rear deck which is in violation of the WCZ zone square footage allowance. She might want to appeal, but will be talking to her architect and Maine Bay Canvas. The permit is on hold right now.

# California State Fire Marshal

## REGISTERED FLAME-RETARDANT

Original     Additional

Registration Number F-209

**Verilon<sup>®</sup> Clear Flexible Vinyl**

A Product Marketed by

**CPI, Inc.**

452 Diens Drive, Wheeling, IL 60090

Phone: 312/541-1960    Telex: 25-298

has been tested by an approved laboratory in accordance with the provisions of Section 13121 of the Health and Safety Code, and meets the minimum requirements established by the State Fire Marshal for

**FLAME RETARDANT FABRIC**



State Fire Marshal

AIM  
Pencil



OVER 75 YEARS

## Physical Property Data Sheet

GAUGE: 20 MIL                      FINISH: DOUBLE POLISHED  
HAND: 38                              COLOR: CLEAR  
WIDTH: VARIOUS

TENSILE STRENGTH: ASTM D-882	MD	2800 - 3500 PSI
	TD	3300 - 3900 PSI

ELONGATION: ASTM D-882	MD	270 - 310 %
	TD	250 - 300 %

100% MODULUS: ASTM D-882	MD	1,550 - 1,850 PSI
	TD	1,800 - 2,200 PSI

**FILM CHARACTERISTICS:**  
Formulated to meet -20°F Cold Impact testing.  
Formulated to meet The California State Fire Marshall requirements.  
Formulated to meet CPAI-84 requirements.

NOTE: This information is, to the best of the company's knowledge, accurate under numerous conditions; however, it does not apply in all cases. The summary data is intended only as a guideline and all recommendations are made without guarantee since conditions of use are beyond our control.



Subject: KGC184L 30 ml. 3S Clear Lot #100912 Cust. P.O. K-3997  
Reference: QPAI-84 Ind. Fab. Ass'n. Infl.

This material was tested in accordance with the above references with the following results:

Machine Direction	After Flame Time (sec.)	Char Length (ins.)
1	0.93	1.00
2	1.66	1.00
3	1.05	0.88
4	0.99	0.75
Transverse		
1	1.03	1.25
2	0.73	0.75
3	0.97	1.25
4	1.07	1.50
Average	1.06	1.05

Requirements  
After Flame (Individual): 4.0 Seconds Maximum  
After Flame (Average): 2.0 Seconds Maximum  
Char Length (Average): 4.5 Inches Maximum

Material meets the requirements of QPAI-84.

30 HR

  
Bach Nguyen  
Technical Manager

NOTE: This information is, to the best of the company's knowledge, accurate under numerous conditions; however, it does not apply in all cases. The summary chart is intended only as a guideline and all recommendations are made without guarantee since conditions of use are beyond our control.