

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
 Application And
 Notes, If Any,
 Attached

BUILDING DEPARTMENT

PERMIT

PERMIT ISSUED

This is to certify that DANA FISHER LLC / Thaxton Company
 has permission to New Restaurant, 2-story wood and building connected to a single existing structure at rear of site
 AT 231 YORK ST ES - 044 E003001 City of Portland
 NOV - 4 2010

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 altered or otherwise used-in. 24 HOURS 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. CAPT. K. [Signature]

Health Dept. _____

Appeal Board _____

Other _____

Department Name

[Signature] 11/4/10
 Director Building & Inspection Services

PENALTY FOR REMOVING THIS CARD


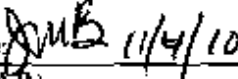
City of Portland, Maine - Building or Use Permit Application

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



| | | |
|-----------------------|-------------|---------------------|
| Permit No: 10-0818 | Issue Date: | CBL: 044 E003001 |
|-----------------------|-------------|---------------------|

| | | | |
|--|-------------------------------------|--|----------------------|
| Location of Construction: 231 YORK ST | Owner Name: DANA FISHER LLC | Owner Address: PO BOX 169 | Phone: |
| Business Name: | Contractor Name: Thaxter Company | Contractor Address: 55 Bell Street Portland | Phone: 2076539822 |
| Lessee/Buyer's Name: | Phone: | Permit Type: Commercial | Zone: B-1 |

| | | | | | |
|--|---|--|--|--------------------|--|
| Past Use: Vacant Land attached to permit# 100773 (demo) | Proposed Use: Commercial Restaurant - New Restaurant, 2 story wood framed building connected to a small existing structure at rear of site | Permit Fee: \$8,005.00 | Cost of Work: \$790,970.00 | CED District: 2 | |
| | | FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied *See Conditions | INSPECTION: Use Group: A-2/B necessary Type: SA IBC-2003 | | |

| | | |
|---|--|--|
| Proposed Project Description: New Restaurant, 2 story wood framed building connected to a small existing structure at rear of site | Signature:  | Signature:  |
| PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Dist: _____ | | |

| | | |
|-----------------------------|---------------------------------|------------------------|
| Permit Taken By: Idobson | Date Applied For: 07/12/2010 | 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 information may invalidate a building permit and stop all work. | Special Zone w/ Reviews <input type="checkbox"/> Shoreland N/A <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone Panel 13 Zone C <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan | Zoning Appeal <input checked="" type="checkbox"/> Variances (Parking) Originally Approved 8/7/2008 thru 8/7/2010 <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use Restaurant Nov. 18, 2008 to Nov. 18, 2010 <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied | Historic Preservation <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"/> Approval w/Conditions <input type="checkbox"/> Denied |
| | Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/> #09-79900017 Date:  | Date:  | |

PERMIT ISSUED

NOV - 4 2010

City of Portland

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



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

7.13 2010

Inspector

John S. Thayer

Location of Work

231 Oak St

Construction

\$40,970

Building Fee

7930

Site Fee

75

Certificate of Occupancy Fee:

Total \$00.00

Plumbing (15)

Electrical (12)

Site Plan (12)

Other

City

Check # 1118

Total Collected \$00.00

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

Taken by: SA

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

City of Portland, Maine - Building or Use Permit

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

| | | |
|-----------------------|---------------------------------|---------------------|
| Permit No: 10-0818 | Date Applied For: 07/12/2010 | CBL: 044 E003001 |
|-----------------------|---------------------------------|---------------------|

| | | | |
|--|-------------------------------------|--|--------------------------|
| Location of Construction: 231 YORK ST | Owner Name: DANA FISHER LLC | Owner Address: PO BOX 169 | Phone: |
| Business Name: | Contractor Name: Thaxter Company | Contractor Address: 55 Bell Street Portland | Phone: (207) 653-9822 |
| Lessee/Buyer's Name: | Phone: | Permit Type: Commercial | |

| | |
|---|---|
| Proposed Use: Commercial Restaurant - New Restaurant, 2 story wood framed building connected to a small existing structure at rear of site | Proposed Project Description: New Restaurant, 2 story wood framed building connected to a small existing structure at rear of site |
|---|---|

| | | | |
|--|--|---------------------------|---------------------------|
| Dept: Zoning | Status: Approved with Conditions | Reviewer: Marge Schmuckal | Approval Date: 07/13/2010 |
| Note: | Ok to Issue: <input checked="" type="checkbox"/> | | |
| <p>1) All HVAC units and any other units creating noise shall meet the B-1 noise criteria. The City strictly enforces the maximum noise allowances in every zone. The applicant may have to take further mitigating measures to meet the B-1 zone maximum noise allowance.</p> <p>2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.</p> <p>3) This property shall remain a small restaurant use as allowed as a conditional use in the B-1 Zone. Any change of use shall require a separate permit application for review and approval. The second floor shall not be used for patron food service space (would be over the allowable square footage).</p> <p>4) The conditional use B-1 Zone standards shall be maintained through the life of the restaurant use such as: the maximum total floor area for use of the public shall be 1,000 square feet - The hours of operation shall be limited to between 6:00 am and 11:00 pm each day - Food service and consumption are the primary function of the restaurant - There shall be no drive-thru service.</p> <p>5) Separate permits shall be required for any new signage.</p> | | | |

| | | | |
|--|--|--------------------------|---------------------------|
| Dept: Building | Status: Approved with Conditions | Reviewer: Jeanine Bouika | Approval Date: 11/04/2010 |
| Note: | Ok to Issue: <input checked="" type="checkbox"/> | | |
| <p>1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.</p> <p>2) 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.</p> <p>3) All penetrations through rated assemblies must be protected by an approved fire stop system installed in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.</p> <p>4) 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</p> <p>5) Approval of City license is subject to health inspections per the Food Code.</p> <p>6) This permit allows a deviation in the required bathroom fixtures based on the zoning limitations on the public area to a maximum of 1000 sf, separate facilities for staff and the actual sf reduced to 850 sf for public seating when taking away area the bathrooms occupy.</p> <p>7) The basement is approved for storage occupancy only., the second floor offices are accessory to the restaurant.</p> <p>8) The Compliance Certificate for the lighting is required prior to the issuance of the CO.</p> | | | |

PERMIT ISSUED
NOV - 4 2010
City of Portland

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|--|--|-------------------------------|---------------------------|
| Dept: Fire | Status: Approved with Conditions | Reviewer: Capt Keith Gautreau | Approval Date: 09/28/2010 |
| Note: | Ok to Issue: <input checked="" type="checkbox"/> | | |
| <p>1) All construction shall comply with City Code Chapter 10.</p> | | | |

| | | | |
|--|-------------------------------------|--|--------------------------|
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| Lessee/Buyer's Name: | Phone: | Permit Type: Commercial | |

- 2) All means of egress to remain accessible at all times
- 3) Emergency lights are required to be tested at the electrical panel on the same circuit as the lighting for the area they serve.
- 4) Emergency lights and exit signs are required. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit.
- 5) Hood suppression system shall comply with NFPA 17A, 96, and UL 300. Activation of the suppression system shall activate the fire alarm system if available. A puff test is required. The Class K fire extinguisher and proper signage should be located at the suppression system pull station.
- 6) A letter of compliance will be required at the time of final inspection stating:
the date the system was tested for operation, fuel gas shut off, and fire alarm connection if applicable.
- 7) This permit is being approved on the basis of the plans submitted. Any deviation from the plans would require amendments and approval.
- 8) Fire extinguishers required. Installation per NFPA 10

Comments:

7/13/2010-mes WAIT FOR PLANNING SIGN OFF

7/15/2010-gautreau: Tammy or Jeanie,

Please return plans to me for review when you are done. I'll review when back from vacation. I don't see a code summary or a life safety plan. Will call when I get back. Keith

7/19/2010-jmb: Todd Dana called for a status update. I have not started the review, but we discussed special inspections and GeoTech report. He had Sebago Tech do the site plan, but not a soils investigation. I informed the engineer has to base the design on this data. Todd will contact the engineer for more information and will pursue the soil testing profile.

7/28/2010-jmb: Todd D. Came into the office he confirmed he will get the soils report, but it may not be available until 8/5 and he is hoping the permit is issued sooner to meet the conditional use approval deadline. He requested this be a condition of the permit. He also spoke to the engineer who noted on the plans a presumptive soil strength for basis of design, and requires notification if fill or marine clay is uncovered during excavation. He will also be overseeing the construction and SI. I started the plan review this afternoon.

8/4/2010-jmb: Left msg for Todd D. Regarding plan review details, also left a msg for Larry W. (engineer) and Lee Hulst (Architect). Todd responded requesting a meeting at 1:15. Met with Todd, Lee, and 2 reps from Thaxter Co., Keith joined in around 2:15. Discussed the type of construction, classified by the design team as 5A. The structural details are pretty complete, except for a reference of detail D3/S000 that cannot be found, and a Geotech report will be submitted. No details were given for wall types or fire protection (1 hour) for bearing walls, exterior and interior, structural frame and supports, and floor construction. At some point the conditional use approval came up for the restriction of occupancy to 49 and a maximum interior space of 1000 sf for the use public gathering. This revelation changes the use to (B) business (49) for IBC and (M) mercantile (49) for NFPA. This now allows the building to be classified as type 5B (2 stories allowed), which essentially removes the fire ratings of the above components except for incidental storage and mechanical areas per Table 302.1.1. The team also confirmed the building will be sprinkled, not on plans, this is not required by IBC or NFPA, but a good idea. Discussed the percentage of exterior wall openings in relation to the property lines, side 10' and rear 20'. These are well below the allowance, especially with sprinklers. Details needed include: 1. Wall types, specs on interior and exterior finishes, including insulation factors and window specs 2. Full section with dimensions and profile detail on stairways, rise/run, handrail, guards. 3. Restaurant fixture layout including plumbing, equipment and seating. 4. Design for additional bathroom fixture for compliance. 5. Com check for compliance with the energy efficiency codes, including electrical and mechanical. There will be a condition on the CO to limit the occupant load to 49 and for storage only in the basement due to 1 means of egress. The basement bathroom is allowed for staff only access off the kitchen. Todd has requested a foundation only permit in order to commence construction to meet the time sensitive conditional use approval.

| | | | |
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| Business Name: | Contractor Name: Thaxter Company | Contractor Address: 55 Bell Street Portland | Phone: (207) 653-9822 |
| Lessee/Buyer's Name: | Phone: | Permit Type: Commercial | |

9/8/2010-jmb: Todd D. Left a vcnsg requesting clarification on the number of bathroom fixtures as adding one to the women's room will take away from the already limited 1000 sf maximum allowed by zoning.

9/9/2010-jmb: Emailed Todd the justification for the number of fixtures and previous approvals for similar occupancy loads.

9/10/2010-jmb: Architect Lee H. Called to discuss the design and code requirements and requested a meeting for 9/22. He will provide an actual square foot for the dining area deleting the bathroom sf. This reduces the sf to $850/15 = 56$. This, along with the zoning restriction may justify the bathroom fixture count.

9/22/2010-jmb: Met with Lee, Todd and Steve K. To review the design and code summary. The decision now is to not install a sprinkler system, this requires a type 5A or better construction for a 2 story assembly use, not restricted to 49 or less. They will submit the details. Received seating and table layout.

10/8/2010-jmb: Received revised plans

10/12/2010-jmb: Left vcnsg for Lee H. Per review details

10/7/2010-jmb: Received comcbck certificates, electrical does not comply, revision shall be submitted

10/15/2010-jmb: Spoke with Lee H. to ID tempered windows, continuity of the fire barriers, verification that all walls will be covered with type c 5/8" to cover for interior bearing walls...see email. Also discussed if the windows in the vaulted area need to be fire rated and if a SFM permit is required.

10/18/2010-jmb: Received email from Steve K. Confirming some of the review items.

10/27/2010-jmb: I emailed Lee H. As have not heard the decision on the windows in the vaulted area and SFM application.

11/3/2010-jmb: Met with Tod D. He confirmed the application is in to the SFM and a meeting is scheduled for 11/8. The 2nd floor offices will be accessory to the restaurant. Separate approvals are required for future tenant space and possible fire separation measures. Ok to issue

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 Inspection 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 with construction.**

Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling

Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.

NOTE: There is a \$75.00 fee per inspection at this point.

The final report of Special Inspections shall be submitted prior to the final inspection or the issuance of the Certificate of Occupancy

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



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: <u>231 York Street</u> | | |
| Total Square Footage of Proposed Structure/Area: <u>4044</u> | | Square Footage of Lot: <u>4110</u> |
| Tax Assessor's Chart, Block & Lot Chart# <u>41</u> Block# <u>E</u> Lot# <u>3</u> | Applicant ^{must be owner, Lessee or Buyer} Name: <u>The Thaxter Co</u> Address: <u>55 Bell St</u> City, State & Zip: <u>Portland, ME 04103</u> | Telephone: <u>878 5553</u> |
| Lessee/DBA (If Applicable) | Owner (if different from Applicant) Name: <u>Dana Fisher LLC</u> Address: <u>P.O. Box 169</u> City, State & Zip: <u>Portland, ME 04112</u> | Cost of Work: <u>\$ 790,970.00</u> Co of O Fee: \$ _____ Total Fee: \$ _____ |
| Current legal use (i.e. single family) _____ If vacant, what was the previous use? _____ Proposed Specific use: <u>Restaurant</u> Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>Demolition of existing building and construction of a new restaurant, a two story wood framed building connected to a small existing structure at rear of site.</u> | | |
| Contractor's name: <u>The Thaxter Co</u> Address: <u>55 Bell St</u> City, State & Zip: <u>Portland, ME 04103</u> Telephone: _____ Who should we contact when the permit is ready: <u>STEVE KELTONIC</u> Telephone: <u>878 5553</u> Mailing address: _____ <u>X105</u> | | |

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit. Tod Dana 671-5566

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: [Signature] Date: 7/12/10

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



CITY OF PORTLAND
 BUILDING CODE CERTIFICATE
 389 Congress St., Room 315
 Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine

FROM DESIGNER: LELAND HUST ARCHITECTURAL SERVICES

DATE: JULY 8 2010

Job Name: 231 YORK STREET

Address of Construction: 231 YORK ST. PORTLAND, ME.

2003 International Building Code

Construction project was designed according to the building code criteria listed below:

Building Code and Year IBC 2003 Use Group Classification(s) A-2 RESTAURANT

Type of Construction PROTECTED WOOD FRAME II

Structural Systems

Roof Snow Load

60.0 Ground Snow Load (Pg)
45.0 If Pg > 10 psf, Flat Roof snow load, Pf
0.9 If Pg > 10 psf, snow exposure factor, Ce
1.0 If Pg > 10 psf, roof thermal factor
1.0 If Pg > 10 psf, snow load importance factor, I
45.0 Sloped Roof Snowload Ps

Earthquake Loads

(WIND GOVERNS)

N/A Peak velocity-related acceleration, Av
N/A Peak acceleration, Az
N/A Seismic hazard exposure group
N/A Seismic performance category
N/A Soil profile type
N/A Basic structural system (seismic-resisting system)
N/A Response modification factor, R, and deflection amplification factor, Cd



The documents must account for Drift snow load, unbalanced snow load and Sliding snow loads as required.

Wind Loads

2 Design option utilized 100 Basic Wind Speed 0.18 Internal Pressure Coefficient
C Wind Exposure Category 1B.0 Wind Design Pressure II 1.0 Building Category/Wind Importance Factor

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC. YES/NO

Is the Structure mixed use? NO if yes, separated or non separated (see Section 302.3)

Supervisory alarm system? YES Geotechnical/Soils report required? (See Section



Certificate of Design

Date: JULY 8, 2010

From: LELAND HULST

These plans and / or specifications covering construction work on:
231 YORK STREET RESTAURANT
PORTLAND, ME.

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: [Handwritten Signature]

Title: PRINCIPAL

Firm: LELAND HULST ARCHITECTURAL SERVICES

Address: 278 SPRING ST.

PORTLAND, ME. 04102

Phone: 207-773-2843

(SEAL)



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



Accessibility Building Code Certificate

Designer:

LELAND HULST

Address of Project:

231 YORK STREET, PORTLAND, ME.

Nature of Project:

RESTAURANT

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:

[Handwritten Signature]

Title:

PRINCIPAL

Firm:

LELAND HULST

ARCHITECTURAL SERVICES

Address:

278 SPRING ST.

PORTLAND, ME. 04102

Phone:

207-773-2843

(SEAL)



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

Statement of Special Inspections

Project: *Tork Street Restaurant*
Location: *211 Tork Street, Portland, Maine*
Owner: *Dana Fisher LLC*

Design Professional In Responsible Charge: *Larry A. Wichroski, P.E.*

This Statement of Special Inspections is submitted as a condition for permit issuance in accordance with the Special Inspection and Structural Testing requirements of the Building Code. It includes a schedule of Special Inspection services applicable to this project as well as the name of the Special Inspection Coordinator and the identity of other approved agencies to be retained for conducting these inspections and tests. This Statement of Special Inspections encompasses the following disciplines:

- Structural Mechanical/Electrical/Plumbing
 Architectural Other: _____

The Special Inspection Coordinator shall keep records of all inspections and shall furnish inspection reports to the Building Official and the Registered Design Professional in Responsible Charge. Discovered discrepancies shall be brought to the immediate attention of the Contractor for correction. If such discrepancies are not corrected, the discrepancies shall be brought to the attention of the Building Official and the Registered Design Professional in Responsible Charge. The Special Inspection program does not relieve the Contractor of his or her responsibilities.

Interim reports shall be submitted to the Building Official and the Registered Design Professional in Responsible Charge.

A Final Report of Special Inspections documenting completion of all required Special Inspections, testing and correction of any discrepancies noted in the inspections shall be submitted prior to issuance of a Certificate of Use and Occupancy.

Job site safety and means and methods of construction are solely the responsibility of the Contractor.

Interim Report Frequency: *Monthly*

or per attached schedule.

Prepared by:

Larry A. Wichroski, P.E.

(Type or print name)

[Handwritten Signature]

Signature

07/06/10

Date



Owner's Authorization:

Building Official's Acceptance:

[Handwritten Signature] *7/7/10*

Signature

Date

Signature

Date

Schedule of Inspection and Testing Agencies

This Statement of Special Inspections / Quality Assurance Plan includes the following building systems:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Soils and Foundations | <input type="checkbox"/> Spray Fire Resistant Material |
| <input checked="" type="checkbox"/> Cast-In-Place Concrete | <input checked="" type="checkbox"/> Wood Construction |
| <input type="checkbox"/> Precast Concrete | <input type="checkbox"/> Exterior Insulation and Finish System |
| <input type="checkbox"/> Masonry | <input type="checkbox"/> Mechanical & Electrical Systems |
| <input checked="" type="checkbox"/> Structural Steel | <input type="checkbox"/> Architectural Systems |
| <input type="checkbox"/> Cold-Formed Steel Framing | <input type="checkbox"/> Special Cases |

| Special Inspection Agencies | Firm | Address, Telephone, e-mail |
|-----------------------------------|---------------------------------|---|
| 1. Special Inspection Coordinator | <i>Larry A. Wichroski, P.E.</i> | <i>Allied Engineering, Inc. 160 Verona Street Portland, Maine 04103</i> |
| 2. Inspector | <i>James Hodson</i> | <i>Allied Engineering, Inc. 160 Verona Street Portland, Maine 04103</i> |
| 3. Inspector | | |
| 4. Testing Agency | | |
| 5. Testing Agency | | |
| 6. Other | | |

Note: The inspectors and testing agencies shall be engaged by the Owner or the Owner's Agent, and not by the Contractor or Subcontractor whose work is to be inspected or tested. Any conflict of interest must be disclosed to the Building Official, prior to commencing work.

Quality Assurance for Seismic Resistance

Seismic Design Category *B*
Quality Assurance Plan Required (Y/N) *N*

Description of seismic force resisting system and designated seismic systems:

Steel Moment Frames combined with Light Framed Shear Walls

Quality Assurance for Wind Requirements

Basic Wind Speed (3 second gust) *100*
Wind Exposure Category *B*
Quality Assurance Plan Required (Y/N) *N*

Description of wind force resisting system and designated wind resisting components:

Steel Moment Frames combined with Light Framed Shear Walls

Statement of Responsibility

Each contractor responsible for the construction or fabrication of a system or component designated above must submit a Statement of Responsibility.

Qualifications of Inspectors and Testing Technicians

The qualifications of all personnel performing Special Inspection and testing activities are subject to the approval of the Building Official. The credentials of all inspectors and testing technicians shall be provided if requested.

Key for Minimum Qualifications of Inspection Agents:

When the Registered Design Professional in Responsible Charge deems it appropriate that the individual performing a stipulated test or inspection have a specific certification or license as indicated below, such designation shall appear below the Agency Number on the Schedule.

| | |
|-------|---|
| PE/SE | Structural Engineer – a licensed SE or PE specializing in the design of building structures |
| PE/GE | Geotechnical Engineer – a licensed PE specializing in soil mechanics and foundations |
| EIT | Engineer-in-Training – a graduate engineer who has passed the Fundamentals of Engineering examination |

American Concrete Institute (ACI) Certification

| | |
|----------|---|
| ACI-CFTT | Concrete Field Testing Technician – Grade 1 |
| ACI-CCI | Concrete Construction Inspector |
| ACI-LTT | Laboratory Testing Technician – Grade 1&2 |
| ACI-STT | Strength Testing Technician |

American Welding Society (AWS) Certification

| | |
|--------------|--------------------------------------|
| AWS-CWI | Certified Welding Inspector |
| AWS/AISC-SSI | Certified Structural Steel Inspector |

American Society of Non-Destructive Testing (ASNT) Certification

| | |
|------|--|
| ASNT | Non-Destructive Testing Technician – Level II or III |
|------|--|

International Code Council (ICC) Certification

| | |
|----------|--|
| ICC-SMSI | Structural Masonry Special Inspector |
| ICC-SWSI | Structural Steel and Welding Special Inspector |
| ICC-SFSI | Spray-Applied Fireproofing Special Inspector |
| ICC-PCSI | Prestressed Concrete Special Inspector |
| ICC-RCSI | Reinforced Concrete Special Inspector |

National Institute for Certification in Engineering Technologies (NICET)

| | |
|-----------|--|
| NICET-CT | Concrete Technician – Levels I, II, III & IV |
| NICET-ST | Soils Technician – Levels I, II, III & IV |
| NICET-GET | Geotechnical Engineering Technician – Levels I, II, III & IV |

Exterior Design Institute (EDI) Certification

| | |
|----------|----------------------------|
| EDI-EIFS | EIFS Third Party Inspector |
|----------|----------------------------|

Other

| Item | Agency # (Circle) | Scope |
|-------------------------------|----------------------|---|
| 1. Shallow Foundations | FEAGE | <p><i>Inspect soils below footings for adequate bearing capacity and consistency with geotechnical report.</i></p> <p><i>Inspect removal of unstable material and preparation of subgrade prior to placement of controlled fill</i></p> |
| 2. Controlled Structural Fill | FEAGE | <p><i>Perform sieve tests (ASTM D422 & D1140) and modified Proctor tests (ASTM D1537) of each source of fill material.</i></p> <p><i>Inspect placement, lift thickness and compaction of controlled fill.</i></p> <p><i>Test density of each lift of fill by nuclear methods (ASTM D2922)</i></p> <p><i>Verify extent and slope of fill placement.</i></p> |
| 3. Deep Foundations | FEAGE | <p><i>Inspect and log pile-driving operations. Record pile-driving resistance and verify compliance with driving criteria.</i></p> <p><i>Inspect piles for damage from driving and placement.</i></p> <p><i>Verify pile size, length and location.</i></p> <p><i>Inspect installation of drilled pier foundations. Verify pier diameter, bell diameter, length, embedment into bedrock and suitability of end bearing strata.</i></p> |
| 4. Load Testing | | |
| 4. Other: | | |

| Item | Agency # (Qualif.) | Scope |
|-------------------------------------|-----------------------|--|
| 1. Mix Design | ACI-CCI ICC-ICSI | Review concrete batch tickets and verify compliance with approved mix design. Verify that water added at the site does not exceed that allowed by the mix design. |
| 2. Material Certification | SI | Shop Submittals |
| 3. Reinforcement Installation | ACI-CCI ICC-ICSI | Inspect size, spacing, cover, positioning and grade of reinforcing steel. Verify that reinforcing bars are free of form oil or other deleterious materials. Inspect bar laps and mechanical splices. Verify that bars are adequately tied and supported on chairs or bolsters. |
| 4. Post-Tensioning Operations | ICC-ICSI | Inspect placement, stranding, grouting and protection of post-tensioning tendons. Verify that tendons are correctly positioned, supported, tied and wrapped. Insure tendon elongations. |
| 5. Welding of Reinforcing | AWS-CWI | Visually inspect all reinforcing steel welds. Verify weldability of reinforcing steel. Inspect preheating of steel when required. |
| 6. Anchor Rods | PE | Inspect size, positioning and embedment of anchor rods. Inspect concrete placement and consolidation around anchors. |
| 7. Concrete Placement | ACI-CCI ICC-ICSI | Inspect placement of concrete. Verify that concrete conveyance and depositing avoids segregation or contamination. Verify that concrete is properly consolidated. |
| 8. Sampling and Testing of Concrete | ACI-CPTT ACI-SIT | Test concrete compressive strength (ASTM C31 & C39), slump (ASTM C143), air content (ASTM C231 or C173) and temperature (ASTM C1064). |
| 9. Curing and Protection | ACI-CCI ICC-ICSI | Inspect curing, cold weather protection and hot weather protection procedures. |
| 10. Other: | | |

| Item | Agency # (Qual.) | Scope |
|--|------------------------------|--|
| 1. Fabricator Certification/ Quality Control Procedures <input type="checkbox"/> Fabricator Exempt | AWS/AISC- SSI ICC-SWPS | Review shop fabrication and quality control procedures. |
| 2. Material Certification | AWS/AISC- SSI ICC-SWPS | Review certified mill test reports and identification markings on wide-flange shapes, high-strength bolts, nuts and welding electrodes |
| 3. Open-Web-Steel Joints | | Inspect installation, field-welding and bracing of joints. |
| 4. Bolting | AWS/AISC- SSI ICC-SWPS | Inspect installation and tightening of high-strength bolts. Verify that splices have separated from tension control bolts. Verify proper tightening sequence. Continuous inspection of bolts in slip-critical connections. |
| 5. Welding | AWS-CWI ASNT | Visually inspect all welds. Inspect pre-heat, post-heat and surface preparation between passes. Verify size and length of fillet welds. Ultrasonic testing of all full-penetration welds. |
| 6. Shear Connectors | AWS/AISC- ESI ICC-SWPS | Inspect size, number, positioning and welding of shear connectors. Inspect ends for full 90-degree flash. Ring test all shear connectors with a 3-lb hammer. Bend test all questionable studs to 15 degrees. |
| 7. Structural Details | PEER | Inspect steel frame for compliance with structural drawings, including bracing, member configuration and connection details. |
| 8. Metal Deck | AWS-CWI | Inspect welding and side-lap fastening of metal roof and floor deck. |
| 9. Other: | | |

| Item | Agency # (Qualif.) | Scope |
|--|-----------------------|--|
| 1. Fabricator Certification/ Quality Control Procedures <input type="checkbox"/> Fabricator Exempt | SE | <i>Inspect shop fabrication and quality control procedures for wood truss plant.</i> |
| 2. Material Grading | SE | <i>Inspect sampling of Lumber framing members in place</i> |
| 3. Connections | SE | <i>Inspect framing for compliance with structural drawings including shear wall installations and anchorage, member layout and connection details.</i> |
| 4. Framing and Details | SE | <i>Inspect framing for compliance with structural drawings, including member layout and sizes.</i> |
| 5. Diaphragms and Shearwalls | SE | <i>Inspect size, configuration, blocking and fastening of shearwalls and diaphragms. Verify panel grade and thickness.</i> |
| 6. Prefabricated Wood Trusses | | <i>Inspect the fabrication of wood trusses.</i> |
| 7. Permanent Truss Bracing | | |
| 8. Other: | | |

Applicant: Tod Dana DANA Fisher LLC

Date: 11/24/09

Address: 231 York St

C-B-L: 4A-E-3

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - B-1 Zone

Interior or corner lot -

Proposed Use/Work - BAR to Restaurant - conditional use appeal

Sewage Disposal - City approved 11/13/08 for 6 mo only (10 max) 1/22/09

Lot Street Frontage - 50' in 5/21/09 approved continuance for motor homes to Nov. 13, 2009

Front Yard - 59' shown 11/9/09 req. Another 6 months 7.5' met for stairs

Rear Yard - 20' req - 20' shown (other existing Bldg to remain)

Side Yard (including residential) - 10' min req - is legally non-conforming

Side yard on side street: 10' max setback - furthest is 35' 3/10/10

Projections -

Width of Lot - No min required

Height - 35' max however, where abuts A Res Zone 45' allowed - 30' to ridge

Lot Area - No min lot size required - 4,111 sq ft given or 3,699.9 sq ft max imperv

Lot Coverage/Impervious Surface - 90% max allowed 3500 sq ft given as imperv (85.14%)

Area per Family - N/A Same 3/10/10

Off-street Parking - was granted variance by ZBA originally granted 8/17/2008 - 8/17/2010

Loading Bays - ✓

Site Plan - #09-79900017 minor site plan

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel B - Zone C

Separate permits for signage

no public on 2nd floor

Variance Appeal for Parking

1. Original variance appeal for parking was granted on August 7, 2008 for 1 year
 - a. August 7, 2008 to August 7, 2009
2. Extension of parking variance approved for 6 months on May 21, 2009
 - a. August 7, 2009 to Feb 7, 2010
3. Extension of parking variance approved for 6 months on February 18, 2010.
 - a. February 7, 2010 to August 7, 2010.

Conditional Use Appeal for Restaurant Use - B-1 Zone

1. Original conditional use approval for restaurant granted for 6 months on November 13, 2008
 - a. November 13, 2008 to May 13, 2009
2. Extension of the conditional use approval for 6 months granted on May 21, 2009
 - a. May 13, 2009 to November 13, 2009
3. Extension of the conditional use approval for another year (full amount allowed for a total of 2 yrs) on December 3, 2009 (application in by 11/13/09)
 - a. November 13, 2009 to November 13, 2010

Planning & Urban Development Department
Penny St. Louis | Bell, Director

Planning Division
Alexander Jaegerman, Director

April 30, 2010

Tod Dana
Dana Fisher LLC
PO Box 169
Portland ME 04112

Project Name: Demolition and Construction of New Restaurant
231 York Street

Applicant: Dana Fisher, LLC
Project ID: 09-79900017
CBL: 044-E-003-001

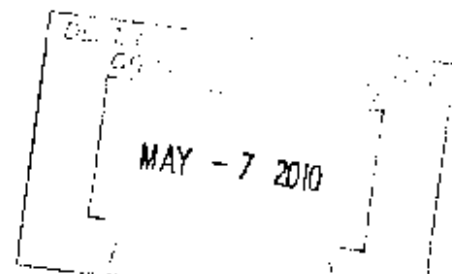
Dear Tod Dana/Dana Fisher LLC:

On April 30, 2010, the Portland Planning Authority approved a minor site plan for 231 York Street comprising demolition of the larger existing building on York Street and construction of a new 4034 sq ft restaurant (connected to the small existing structure at the rear of the site); as submitted by the applicant and shown on the approved site plans prepared by Sebago Technics and dated April 21, 2010; building plans prepared by Leland Hulst Architectural Services dated March 8, 2010 (elevations) and September 16, 2009 (1st and 2nd floor plans); and Photometric Plan prepared by Allied Engineering "Site Lighting Point-by-Point" ES-100 dated January 27, 2010, with the following conditions:

Specific Conditions of Approval:

- i. That the applicant shall supply and install four (4) street trees in the vicinity of the project (none on York Street) prior to the issuance of a Certificate of Occupancy; location and species to be agreed with the City Arborist; and
- ii. That the applicant shall supply and install two (2) bike racks or hitches (which will hold 2 bikes each) in the vicinity of the project prior to the issuance of a Certificate of Occupancy; location to be agreed with the City (Public Services and City Arborist); these may be in the ROW or on City land but if so located shall be one of the 2 types described in the City's Technical Standards; and
- iii. That the applicant shall paint the vents and all other roof equipment (excepting those parts which must remain free of paint for maintenance or functional reasons) to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and

389 Congress Street • Portland, Maine 04101-3509 • P: (207) 874-8721 or (74) 8719 • Fx: (56) 8200 • TTY: 814-8936

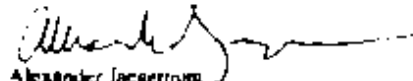


6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowance for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachment: Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Litell, Director of Planning and Urban Development
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner
 Philip DiPietro, Development Review Coordinator
 Margy Schumackel, Zoning Administrator
 Inspections Division Director
 Gayle Guerin, Inspections Division
 Lisa Danforth, Inspections Division
 Loretta Johnson, Inspections Division
 Michael Koborsky, Public Services Director
 Kathy Earley, Public Services
 Bill Link, Public Services
 David Margolis-Putko, Deputy City Engineer
 Greg Vining, Public Services
 John Low, Public Services
 Jane Ward, Public Services
 Keith Gaudreau, Fin.
 Jeff Turling, City Architect
 Tom Ericson, Traffic Engineering Review
 Dan Layotte, Woodard & Curran
 Assessment Office
 Approval Letter File

Hard Copy: Project File

Comments Submitted



To: Marge Schmuckal; PS - Duvid Margolis-Pineo; Dan Goyette; Tom Errieo; Keith Gautreau; Jeff Tarling

From: Jean Fraser

Date: March 10, 2010

Additional information – REVISIONS TO ADDRESS REVIEW LETTER -submitted for the following project:

Application ID #: HTE 09-79900017

Project Name: New Restaurant (Tod Dana)

3/10/10

Project Address: 231 York Street

Preliminary Comments needed by: March 17, 2010

Final Written Comments (into HTE where poss) needed by: March 24, 2010

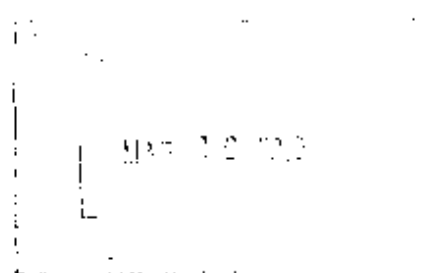
The applicant has addressed the comments from you contained in my review letter of 11.30.2010 (e-mailed to you but let me know if you need another copy sent).

New info: Landscape and boundary treatment
Details of condensers and vents/stacks/roof appurtenances
Copy of capacity request letters and details
Expanded survey

Otherwise the revisions clarify and add details and stamps; slight redesign of the "side alley"..

I understand that the Fire Dept Checklist has been sent directly to Keith Gautreau.

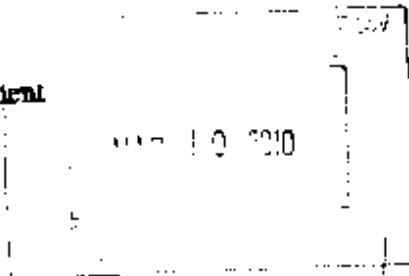
Thanks
Jean



Dana/Fisher LLC

P.O. Box 169 • Portland, Maine 04112
Phone: 207-674-5566 • Fax: 207-775-0022
dsj@wctsi@aol.com

Jean Fraser
Portland Planning Department
389 Congress Street
Portland, Maine 04101



RECEIVED

March 9, 2010

Re: **Site Plan Review Letter for 231 York Street**

City of Portland
Planning Division

Dear Jean,

The following is a response to the Site Plan Review comments in your letter dated November 30, 2009. I have also included updated drawings. Please let me know if the corrections, amendments, and clarifications put forth satisfy the City's requirements:

Survey:

The three-story residential building abutting 231 York Street has been added to the Site Plan.

Zoning:

- B. Attached are letters indicating that The Conditional Use Permit has been extended as well as the On-Site Parking Variance.
- C. The HVAC compressors will be located on the "equipment porch" on the west side of the building. Our updated drawings show the equipment porch labeled and the addition of a 42" guard railing with balusters to code, which will shield the compressors from view. We are currently pricing different HVAC options, but all the equipment being considered complies with the B-1 noise allowances.

Traffic Generation and Access:

- B. The updated Site Plan shows the curb cut on Brackett Street being removed.
- D. The updated Site Plan incorporates bike hitches.

*Condition of - when the final equipment is decided
Approvals upon - this office shall receive
all information on the Noise let*

Storm Water Drainage & Sidewalks/Curing

1. The updated drawings now indicate the removal of the curb cut. The applicant understands that the sidewalk on Brackett street (from York Street intersection to applicant's property line) will be replaced using Pinelhall Paver bricks.
2. The updated plans have all been stamped.
3. Because the elevation of the proposed foundation drain is below the storm water basin in the street, a sump pump would be required to discharge this drain to the storm water basin. The applicant is hoping to avoid this because of the expense and maintenance issue associated with a sump pump.
4. The updated plans show the existing water line on Brackett Street and gas line on York Street. We intend to reuse both of these lines.
5. The applicant intends to install a backflow preventer on the sewer lateral.

Landscaping and Screening:

- A. The update Site Plan incorporates a Landscape Plan that shows our proposed gate on York Street (screening the dumpster area), a fence and planting detail for the western boundary, and a planting detail that will replace the existing deck off the abutter's house. A 2nd fence (about 8' west of the alley and parallel to the boundary fence) will shield the abutter's view of the service alley.
- B. Please accept the curved wood gate that is detailed in the Sebago design (detail sheet 4).

Fire:

The fire suppression system being proposed has not been selected yet. However, we will ensure that the bidding contractors understand exactly what is required per state and city codes.

A completed copy of the Fire Department Site Plan Checklist has been forwarded to Keith Gautreau. The applicant has also spoken with Mr. Gautreau about the project.

Lighting:

- A. The updated plans identify the location of proposed exterior light fixtures.
- B. The updated plans bring the light trespass within city limits.
- C. The updated plans provide the specifications for proposed light fixtures.

Impacts on Abutters:

- A. The abutter to the north with a deck on the applicant's property has agreed to remove the deck whenever he is asked to do so. The abutter has no legal arrangement or easement from the applicant and it appears the deck was never permitted. The abutter claims that the previous owner at 231 York (Popeye's) did not mind that he constructed the deck on his property. The abutter understands he

has no legal rights to have the deck on applicant's property and has agreed to remove it without contest.

- B. The updated architectural plans show the external vents for the ventilation system.
- C. The west facing "equipment porch" will house 3 compressors and 2 condensers. A 42" high guard railing with balusters per City code will screen the equipment.
- D. The noise from the washing area will be mitigated by the fence and plantings on the western property line, as well as a 2nd fence blocking the abutter's view of the service alley.

Other Information Required:

- A. Letters of service capacity of the existing water and sewer supply are attached.
- B. Applicant plans to use an architectural grade asphalt roof shingle and clear white cedar shingles for siding. Siding on the northern exposure will be a Hardy plank cement clapboard siding because of the additional fire protection required near the dumpster.

Please let me know if you have any questions or require additional information.

Sincerely,



Todd Dene

January 29, 2010
09313

Mr. Rico Spugnardi
Portland Water District
P.O. Box 3553
225 Douglass St.
Portland, ME 04102

sebagotechnics.com

One Chaot Street
P.O. Box 1339
Westbrook, Maine
04098-1339
Ph. 207-856-0277
Fax 856-2206

New Utility Service Assessment
Proposed Restaurant, 231 York Street, Portland, Maine

Dear Mr. Spugnardi:

I am writing to request your assessment of the Portland Water District's ability to provide the water service requirements for a proposed restaurant located at 231 York Street in Portland. The site occupies about 4,100 square feet and is located at the corner of York Street and Brackett Street in Portland.

The project will include the demolition of the existing Ice House building on the site. A small residential structure on Brackett Street will remain and will be incorporated into the new structure. The proposed building will occupy most of the lot.

The proposed domestic water usage for this development is based on the following calculations.

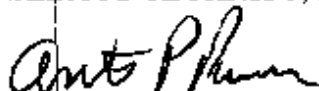
| Number of Employees | x | Gallons/day | |
|---------------------|---|-------------|---------------|
| 10 | | 15 | = 150 g/day |
| Number of Seats | | | |
| 50 | | 20 | = 1,000 g/day |
| | | TOTAL | 1,150 g/day |

We are proposing to provide service to the project via the 6" water main located in Brackett Street. We anticipate a 6" fire service and a 1" domestic service will be required for the project.

If acceptable, please provide us with a letter confirming the ability of the existing public water supply system to provide the necessary flow at an appropriate pressure. If you have any questions regarding this project, please contact me at 856-0277, Ext. 258. I look forward to hearing from you.

Sincerely,

SEBAGO TECHNICS, INC.



Anthony P. Panciocco, P.E.
Senior Project Engineer

APP:app/kn

cc: Tod Dana, Dana Fisher, LLC

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancey,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: January 29, 2010

1. Please, Submit Utility, Site, and Locust Plans.

Site Address: 231 York Street

(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Chart Block Lot Number: Map 44 Lot E3

Proposed Use: Restaurant

Previous Use: Bar (Icehouse Building)

Existing Sanitary Flows: n/a GPD

Existing Process Flows: n/a GPD

Description and location of City sewer, at proposed building sewer lateral connection:

Proposed connection to York Street

Sewer line per attached plans

Clearly, indicate the proposed connection, on the submitted plans.

| | | |
|---------------|--|----------|
| Site Category | Commercial | ___ |
| | Industrial <i>(complete part 4 before)</i> | ___ |
| | Governmental | ___ |
| | Residential | ___ |
| | Other <i>(specify)</i> | <u>X</u> |
| | Restaurant use | |

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 1,150 GPD

Peaking Factor/ Peak Times: peak factor=5, 95.8 gph x 5 = 479 gal / peak hour

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify))

Maine Subsurface Disposal Rules

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: Tod Dana c/o Dana Fisher, LLC

Owner/Developer Address: P.O. Box 169, Portland, ME 04112

Phone: 207-671-5566 Fax: 207-725-0022 E-mail: asiawest@aol.com

Engineering Consultant Name: Tony Panciocco c/o Sebago Technics

Engineering Consultant Address: One Chabot Street Westbrook, Maine

Phone: 207-856-0277 x 258 Fax: 207-856-2206 E-mail: tpanciocco@sebagotechnics.com

City Planner's Name: Jean Fraser Phone: 874-8728

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: 750 GPD

Do you currently hold Federal or State discharge permits? Yes ___ No X

Is the process wastewater termed categorical under CFR 40? Yes ___ No X

OSHA Standard Industrial Code (SIC): _____ *(http://www.osha.gov/osha/sic/sicster.html)*

Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

Restaurant use serving 2 meals per day,

10 employees @ 15 gpd/employee = 150 gpd

50 seats @ 20 gpd/seat = 1,000 gpd

Total = 1,150 gpd = 95.8 gph for 12 hours

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Neighborhood Business Zone (Restaurant):

Conditional Use Permit Extension

DECISION

Date of public hearing: December 3, 2009

Name and address of applicant: Dana/Fisher LLC
PO Box 169
Portland, ME 04112

Location of property under appeal: 231 York Street

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Tod Dana
Po Box 169
Portland, ME 04112

Exhibits admitted (e.g. renderings, reports, etc.):

Site Plan

Findings of Fact and Conclusions of Law:

The applicant, Dana/Fisher LLC, is requesting an extension of the conditional use permit that was granted on November 13, 2008, and extended for six months on May 21, 2009, for a property located within the B-1 zone that allows the property to be used as a restaurant. The applicant has requested an additional extension as they continue to pursue their construction plans, which include site plan review and initiation of the building permit process in December. The conditional use permit extension period recently expired on November 13th, after the property owner applied for the extension. As the permit has been extended to a total of one year, the Board may grant a maximum one year extension.

Standards for an extension granted pursuant to Portland City Code § 14-474(f):

S-C

1. The facts constituting the basis of the decision to grant the Conditional Use permit have not materially changed.

Satisfied Not Satisfied

Reason and supporting facts:

Testimony

2. If the one year extension is granted, the total time period for the permit does not exceed two years.

the extension is granted to 11/13/10.

S-U

Satisfied Not Satisfied

Reason and supporting facts:

Time - 1/106 Document

Conclusion: (check one)

5-0 Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS a one year extension.

Option 2: The Board finds that the all of the standards described above have been satisfied, and that certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS a one year extension SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above have NOT all been satisfied, and therefore DENIES the extension.

Dated:

12/3/09


Board Chair




CITY OF PORTLAND

**CERTIFICATE OF VARIANCE APPROVAL
2ND UPDATE**

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 18th day of February, 2010, the following variance extension was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

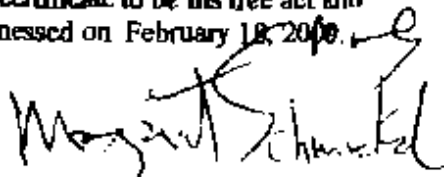
1. **Current Property Owner:** Dana Fisher LLC
2. **Property:** 231 York Street, Portland, ME CBL: 044-E-3
Cumberland County Registry of Deeds, Book 26271 Page 194
Last recorded deed in chain of Title: 08/13/2008
3. **Variance and Conditions of Variance:**
To grant relief from section 14-166(c) and 14-332(i) of the Zoning Ordinance to allow no off-street parking spaces for a proposed restaurant instead of the seven (7) off-street parking required.
To grant a six month extension of the original variance which was originally approved for one year on August 7, 2008 with another six month extension granted on May 21, 2009. This extension will expire on August 7, 2010 which results in a full two year variance approval from the Zoning Board.

IN WITNESS WHEREOF, I have here to set my hand and seal this 18th day of February, 2010


Chair of
City of Portland Zoning Board
Philip Saucier
(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Philip Saucier and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on February 18, 2010.


(Printed or Typed Name)
Notary Public
Margaret Schmuckal

My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES

Zoning Administrator Marge Schmuckal
November 24, 2009

This project is in a B-1 Zone. The applicant has received a variance for on site parking (none required). That variance approval will expire on February 7, 2010. The Conditional Use appeal for the Restaurant use expired on November 13, 2009. However, before that date, the applicant filed for a six month extension of the approved restaurant Use. That appeal will be heard on December 3, 2009. Extensions are usually granted by the Board.

The submitted project appears to meet all of the B-1 Zone requirements. Setbacks, building height and the impervious surface ratio of the B-1 Zone are being met. The current submitted floor plans are substantially the same as what the Zoning Board of Appeals reviewed. There shall be no public seating on the second floor.

HVAC equipment shall meet the B-1 Zone maximum noise allowances. Information shall be submitted showing compliance at this time.

Separate permits shall be required for any new signage.

Zoning Administrator Marge Schmuckal
March 10, 2010

On March 10, 2010 I received revised plans for review. All the dimensional requirements of the B-1 Zone are still being met (no changes). There still shall be no public seating on the second floor due to B-1 size limitations under the conditional use standards. The applicant has responded to my previous comment concerning noise emanating from the HVAC. Apparently equipment is still being decided upon which is not unusual at this time. I would like a condition of approval that when the final equipment is decided upon, this office shall receive information on the rated noise levels to determine noise compliance.

Sepe

Dana/Fisher LLC

P.O. Box 169 * Portland, Maine 04112
Phone: 207-671-5566 * Fax: 207-775-0022
asiawest@aol.com

Portland Planning Department
389 Congress Street
Portland, Maine 04101

October 30, 2009

Dear Planning Staff,

We, Dana/Fisher LLC (a partnership between Tod Dana and Alex Fisher), are submitting the following application for Minor Site Plan Review. We are proposing to demolish an existing building at 231 York Street (formerly "Popeye's Ice House) and construct a new building on the site. We purchased this building in August 2008 after receiving approval of our Conditional Use Appeal to operate a restaurant at this location, and approval of our Variance Appeal to waive the off-street parking requirement.

Our restaurant will be a partnership with Cheryl Lewis and Norine Kotts, our former partners at Portland Lobster Co. and two of Maine's most respected restaurateurs. We plan to open a "fresh" Mexican restaurant (fresh ingredients, no preservatives, etc.) with approximately 35-50 seats that served lunch and dinner.

Our plan would be to demolish the existing (and dilapidated) building and construct an attractive, new building on the site, which would be in keeping the architectural style of the neighborhood. We estimate the construction project to take approximately 12 months once we receive the requisite approvals.

Thank you for your consideration.

Sincerely,



Tod Dana
671-5566

NOV - 4 2009



Development Review Application
PORTLAND, MAINE
Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: 231 YORK STREET

PROPOSED DEVELOPMENT ADDRESS:
231 YORK STREET

PROJECT DESCRIPTION:
DEMOLISH EXISTING COMMERCIAL BUILDING
AND CONSTRUCT NEW BUILDING FOR RESTAURANT USE.

CHART/BLOCK/LOT: 44-E-3

CONTACT INFORMATION:

APPLICANT

Name: DANA FISHER, LLC

Address: P.O. Box 169
PORTLAND, MAINE

Zip Code: 04112

Work #: 207.775.0066

Cell #: 207.671.5566

Fax #: 207.775.0022

Home: 207.772.9578

E-mail: d4iqwest@aol.com

PROPERTY OWNER

Name: DANA FISHER, LLC

Address: SAME

Zip Code: ↓

Work #: ↓

Cell #: ↓

Fax #: ↓

Home: ↓

E-mail: ↓

BILLING ADDRESS

Name: DANA FISHER, LLC

Address: SAME

Zip: ↓

Work #: ↓

Cell #: ↓

Fax #: ↓

Home: ↓

E-mail: ↓

~As applicable, please include additional contact information on the next page~

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: May 26, 2009

RE: Action taken by the Zoning Board of Appeals on May 21, 2009.

Members Present: Philip Saucier (chair), Gordon Smith (secretary), Peter Coyne, William Getz, Sara Moppin and Deborah Rutter.

Member Absent: Jill Hunter.

1. New Business:

A. Conditional Use Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Conditional Use appeal on November 13, 2008 to Dana Fisher, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The appellant is now requesting a six month extension of the Conditional Use Appeal Approval that was granted while they continue to pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana. **The Board voted 6-0 to grant the six month extension of the Conditional Use Appeal.**

B. Variance Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Variance Appeal on August 7, 2008 to Dana Fisher, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted while they pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana. **The Board voted 6-0 to grant the six month extension of the Variance Appeal.**

Enclosure:

Agenda of May 21, 2009

Original Zoning Board Decision

cc: dtd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

T.J. Martzial, Housing & Neighborhood Services Division

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Bernard L. Orne, now of Windham, County of Cumberland, State of Maine,

in consideration of one dollar (\$1.00) and other valuable considerations

paid by Dana Fisher, LLC, a Maine limited liability company, with principal place of business at Portland, County of Cumberland, State of Maine, whose mailing address is P.O. Box 169, Portland, Maine 04112,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the aforesaid Dana Fisher, LLC, its successors and assigns forever,

that realty located 231 York Street in Portland, County of Cumberland, State of Maine, more particularly described and set forth in Exhibit A, which is attached hereto and made a part hereof.

Being the same premises as those described in a deed recorded in the Cumberland County Registry of Deeds at Book 14547, Page 161.

And I, the aforesaid Bernard L. Orne, do covenant with the aforesaid Grantee, its successors and assigns, that I am lawfully seised in fee of the premises; that they are free of all encumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the aforesaid Grantee, its heirs and assigns forever, against the lawful claims and demands of all persons.

To have and to hold the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to the said Dana Fisher, LLC, its successors and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF, I, the aforesaid Bernard L. Orne, relinquishing and conveying all rights by descent and all other rights to the above described premises, have hereunto set my hand and seal this 13th day of August, 2008.

MAINE REAL ESTATE TAX PAID

Signed, Sealed and Delivered
in the presence of

David S. Turley

Bernard L. Orne
Bernard L. Orne

STATE OF MAINE
COUNTY OF CUMBERLAND

August 13, 2008

Personally appeared before me the above-named Bernard L. Orne and acknowledged
the foregoing instrument to be his free act and deed.

David S. Turley Esq
Notary Public/Attorney at Law
David S. Turley Esq
Bar Reg # 1926

EXHIBIT A

A certain lot or parcel of land together with the buildings thereon, situated at the northeasterly corner of Brackett Street and York Street in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at the corner formed by the intersection of the northeasterly side of Brackett Street with the northwesterly side of York Street; thence northeasterly by said York Street fifty-nine (59) feet to land now or formerly of one Olesen; thence northwesterly by said Olesen land seventy (70) feet to land now or formerly of the Hammond heirs; thence southwesterly by said Hammond heirs land fifty-nine (59) feet to said Brackett Street; thence southeasterly by said Brackett Street seventy (70) feet to the point of beginning.

Received
Recorded Register of Deeds
Aug 13, 2008 01:41:37P
Cumberland County
Pamela E. Lovley

AGENT/REPRESENTATIVE

Name: TOD DANA
Address: P.O. Box 169
PORTLAND, ME.
Zip Code: 04112
Work #: 207.775.0066
Cell #: 207.671.5566
Fax #: 207.775.0022
Home: 207.772.9578
E-mail: asiawest@aol.com

ENGINEER

Name: ALLIED ENGINEERING
Address: 160 VERANDA ST.
PORTLAND, MAINE
Zip Code: 04103
Work #: 207.221.2260
Cell #: _____
Fax #: 207.221.2266
Home: _____
E-mail: cfaucher@allied-eng.com

ARCHITECT

Name: LEE HVLST
Address: 278 SPRING ST.
PORTLAND, MAINE
Zip Code: 04102
Work #: 207.239.6477
Cell #: _____
Fax #: _____
Home: 207.773-2843
E-mail: lhvlst@maine.rr.com

CONSULTANT

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

SURVEYOR

Name: OWEN HASKELL, INC.
Address: 390 US RT. 1
FALMOUTH, MAINE
Zip Code: 04105
Work #: 207.774.0424
Cell #: _____
Fax #: 207.774.0511
Home: _____
E-mail: _____

ATTORNEY

Name: BILL FLETCHER (VERRILL DANA)
Address: 1 PORTLAND SQUARE
PORTLAND, MAINE
Zip Code: 04101
Work #: 207.253.4422
Cell #: _____
Fax #: 207.774.7499
Home: _____
E-mail: wfletcher@verrilldana.com

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area 4110.8 sq. ft.
 Proposed Total Disturbed Area of the Site 3810 sq. ft.
 (If the proposed disturbance is greater than one acre, then the applicant shall apply for a Major Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.)

IMPERVIOUS SURFACE AREA

Proposed Total Paved Area 580 sq. ft.
 Existing Total Impervious Area 2795 sq. ft.
 Proposed Total Impervious Area 3303 sq. ft.
 Proposed Impervious Net Change 508 sq. ft.

BUILDING AREA

Existing Building Footprint 1523 sq. ft.
 Proposed Building Footprint 2711 sq. ft.
 Proposed Building Footprint Net change 1188 sq. ft.
 Existing Total Building Floor Area 1523 sq. ft.
 Proposed Total Building Floor Area 4044 sq. ft.
 Proposed Building Floor Area Net Change 2521 sq. ft.
 New Building YES (yes or no)

ZONING

Existing _____
 Proposed, if applicable B-1

LAND USE

Existing _____
 Proposed COMMERCIAL

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units N/A
 Proposed Number of Residential Units to be Demolished _____
 Existing Number of Residential Units _____
 Proposed Number of Residential Units _____
 Subdivision, Proposed Number of Lots _____

PARKING SPACES

Existing Number of Parking Spaces 0
 Proposed Number of Parking Spaces 0
 Number of Handicapped Parking Spaces 0
 Proposed Total Parking Spaces 0

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0
 Proposed Number of Bicycle Parking Spaces 0
 Total Bicycle Parking Spaces 0

ESTIMATED COST OF PROJECT

\$ 707,700.-

Please check all reviews that apply to the proposed development

| | |
|---|--------------------------------------|
| Design Review <input checked="" type="checkbox"/> | Stormwater Quality _____ |
| Flood Plain Review _____ | Traffic Movement _____ |
| Historic Preservation _____ | Zoning Variance _____ |
| Housing Replacement _____ | Historic District/Landmark _____ |
| 14-403 Street Review _____ | Off Site Parking _____ |
| Shoreland _____ | Multi-Family Dwelling _____ |
| Site Location Act Local Review _____ | B-3 Pedestrian Activity Review _____ |
| Single Family Dwelling _____ | Change of Use _____ |
| 2 Family Dwelling _____ | |

APPLICATION FEE:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

| | |
|--|--|
| Major Development (more than 10,000 sq. ft.) <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee) | Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00) Subdivision <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee) |
| Minor Site Plan Review <input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee) | Other Reviews <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____ |

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:

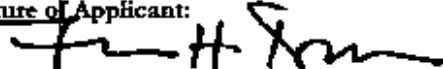
1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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.

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

| | |
|--|-------------------|
| Signature of Applicant:  | Date: 10/30/09 |
|--|-------------------|

Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

231 YORK STREET

Project Name, Address of Project

Application Number

(The form is to be completed by the Applicant or Designated Representative)

| Check Submitted | Required Information | Section 14-525 (b,c) |
|-------------------------------------|---|----------------------|
| Applicant | Staff | |
| <input checked="" type="checkbox"/> | Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including: | 1 |
| <input checked="" type="checkbox"/> | Name and address of applicant and name of proposed development | a |
| <input checked="" type="checkbox"/> | • Scale and north points | b |
| <input checked="" type="checkbox"/> | • Boundaries of the site | c |
| <input checked="" type="checkbox"/> | • Total land area of site | d |
| <input checked="" type="checkbox"/> | • Topography - existing and proposed (2 feet intervals or less) | e |
| <input checked="" type="checkbox"/> | Plans based on the boundary survey including: | 2 |
| <input checked="" type="checkbox"/> | • Existing soil conditions | a |
| <input checked="" type="checkbox"/> | • Location of water courses, wetlands, marshes, rock outcroppings and wooded areas | b |
| <input checked="" type="checkbox"/> | • Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior finishes, and materials to be used | c |
| <input checked="" type="checkbox"/> | • Approx location of buildings or other structures on parcels abutting the site and zoning summary of applicable dimensional standards (example page 11 of packet) | d |
| <input checked="" type="checkbox"/> | • Location of on-site waste receptacles | e |
| <input checked="" type="checkbox"/> | • Public utilities | e |
| <input checked="" type="checkbox"/> | • Water and sewer mains | e |
| <input checked="" type="checkbox"/> | • Culverts, drains, existing and proposed, showing size and directions of flows | e |
| <input checked="" type="checkbox"/> | • Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed | f |
| <input checked="" type="checkbox"/> | • Location and dimensions of on-site pedestrian and vehicular access ways | g |
| <input checked="" type="checkbox"/> | • Parking areas | g |
| <input checked="" type="checkbox"/> | • Loading facilities | g |
| <input checked="" type="checkbox"/> | • Design of ingress and egress of vehicles to and from the site onto public streets | g |
| <input checked="" type="checkbox"/> | • Curb and sidewalks | g |
| <input checked="" type="checkbox"/> | Landscape plan showing: | h |
| <input checked="" type="checkbox"/> | • Location of existing vegetation and proposed vegetation | h |
| <input checked="" type="checkbox"/> | • Type of vegetation | h |
| <input checked="" type="checkbox"/> | • Quantity of plantings | h |
| <input checked="" type="checkbox"/> | • Size of proposed landscaping | h |
| <input checked="" type="checkbox"/> | • Existing areas to be preserved | h |
| <input checked="" type="checkbox"/> | • Preservation measures to be employed | h |
| <input checked="" type="checkbox"/> | • Details of planting and preservation specifications | h |
| <input checked="" type="checkbox"/> | • Location and dimensions of all fencing and screening | i |
| <input checked="" type="checkbox"/> | Location and intensity of outdoor lighting system | l |
| <input checked="" type="checkbox"/> | Location of fire hydrants, existing and proposed (refer to Fire Department checklist - page 11) | k |
| <input checked="" type="checkbox"/> | Written statements to include: | c |
| <input checked="" type="checkbox"/> | • Description of proposed uses to be located on site | cl |
| <input checked="" type="checkbox"/> | • Quantity and type of residential, if any | d |
| <input checked="" type="checkbox"/> | • Total land area of the site | c2 |
| <input checked="" type="checkbox"/> | • Total floor area, total disturbed area and ground coverage of each proposed Building and structure | c2 |
| <input checked="" type="checkbox"/> | • General summary of existing and proposed easements or other burdens | c3 |
| <input checked="" type="checkbox"/> | • Type, quantity and method of handling solid waste disposal | c4 |
| <input checked="" type="checkbox"/> | • Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (refer to the wastewater capacity application - page 12) | c5 |
| <input checked="" type="checkbox"/> | • Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff. | c6 |

✓
 ✓
 ✓
 ✓
 ✓
 ✓

- _____ * An estimate of the time period required for completion of the development 7
- _____ * A list of all state and federal regulatory approvals to which the development may be subject to, the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. 8
- _____ * Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.
- _____ * Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
- _____ * A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.
- _____ A jpeg or pdf of the proposed site plan, if available.
- _____ Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater. **(PDF)**

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

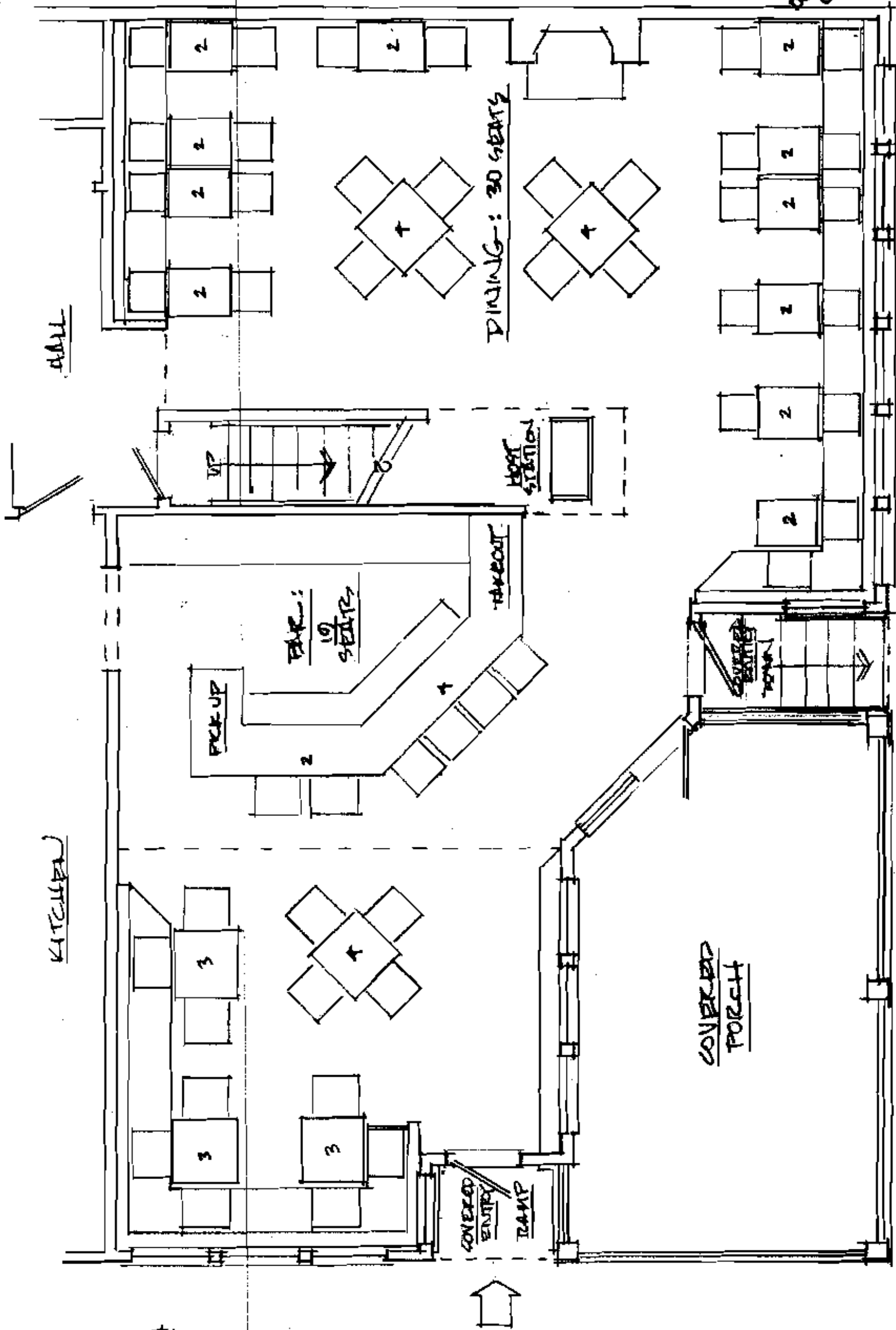
- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a run shadow study
- a study of particulates and any other noxious
- a noise study

RECEIVED

SEP 22 2010

Dept of Building Inspections
City of Portland Maine

SERVICE
ALLEY



HALL

DINING: 30 SEATS

BAR: 10 SEATS

PICK UP

BARBECUE

COVERED
PORCH

COVERED
ENTRY
RAMP

HOST
STATION

KITCHEN



PLAN NORTH

BRACKET STREET

231 YORK STREET RESTAURANT

GROUND FLOOR PLAN

SEATING LAYOUT: 49 TOTAL

1/4" = 1'-0" 9/22/10

YORK STREET

LELAND HULLIST
ARCHITECTURAL SERVICES

679 Spring Street / Portland, Maine 04108 / (907) 778-8844

From: "Steve Keltonic" <steve@thaxtercompany.com>
To: "Jeanie Bourke" <JMB@portlandmaine.gov>
Date: 10/8/2010 3:36 PM
Subject: FW: COMcheck Compliance Report - 231 York Street
Attachments: compliance-report-20101004_164812_062.pdf, compliance-data-20101004_164812_062.xml

Hi Jeanie, here's the COMcheck compliance report as part of our building permit application [REDACTED]

Thanks,
Steve

—Original Message—

From: Steve [mailto:steve@thaxtercompany.com]
Sent: Monday, October 04, 2010 4:54 PM
To: lhulst@me.com
Cc: steve@thaxtercompany.com
Subject: COMcheck Compliance Report

The attached PDF compliance certificate has been automatically transmitted to Lee by COMcheck on behalf of Steve of Thaxter.

An XML file containing data used to create the PDF compliance certificate may be attached to this message. This file is provided for building departments having the capability to import the compliance data into their databases.

Notes:

Please reply to: steve@thaxtercompany.com

RECEIVED
OCT - 7 2010
Dept. of Building Inspections
City of Portland Maine



COMcheck Software Version 3.8.0

Envelope Compliance Certificate

2009 IECC

Section 1: Project Information

Project Type: **New Construction**
 Project Title: **York Street Restaurant**

Construction Site:
 231 York St
 Portland, ME 04103

Owner/Agent:
 Dana Fisher LLC
 PO Box 169
 Portland, ME

Designer/Contractor:

Section 2: General Information

Building Location (for weather data): **Portland, Maine**
 Climate Zone: **5a**
 Vertical Glazing / Wall Area Pct.: **13%**
 Skylight Glazing / Roof Area Pct.: **2%**

| Activity Type(s) | Floor Area |
|--|------------|
| square foot (Dining: Bar Lounge/Leisure) | 4000 |

Section 3: Requirements Checklist

Envelope **PASS** (0.00% Failures)

Climate-Specific Requirements:

| Component Name/Description | Gross Area or Perimeter | Cavity R-Value | Cont. R-Value | Proposed U-Factor | Budget U-Factor(a) |
|---|-------------------------|----------------|---------------|-------------------|--------------------|
| Roof 1: Other Roof (b) | 3500 | — | — | 0.030 | 0.027 |
| Skylight 1: Metal Frame with Thermal Break/Double Pane with Low-E, Clear, SHGC 0.41 | 60 | — | — | 0.580 | 0.600 |
| Exterior Wall 1: Wood-Framed, 16" o.c. | 2700 | 21.0 | 21.0 | 0.025 | 0.051 |
| Window 1: Vinyl Frame/Double Pane with Low-E, Clear, SHGC 0.32 | 334 | — | — | 0.300 | 0.350 |
| Door 1: Glass (> 50% glazing); Nonmetal Frame, Entrance Door, SHGC 0.17 | 36 | — | — | 0.030 | 0.350 |
| Door 2: Insulated Metal, Swinging | 16 | — | — | 0.320 | 0.700 |
| Basement Wall 1: Solid Concrete 10" Thickness, Normal Density, Furring: None, Wall Ht 8.0, Depth B.G. 7.0 | 1400 | — | 10.0 | 0.087 | 0.108 |
| Floor 1: Wood-Framed | 2000 | 0.0 | 30.0 | 0.030 | 0.033 |
| Floor 2: Slab-On-Grade/Heated, Vertical 4 ft. | 120 | — | 0.0 | — | — |
| Floor 3: Wood-Framed | 2000 | 0.0 | 30.0 | 0.030 | 0.033 |

(a) Budget U-factors are used for software baseline calculations ONLY, and are not code requirements.

(b) 'Other' components require supporting documentation for proposed U-factors.

Air Leakage, Component Certification, and Vapor Retarder Requirements:

- 1 All joints and penetrations are caulked, gasketed or covered with a moisture vapor-permeable wrapping material installed in accordance with the manufacturer's installation instructions.
- 2 Windows, doors, and skylights certified as meeting leakage requirements.
- 3 Component R-values & U-factors labeled as certified.
- 4 No roof insulation is installed on a suspended ceiling with removable ceiling panels.
- 5 'Other' components have supporting documentation for proposed U-Factors.

- 6. Insulation installed according to manufacturer's instructions, in substantial contact with the surface being insulated, and in a manner that achieves the rated R-value without compressing the insulation.
- 7. Stair, elevator shaft vents, and other outdoor air intake and exhaust openings in the building envelope are equipped with motorized dampers.
- 8. Cargo doors and loading dock doors are weather sealed.
- 9. Recessed lighting fixtures installed in the building envelope are Type IC rated as meeting ASTM E283, are sealed with gasket or caulk.
- 10. Building entrance doors have a vestibule equipped with closing devices.
 - Exceptions:*
 - Building entrances with revolving doors.
 - Doors that open directly from a space less than 3000 sq. ft. in area.

Section 4: Compliance Statement

Compliance Statement: The proposed envelope design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed envelope system has been designed to meet the 2009 IECC requirements in COMcheck Version 3.8.0 and to comply with the mandatory requirements in the Requirements Checklist.

Name - Title

Signature

Date



COMcheck Software Version 3.8.0

Exterior Lighting Compliance Certificate

2009 IECC

Section 1: Project Information

Project Type: **New Construction**
 Project Title: **York Street Restaurant**
 Exterior Lighting Zone: **2 (Residential mixed use area)**

| | | |
|-----------------------------------|---|----------------------|
| Construction Site: | Owner/Agent: | Designer/Contractor: |
| 237 York St Portland, ME 04103 | Dana Fisher LLC PO Box 188 Portland, ME | |

Section 2: Exterior Lighting Area/Surface Power Calculation

| A Exterior Area/Surface | B Quantity | C Allowed Watts / Unit | D Tradable Wattage | E Allowed Watts (B x C) | F Proposed Watts |
|--------------------------------------|--------------------|---------------------------|-----------------------|----------------------------|---------------------|
| 3 (Main entry) | 1 ft of door width | 20 | Yes | 20 | 100 |
| 128 (Outdoor sales area/lot) | 3 ft ² | 0.25 | Yes | 1 | 300 |
| 3 (Other door (not main entry)) | 1 ft of door width | 20 | Yes | 20 | 100 |
| Total Tradable Watts* = | | | | 41 | 500 |
| Total Allowed Watts = | | | | 41 | |
| Total Allowed Supplemental Watts** = | | | | 600 | |

* Wattage tradeoffs are only allowed between tradable areas/surfaces.

** A supplemental allowance equal to 600 watts may be applied toward compliance of both non-tradable and tradable areas/surfaces.

Section 3: Exterior Lighting Fixture Schedule

| A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast | B Lamps/ Fixture | C # of Fixtures | D Fixture Watt. | E (C X D) |
|--|------------------------|-----------------------|-----------------------|--------------|
| 3 (Main entry 1 ft of door width): Tradable Wattage Incandescent 1: Incandescent 100W | 1 | 1 | 100 | 100 |
| 128 (Outdoor sales area/lot 3 ft ²): Tradable Wattage Incandescent 4: Incandescent 100W | 1 | 3 | 100 | 300 |
| 3 (Other door (not main entry) 1 ft of door width): Tradable Wattage Incandescent 3: Incandescent 100W | 1 | 1 | 100 | 100 |
| Total Tradable Proposed Watts = | | | | 500 |

Section 4: Requirements Checklist

Lighting Wattage:

1. Within each non-tradable area/surface, total proposed watts must be less than or equal to total allowed watts. Across all tradable areas/surfaces, total proposed watts must be less than or equal to total allowed watts.

Compliance: Passes using supplemental allowance watts.

Controls, Switching, and Wiring:

2. All exemption claims are associated with fixtures that have a control device independent of the control of the nonexempt lighting.
3. Lighting not designated for dusk-to-dawn operation is controlled by either a photosensor (with time switch), or an astronomical time switch.

- 4. Lighting designated for dusk-to-dawn operation is controlled by an astronomical time switch or photosensor
- 5. All time switches are capable of retaining programming and the time setting during loss of power for a period of at least 10 hours.

Exterior Lighting Efficacy:

- 6. All exterior building grounds luminaires that operate at greater than 100W have minimum efficacy of 80 lumen/watt.

Exceptions:

- Lighting that has been claimed as exempt and is identified as such in Section 3 table above.
- Lighting that is specifically designated as required by a health or life safety statute, ordinance, or regulation.
- Emergency lighting that is automatically off during normal building operation.
- Lighting that is controlled by motion sensor.

Exterior Lighting PASS/Fail: **Pass**

Section 5: Compliance Statement

Compliance Statement: The proposed exterior lighting design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed lighting system has been designed to meet the 2009 IECC requirements in COMcheck Version 3.8.0 and to comply with the mandatory requirements in the Requirements Checklist.

Name - Title

Signature

Date



COMcheck Software Version 3.8.0

Mechanical Compliance Certificate

2009 IECC

Section 1: Project Information

Project Type: **New Construction**
Project Title: **York Street Restaurant**

Construction Site:
231 York St
Portland, ME 04103

Owner/Agent:
Dana Fisher LLC
PO Box 189
Portland, ME

Designer/Contractor:

Section 2: General Information

Building Location (for weather data): **Portland, Maine**
Climate Zone: **6a**

Section 3: Mechanical Systems List

| Quantity | System Type & Description |
|----------|---|
| 1 | HVAC System 4: Heating: Heating equipment (Central Furnace), Gas, Capacity 80 kBtu/h, Efficiency: 82.00 / Cooling: Cooling equipment (Packaged Terminal Unit), Capacity 8 kBtu/h, Efficiency: 13.00, Air-Cooled Condenser / Single Zone |
| 2 | Water Heater 2: Gas Instantaneous Water Heater, Capacity: 10 gallons, Input Rating: 199 Btu/h w/ Circulation Pump, Efficiency: 0.85 |

Section 4: Requirements Checklist

Requirements Specific To: HVAC System 4 :

- 1. Equipment minimum efficiency: Central Furnace (Gas): 80.0 % EI (or 78% AFUE)
- 2. Equipment minimum efficiency: Packaged Terminal DX Unit: 10.8 EER

Requirements Specific To: Water Heater 2 :

- 1. Gas Instantaneous Water Heater efficiency: 0.7 EF
- 2. All piping in circulating system insulated
- 3. Automatic time control of heat tapes and recirculating systems present
- 4. Controls will shut off operation of circulating pump between water heater/boiler and storage tanks within 5 minutes after end of heating cycle

Generic Requirements: Must be met by all systems to which the requirement is applicable:

- 1. Plant equipment and system capacity no greater than needed to meet loads
 - Exception: Standby equipment automatically off when primary system is operating
 - Exception: Multiple units controlled to sequence operation as a function of load
- 2. Minimum one temperature control device per system
- 3. Minimum one humidity control device per installed humidification/dehumidification system
- 4. Load calculations per ASHRAE/ACCA Standard 183
- 5. Automatic Controls: Setback to 55°F (heat) and 85°F (cool); 7-day clock, 2-hour occupant override, 10-hour backup
 - Exception: Continuously operating zones
 - Exception: 2 kW demand or less, submit calculations
- 6. Outside-air source for ventilation; system capable of reducing OSA to required minimum
- 7. R-5 supply and return air duct insulation in unconditioned spaces

- R-6 supply and return air duct insulation outside the building
- R-8 insulation between ducts and the building exterior when ducts are part of a building assembly
 - Exception: Ducts located within equipment
 - Exception: Ducts with interior and exterior temperature difference not exceeding 15°F.
- 8. Mechanical fasteners and sealants used to connect ducts and air distribution equipment
- 9. Ducts sealed - longitudinal seams on rigid ducts; transverse seams on all ducts; UL 181A or 181B tapes and mastics
- 10. Hot water pipe insulation: 1.5 in. for pipes <=1.5 in. and 2 in. for pipes >1.5 in.
Chilled water/refrigerant/brine pipe insulation: 1.5 in. for pipes <=1.5 in. and 1.5 in. for pipes >1.5 in.
Steam pipe insulation: 1.5 in. for pipes <=1.5 in. and 3 in. for pipes >1.5 in.
 - Exception: Piping within HVAC equipment
 - Exception: Fluid temperatures between 55 and 105°F.
 - Exception: Fluid not heated or cooled with renewable energy.
 - Exception: Piping within room fan-coil (with AHRM40 rating) and unit ventilators (with AHRM40 rating).
 - Exception: Runouts <4 ft in length.
- 11. Operation and maintenance manual provided to building owner
- 12. Piping, insulated to 1/2 in. if nominal diameter of pipe is <1.5 in.; Larger pipe insulated to 1 in. thickness
- 13. Lavatory faucet outlet temperatures in public restrooms limited to 110°F (43°C)
- 14. Thermostatic controls have 5°F deadband
 - Exception: Thermostats requiring manual changeover between heating and cooling
 - Exception: Special occupancy or special applications where wide temperature ranges are not acceptable and are approved by the authority having jurisdiction.
- 15. Balancing devices provided in accordance with IMC (2006) 603.17
- 16. Demand control ventilation (DCV) present for high design occupancy areas (>40 person/1000 ft² in spaces >500 ft²) and served by systems with any one of 1) an air-side economizer, 2) automatic modulating control of the outdoor air damper, or 3) a design outdoor airflow greater than 3000 cfm.
 - Exception: Systems with heat recovery.
 - Exception: Multiple-zone systems without ODC of individual zones communicating with a central control panel.
 - Exception: Systems with a design outdoor airflow less than 1200 cfm.
 - Exception: Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1200 cfm.
- 17. Motorized, automatic shutoff dampers required on exhaust and outdoor air supply openings
 - Exception: Gravity dampers acceptable in buildings <3 stories
 - Exception: Gravity dampers acceptable in systems with outside or exhaust air flow rates less than 300 cfm where dampers are interlocked with fan
- 18. Automatic controls for freeze protection systems present
- 19. Exhaust air heat recovery included for systems 5,000 cfm or greater with more than 70% outside air fraction or specifically exempted
 - Exception: Hazardous exhaust systems, commercial kitchen and clothes dryer exhaust systems that the International Mechanical Code prohibits the use of energy recovery systems
 - Exception: Systems serving spaces that are heated and not cooled to less than 60°F.
 - Exception: Where more than 60 percent of the outdoor heating energy is provided from site-recovered or site solar energy.
 - Exception: Heating systems in climates with less than 3600 HDD.
 - Exception: Cooling systems in climates with a 1 percent cooling design wet-bulb temperature less than 64°F.
 - Exception: Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
 - Exception: Laboratory fume hood exhaust systems that have either a variable air volume system capable of reducing exhaust and makeup air volume to 50 percent or less of design volume or, a separate makeup air supply meeting the following makeup air requirements: a) at least 75 percent of exhaust flow rate, b) heated to no more than 2°F below room setpoint temperature, c) cooled to no lower than 3°F above room setpoint temperature, d) no humidification added, e) no simultaneous heating and cooling.

Section 5: Compliance Statement

Compliance Statement: The proposed mechanical design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed mechanical systems have been designed to meet the 2009 IECC requirements in COMcheck Version 3.8.0 and to comply with the mandatory requirements in the Requirements Checklist.



Mechanical Requirements Description

2009 IECC

The following list provides more detailed descriptions of the requirements in Section 4 of the Mechanical Compliance Certificate.

Requirements Specific To: HVAC System 4 :

1. The specified heating and/or cooling equipment is covered by the ASHRAE 90.1 Code and must meet the following minimum efficiency:
Central Furnace (Gas): 80.0 % Ef (or 78% AFUE)
2. The specified heating and/or cooling equipment is covered by the ASHRAE 90.1 Code and must meet the following minimum efficiency:
Packaged Terminal DX Unit: 10.8 EER Packaged Terminal DX Unit: 10.8 EER

Requirements Specific To: Water Heater 2 :

1. Service water heating equipment used solely for heating potable water, pool heaters, and hot water storage tanks must meet the following minimum efficiency: Gas Instantaneous Water Heater efficiency: 0.7 EF
2. Insulation must be provided for recirculating system piping, including the supply and return piping of a circulating tank type water heater.
3. Systems designed to maintain usage temperatures in hot water pipes, such as recirculating hot water systems or heat trace, must be equipped with automatic time switches or other controls that can be set to switch off the temperature maintenance system during extended periods when hot water is not required.
4. When used to maintain storage tank water temperature, recirculating pumps must be equipped with controls limiting operation to the start of the heating cycle to a maximum of 5 minutes after the end of the heating cycle.

Generic Requirements: Must be met by all systems to which the requirement is applicable:

1. All equipment and systems must be sized to be no greater than needed to meet calculated loads. A single piece of equipment providing both heating and cooling must satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.
 - Exception: The equipment and/or system capacity may be greater than calculated loads for standby purposes. Standby equipment must be automatically controlled to be off when the primary equipment and/or system is operating.
 - Exception: Multiple units of the same equipment type whose combined capacities exceed the calculated load are allowed if they are provided with controls to sequence operation of the units as the load increases or decreases.
2. Each heating or cooling system serving a single zone must have its own temperature control device.
3. Each humidification system must have its own humidity control device.
4. Design heating and cooling loads for the building must be determined using procedures in the ASHRAE Handbook of Fundamentals or an approved equivalent calculation procedure.
5. The system or zone control must be a programmable thermostat or other automatic control meeting the following criteria:
 - a) capable of setting back temperature to 55°F during heating and setting up to 85°F during cooling,
 - b) capable of automatically setting back or shutting down systems during unoccupied hours using 7 different day schedules,
 - c) have an accessible 2-hour occupant override,
 - d) have a battery back-up capable of maintaining programmed settings for at least 10 hours without power.
 - Exception: A setback or shutoff control is not required on thermostats that control systems serving areas that operate continuously.
 - Exception: A setback or shutoff control is not required on systems with total energy demand of 2 kW (6,826 Btu/h) or less.
6. The system must supply outside ventilation air as required by Chapter 4 of the International Mechanical Code. If the ventilation system is designed to supply outdoor-air quantities exceeding minimum required levels, the system must be capable of reducing outdoor-air flow to the minimum required levels.
7. Air ducts must be insulated to the following levels:
 - a) Supply and return air ducts for conditioned air located in unconditioned spaces (spaces neither heated nor cooled) must be insulated with a minimum of R-5. Unconditioned spaces include attics, crawl spaces, unheated basements, and unheated garages.
 - b) Supply and return air ducts and plenums must be insulated to a minimum of R-5 when located outside the building.
 - c) When ducts are located within exterior components (e.g., floors or roofs), minimum R-8 insulation is required only between the duct and the building exterior.
 - Exception: Duct insulation is not required on ducts located within equipment.
 - Exception: Duct insulation is not required when the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15°F.
8. Mechanical fasteners and seal, mastic, or gaskets must be used when connecting ducts to fans and other air distribution equipment, including multiple-zone terminal units.
9. All joints, longitudinal and transverse seams, and connections in ductwork must be securely sealed using weldments; mechanical fasteners with seals, gaskets, or mastics; mesh and mastic sealing systems; or tapes.

- Tapes and mastics shall be listed and labeled in accordance with UL 181A and shall be marked '181A-F' for pressure-sensitive tapes, '181A-M' for mastic or '181A-H' for heat-sensitive tapes. Tapes and mastics used to seal flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked '181B-FX' for pressure-sensitive tapes or '181B-M' for mastic. Unlisted duct tape is not permitted as a sealant on any metal ducts.
10. All pipes serving space-conditioning systems must be insulated as follows:
- Hot water piping for heating systems:
 - 1 1/2 in. for pipes \leq 1 1/2-in. nominal diameter.
 - 2 in. for pipes $>$ 1 1/2-in. nominal diameter.
 - Chilled water, refrigerant, and brine piping systems:
 - 1 1/2 in. insulation for pipes \leq 1 1/2-in. nominal diameter.
 - 1 1/2 in. insulation for pipes $>$ 1 1/2-in. nominal diameter.
 - Steam piping:
 - 1 1/2 in. insulation for pipes \leq 1 1/2-in. nominal diameter.
 - 3 in. insulation for pipes $>$ 1 1/2-in. nominal diameter.
- Exception: Pipe insulation is not required for factory-installed piping within HVAC equipment.
 - Exception: Pipe insulation is not required for piping that conveys fluids having a design operating temperature range between 56°F and 105°F.
 - Exception: Pipe insulation is not required for piping that conveys fluids that have not been heated or cooled through the use of fossil fuels or electric power.
 - Exception: Piping within room fan-coil (with AHRI440 rating) and unit ventilators (with AHRI640 rating).
 - Exception: Pipe insulation is not required for runout piping not exceeding 4 ft in length and 1 in. in diameter between the control valve and HVAC coil.
11. Operation and maintenance documentation must be provided to the owner that includes at least the following information:
- a) equipment capacity (input and output) and required maintenance actions
 - b) equipment operation and maintenance manuals
 - c) HVAC system control maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions; desired or field-determined set points must be permanently recorded on control drawings, at control devices, or, for digital control systems, in programming comments
 - d) complete narrative of how each system is intended to operate.
12. Service hot water piping, where required, must be insulated to 1/2 in. if pipe less than 1.5 in. nominal diameter. Larger pipe must be insulated to 1 in.. Pipe insulation will have a conductivity of less than 0.26 Btu.in/(h-ft²-°F).
13. Temperature controlling means must be provided to limit the maximum temperature of water delivered from lavatory faucets in public facility restrooms to 110°F.
14. Thermostats controlling both heating and cooling must be capable of maintaining a 5°F deadband (a range of temperature where no heating or cooling is provided)
- Exception: Deadband capability is not required if the thermostat does not have automatic changeover capability between heating and cooling.
 - Exception: Special occupancy or special applications where wide temperature ranges are not acceptable and are approved by the authority having jurisdiction.
15. Balancing devices provided in accordance with IMC (2006) 603.17.
16. Demand control ventilation (DCV) required for high design occupancy areas ($>$ 40 pers./1000 ft² in spaces $>$ 500 ft²) and served by systems with any one of 1) an air-side economizer, 2) automatic modulating control of the outdoor air damper, or 3) a design outdoor airflow greater than 3000 cfm.
- Exception: Systems with heat recovery.
 - Exception: Multiple-zone systems without DCC of individual zones communicating with a central control panel.
 - Exception: Systems with a design outdoor airflow less than 1200 cfm.
 - Exception: Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1200 cfm.
17. Outdoor air supply and exhaust systems must have motorized dampers that automatically shut when the systems or spaces served are not in use. Dampers must be capable of automatically shutting off during pre-occupancy building warm-up, cool-down, and setback, except when ventilation reduces energy costs (e.g., night purge) or when ventilation must be supplied to meet code requirements. Both outdoor air supply and exhaust air dampers must have a maximum leakage rate of 3 cfm/ft² at 1.0 in w.g. when tested in accordance with AMCA Standard 500.
- Exception: Gravity (non-motorized) dampers are acceptable in buildings less than three stories in height.
 - Exception: Systems with a design outside air intake or exhaust capacity of 300 cfm (140 L/s) or less that are equipped with motor operated dampers that open and close when the unit is energized and de-energized, respectively.
18. All freeze protection systems, including self-regulating heat tracing, must include automatic controls capable of shutting off the systems when outside air temperatures are above 40°F or when the conditions of the protected fluid will prevent freezing. Snow- and ice-melting systems must include automatic controls capable of shutting off the systems when the pavement temperature is above 50°F and no precipitation is falling, and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F.

19. Individual fan systems with a design supply air capacity of 5000 cfm or greater and minimum outside air supply of 70 percent or greater of the supply air capacity must have an energy recovery system with at least a 50 percent effectiveness. Where cooling with outdoor air is required there is a means to bypass or control the energy recovery system to permit cooling with outdoor air.
- Exception: Hazardous exhaust systems, commercial kitchen and clothes dryer exhaust systems that the International Mechanical Code prohibits the use of energy recovery systems.
 - Exception: Systems serving spaces that are heated and not cooled to less than 50°F.
 - Exception: Where more than 80 percent of the outdoor heating energy is provided from air-recovered or air solar energy
 - Exception: Heating systems in climates with less than 3600 HDD.
 - Exception: Cooling systems in climates with a 1 percent cooling design wet-bulb temperature less than 64°F.
 - Exception: Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
 - Exception: Laboratory fume hood exhaust systems that have either a variable air volume system capable of reducing exhaust and makeup air volume to 50 percent or less of design values or, a separate makeup air supply meeting the following makeup air requirements: a) at least 75 percent of exhaust flow rate, b) heated to no more than 2°F below room setpoint temperature, c) cooled to no lower than 3°F above room setpoint temperature, d) no humidification added, e) no simultaneous heating and cooling.

Jeanie Bourke - RE: comments from Jeanie

From: "Steve Keltonic" <steve@thaxtercompany.com>
To: "Jeanie Bourke" <JMB@portlandmaine.gov>, "Tod Dana" <asiawest@aol.co...
Date: 10/18/2010 8:21 AM
Subject: RE: comments from Jeanie

To All,

GWB - all drywall to be 5/8" type X; MMR board at plumbing areas. The drywall will be installed continuously at rated walls prior to installing stair stringers/platforms. Other rated assemblies to receive similar applications.

FLOOR DRAINS - four drains in basement floor: bathroom, mechanical room and two for the walk-in cooler
 Four drains at first floor: one for each bathroom and two for the kitchen. One floor drain for the mechanical room at the second floor.

TEMPERED GLAZING - will revise window schedule to reflect additional windows with tempered glass

Thanks,

Steve

From: Jeanie Bourke [mailto:JMB@portlandmaine.gov]
Sent: Friday, October 15, 2010 11:57 AM
To: Tod Dana; Lee Hulst; Steve Keltonic
Subject: Re: comments from Jeanie

RECEIVED
 OCT 18 2010
 Dept. of Building Inspections
 City of Portland Maine

Thanks Lee

Also, Todd, do you have a copy of the geotechnical report?

>>> Lee Hulst <lhulst@me.com> 10/15/2010 11:43 AM >>>
 Hi Steve and Tod,

Had a good chat with Jeanie this morning, and she requested clarification of a few things.

1. On rated wall construction, she understands that Firecode 'C' gwb will be used for all sheetrock, and she'd like a note from Thaxter to that effect.

She's interested in also confirming that rated continuity will be provided for associated structural members, like stair stringers, platforms, etc.

2. She and I went through Tom's equipment drawings, and are still not finding floor drains in some obvious areas we have previously discussed, like the work areas of the kitchen and wash area, bathrooms, etc. Can you confirm what is contracted at this point?

3. On tempered glass in egress areas, she's found a couple more windows in the stair from the second floor in the existing cottage, one 3046 at the top and an A21 at the bottom hallway. The ruku is tempered below 60" off the floor, answering the questions we had about that.

4. On the fixed glass overlooking the bar from the second floor, she is not convinced that we have a rating issue, and can understand that it is an attractive feature. She understands the glass would probably go away with a private rental. She will talk with Keith about his reactions. She asked what our procedure with the State Fire Marshal would be for permitting, and I relayed your last meeting results, Tod, with Keith which suggested we would not be required to make that application. She wondered how the ADA standards would be approved, and I described my meeting with them a year ago giving verbal approval of the layout developed with Dennis Pratt of Alpha One, only requesting the extra urinal in the men's room. She will follow up with Keith.

Let me know if you have any comments,

Lee

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OCT 18 2010
Dept. of Building Inspections
City of Portland Maine