

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

DEPT. OF BUILDING INSPECTION
 CITY OF PORTLAND, ME
 Permit No: 03-1232
 184 D015001

RECEIVED
 OCT 17 2003

Location of Construction: 496 Woodford St	Owner Name: Harborcity Properties Llc	Owner Address: 500 Woodford St	Phone: 207-775-1991
Business Name: n/a	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Change of Use - Commercial	Zone: B1

Past Use: Commercial / Office	Proposed Use: Change of Use; from office to restaurant ZBA Approved Conditional Use 10/02/03.	Permit Fee: \$105.00	Cost of Work: \$0.00	CEO District: 2
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A3 Type: JB 10/16/03	

Proposed Project Description:
Change of Use; from office to restaurant.

Signature: *[Handwritten Signature]* Signature: *[Handwritten Signature]*

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action: Approved Approved w/Conditions Denied

Signature: _____ Date: _____

Permit Taken By: gg	Date Applied For: 10/03/2003	Zoning Approval	
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<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. 	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>10/9/03</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date: <i>10/2/03</i>	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"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>[Signature]</i>
	<i>Special permits required for my new sign app</i>		

CERTIFICATION

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE	

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING DEPARTMENT PERMIT

Permit Number: 031232

This is to certify that Harborcity Properties Llc /n/
has permission to Change of Use; from office to restaurant
AT 496 Woodford St Call 184 D015001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of the State 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 when permission is procured before this building or part thereof is leased or occupied. **FOUR 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. *[Signature]*
Health Dept. _____
Appeal Board _____
Other _____
Department Name _____

[Signature] 10/16/03
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

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Proposed Use: Change of Use; from office to restaurant. ZBA Approved Conditional Use 10/02/03.	Proposed Project Description: Change of Use; from office to restaurant.
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Marge Schmuckal	Approval Date: 10/08/2003
Note: 10/02/2003 restaurant use was approved by the ZBA			Ok to Issue: <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> 1) All conditional use requirements as listed in the B-1 zone for restaurant uses shall be maintained during the operation of this restaurant. 2) Separate permits shall be required for any new signage. 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. 			

Dept: Building	Status: Approved with Conditions	Reviewer: Mike Nugent	Approval Date: 10/16/2003
Note:			Ok to Issue: <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> 1) The Local Exhaust System CANNOT be installed until such time as complete construction documents have been submitted and approved. 			

Dept: Fire	Status: Approved with Conditions	Reviewer: Lt. MacDougal	Approval Date: 10/14/2003
Note:			Ok to Issue: <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> 1) rear exit - clear path to public way 2) venting for hood per NFPA 96 3) extinguishers per NFPA 10 			

Comments:
10/14/2003-mjn: Need better scaled floor plan, local Exhaust plans, HVAC, Grease trap plans ,,,, better plans left message

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Permit No: 03-1232	Date Applied For: 10/03/2003	CBL: 184 D015001
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/08/2003

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Comments:

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Germani Construction Co.
Portland, Maine
Tel. 632-1526

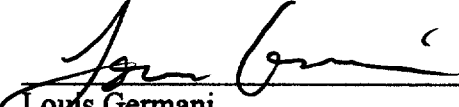
Re: Work Order for Rachels Restaurant at 496 Woodford Street, Portland

Frame out kitchen area and build seating area near window (as shown on attached plan), build framework in existing 6'x4' window opening to accommodate a gas burning fireplace (installation of gas appliance to be done by others), replace existing trim with birch molding, and install new sub flooring in 496A only.

Materials and Labor

\$6800.00

Owner to obtain building permit if necessary. Payment: one-half due before construction begins; one-half due upon completion.


Louis Germani

All Purpose 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.

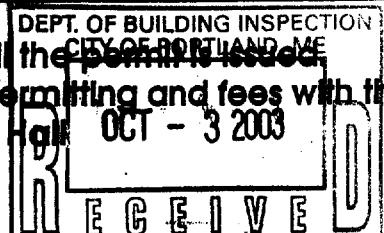
Location/Address of Construction: 496 WOODFORD ST		
Total Square Footage of Proposed Structure 889 SQ FT		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# 184 Block# D Lot# 015	Owner: HARBOR CITY REALTY	Telephone: 7751991
Lessee/Buyer's Name (If Applicable) LAURA + ROBERT BUTLER	Applicant name, address & telephone: LAURA BUTLER 6 WINSLOW PL. CAPE ELIZ. 767-2912	Cost Of Work: \$ _____ Fee: \$ 30.00 75.00 CAO
Current use: <u>office</u>		\$ 105.00
If the location is currently vacant, what was prior use: _____		
Approximately how long has it been vacant: _____		
Proposed use: <u>restaurant</u>		
Project description: ZBA approved Conditional Use on 10/2/03		
Contractor's name, address & telephone:		
Who should we contact when the permit is ready: _____		
Mailing address:		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE:		

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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

Signature of applicant: 	Date: OCT 3, 2003
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This is NOT a permit, you may not commence ANY work until the permit is issued.
If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall



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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/08/2003

Note: 10/02/2003 restaurant use was approved by the ZBA

Ok to Issue:

- 1) All conditional use requirements as listed in the B-1 zone for restaurant uses shall be maintained during the operation of this restaurant.
- 2) Separate permits shall be required for any new signage.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Pending **Reviewer:** **Approval Date:**
Note: **Ok to Issue:**

Dept: Fire **Status:** Pending **Reviewer:** **Approval Date:**
Note: **Ok to Issue:**

LEASE AGREEMENT

HARBORCITY PROPERTIES, LLC (Lessor), hereby leases to **Robert & Laura Butler, d/b/a Rachels** (Lessee), square footage as depicted in attached Exhibit A as "496A&B", with an address of **496 Woodford Street, Portland, Maine 04103**.

TERM: This lease shall be for a period from **November 1, 2003** through **October 31, 2004**.

RENT: The cost for the rented space shall be **\$1200** per month, payable in monthly installments of **\$1200** per month on the first day of every month. The first month's rent will be due and payable upon signing of this Lease. Rent in subsequent years is subject to change.

PREMISES: The Lessee shall maintain the premises in a clean and orderly manner, and shall deliver up the premises at the expiration or termination of the lease in good and tenantable condition, reasonable use and wear and tear excepted. At the end of this lease, Lessee agrees to remove all personal belongings and debris from the leased premises. Lessor will deduct from Lessee's security deposit the cost of cleaning or removing any items left behind at the end of this lease.

MAINTENANCE/ALTERATION/DAMAGES: Lessee shall be responsible for the cleaning, maintenance and repair of the leased premises. No alteration shall be made without Lessor's prior written consent. Any damage done to the leased premises by Lessee shall be paid for by Lessee. Repair of said damage shall be done in a timely fashion by insured workman approved by Lessor.

SIGNS: All signs and window treatments used by Lessee on the leased premises must be approved by the Lessor in writing prior to installation. No curtains or blinds shall be installed on the front windows without approval by Lessor.

EXPENSES: Lessee will pay for gas heat, electricity, water, telephone service, and other utilities necessary to run Lessee's business. Lessee will provide contents insurance for their own space and will present a binder for said insurance upon signing of this lease. In addition, if the nature of Lessee's business is such as to attract vandals, Lessee agrees to have a security system installed and maintained. All food-related garbage will be disposed of immediately in a sealed bag and deposited in the trash receptacle provided. No cardboard/boxes shall be placed in the trash bin; cardboard should be broken down and placed in the recycling box provided. (Recycling is also available at no charge at municipal recycling centers in Portland). Lessee agrees to keep the heat at 55 degrees or more during the winter months so the pipes do not freeze. Lessor shall pay for snow plowing, but Lessee shall be responsible for clearing snow from front door and

emergency exits to the leased premises. If snow removal from parking lot is necessary, the cost of removing the snow will be shared equally by all tenants.

INSPECTION: Upon advance notice, except for emergencies, Landlord may enter to examine the premises at reasonable times to make such repair and perform such maintenance as it deems necessary. Landlord will keep a key to the leased premises and, if Lessee changes the locks, Lessee will provide Lessor with a new key.

USE OF PREMISES: The premises are to be used solely for the business of a restaurant operating between the hours of 4 to 9 pm. Lessee shall not change the use of the premises without the prior written consent of Lessor. No pets (except seeing-eye dogs) are allowed at any time.

PARKING. Parking for 4 vehicles is allowed during business hours of 4:00 to 9:00 pm. The designated parking spaces for the leased space shall be the spaces directly in front of and/or closest to the leased premises. If Lessee's business generates a lot of customers, Lessee and Lessee's employees will park on the street and leave the spaces directly in front of their business for their customers so as not to infringe on the parking spaces of other tenants. After hours, parking for other vehicles will be available as needed, with consideration to the other business owners in the complex. Parking of large trucks and/or vans shall be prohibited, except for loading and unloading. No parking shall be allowed overnight during snowstorms so that the lot may be plowed. No parking is allowed in the loading zone.

ASSIGNMENT: Lessee shall not sublet the premises in whole or in part without the prior written consent of the Lessor.

TAXES: Lessee will be responsible for the personal property taxes applicable to the personal property of the Lessee.

INDEMNIFICATION: The Lessee agrees that it will indemnify, defend and hold harmless Lessor from any loss, damage, claim, suits, judgments, or liabilities which Lessor may incur or any costs or expenses, including reasonable attorney's fees, to which Lessor may be put, arising by reason of any injury or death to any persons or property or any claim on account thereof resulting from the Lessee's use of the leased premises.

BREACH: Lessee shall be in breach of this contract if Lessee has failed to pay the rent as noted above within seven (7) days of the due date. Upon receipt of written notice of delinquency, if Lessee shall fail to pay the rent or shall fail to keep or perform any of the covenants herein within thirty (30) days after written notice from Lessor, Lessor may declare a forfeiture, re-enter the leased premises, sue for rent, or resort to any other legal remedy. Lessee agrees to reimburse Lessor for any expenses occasioned by such breach including reasonable attorney's fees and other collection costs.

DEPOSIT: There shall be no security deposit. Lessee will arrange and pay for any and all work required for their restaurant business.

HARBORCITY PROPERTIES, LLC
502B WOODFORD STREET
PORTLAND, ME 04103
775-1991
FX 775.6451
e-mail: russo@maine.rr.com

City of Portland
Zoning Board of Appeals

Re: Application of Robert & Laura Butler for a
Restaurant at property located at 496 Woodford Street

Dear Board Members,

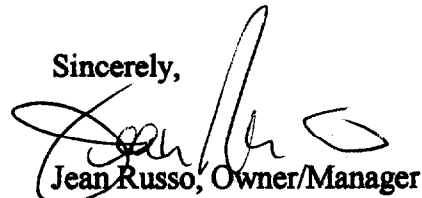
Pursuant to your application request, this letter will serve as my permission for the applicant to present my property at 496 Woodford Street for consideration of a restaurant as a conditional use in the B1 zone.

This restaurant will be a total of about 889 square feet, will be open from 4 to 9 pm, and will seat less than 30 people. There will be no fryolator, grill, or woodburning ovens. My building has 12 parking spots on site, and there is off-street parking as well. Most of my tenants vacate the property at 5:00 pm so parking should not be an issue. The other tenants in my building include my real estate business (HarborCity Realty), Beacon Mortgage, TJ Wilson Furniture Designs, and Market Dynamics food brokers. My property is abutted by Cumberland Farms on one side, and a 4 unit apartment house on the other side. Two of the rear abutters are Piscopo's Bakery and Cady & Co. hair salon. There is a dentist office and a law firm across the street.

I have known Bob and Laura Butler for the past several years and have found them to be excellent restaurant owners (and chefs!). I feel comfortable with them operating a restaurant in my building and believe that they will be a true asset to this neighborhood. As a long time resident of the Rosemont area, I can attest to the fact that a restaurant is sorely needed in this part of town. It would be nice to be able to take a stroll at night to an upscale restaurant, have a glass of wine or two, and not have to worry about driving home.

I hope you will grant this conditional use. Please feel free to contact me if you have any questions.

Sincerely,



Jean Russo, Owner/Manager
HarborCity Properties, LLC

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

Permit No: 03-1232	Date Applied For: 10/03/2003	CBL: 184 D015001
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Proposed Use: Change of Use; from office to restaurant. ZBA Approved Conditional Use 10/02/03.	Proposed Project Description: Change of Use; from office to restaurant.
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/08/2003**Note:** 10/02/2003 restaurant use was approved by the ZBA**Ok to Issue:**

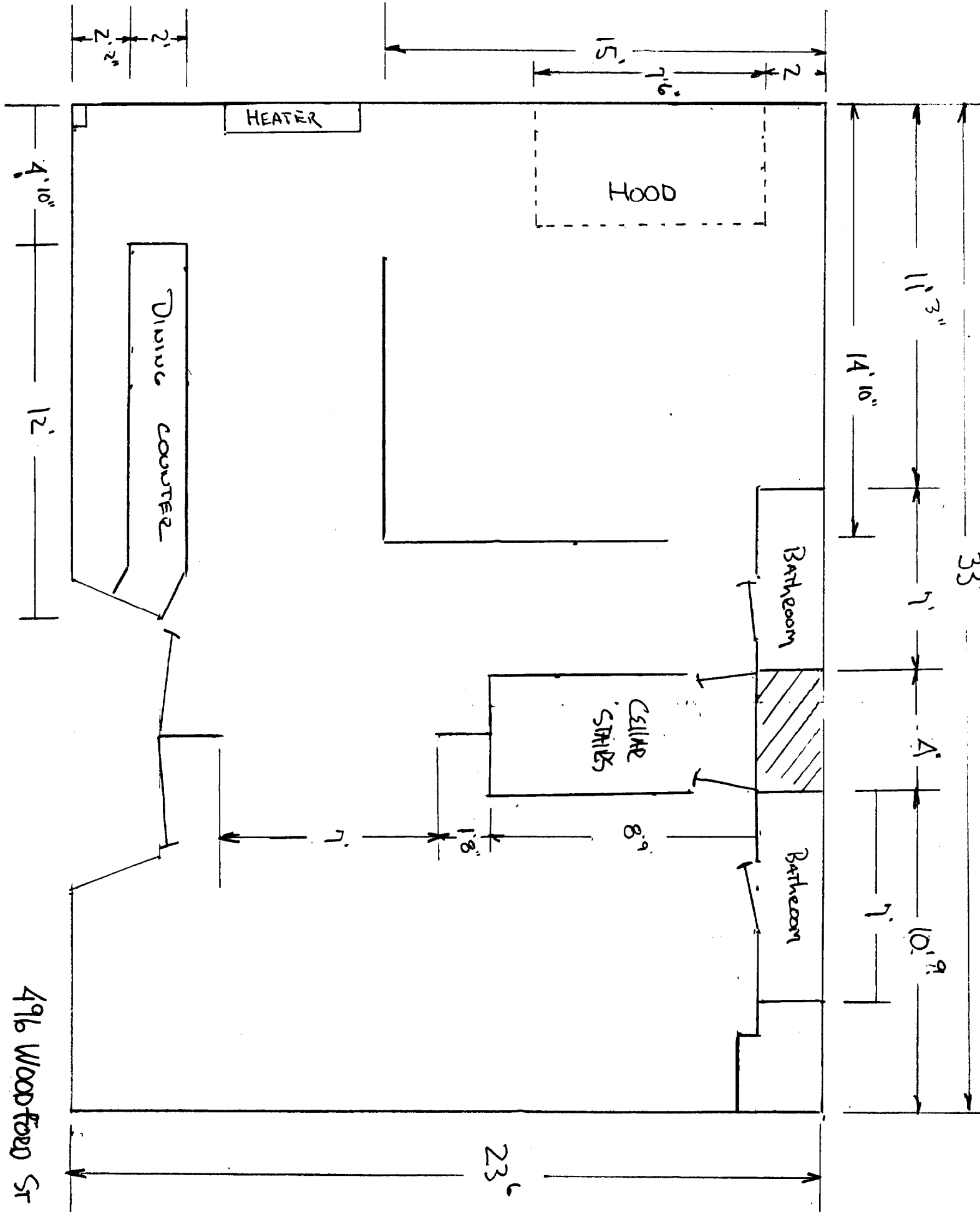
- 1) All conditional use requirements as listed in the B-1 zone for restaurant uses shall be maintained during the operation of this restaurant.
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Dept: Building **Status:** Pending **Reviewer:** Mike Nugent**Approval Date:****Note:****Ok to Issue:** **Dept:** Fire **Status:** Approved with Conditions **Reviewer:** Lt. MacDougal**Approval Date:** 10/14/2003**Note:****Ok to Issue:**

- 1) rear exit - clear path to public way
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- 3) extinguishers per NFPA 10

Comments:

10/14/2003-mjn: Need better scaled floor plan, local Exhaust pland, HVAC, Grease trap plans ..., better plans left message



4916 Woodford St

THIS NOT A BOUNDARY SURVEY

INSPECTION OF PREMISES

I HEREBY CERTIFY TO Drummond & Drummond KeyBank and its Title Insurer

496-502 Woodford Street
Portland, Maine

Job Number: 361-50
Inspection Date: 10-15-02
Scale: 1" = 30'

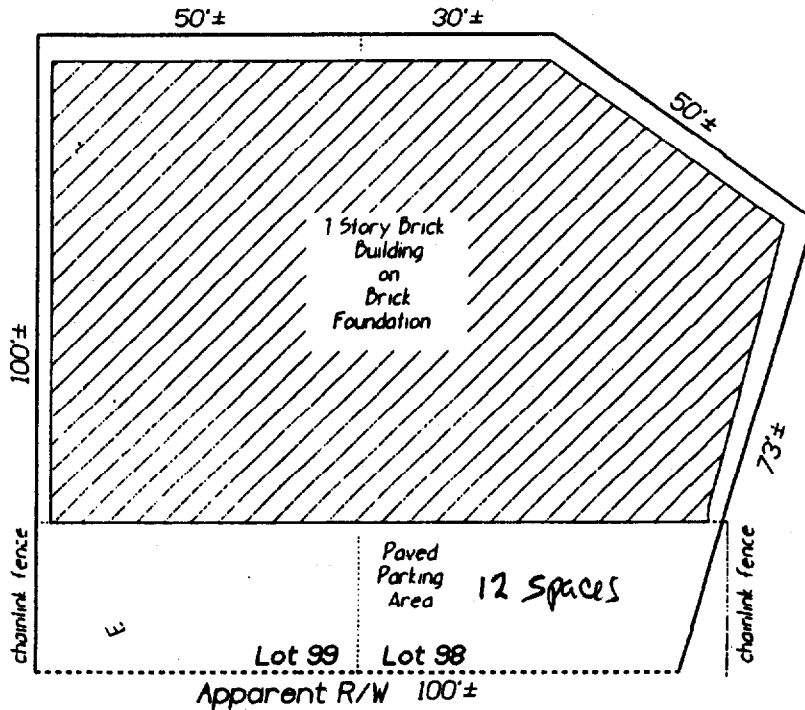
The monumentation is not in harmony with current deed description.

The building setbacks are not in conformity with town zoning requirements. Grandfathered

The dwelling does not appear to fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

The land does not appear to fall within the special flood hazard zone as indicated on community-panel # 2300510013B

BUYER: Harbor City Properties, LLC
SELLER: BJCF, LLC



Utility Pole o

Woodford Street
(bituminous)

Brighton Avenue

THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. THOSE THAT ARE EVIDENT ARE SHOWN.

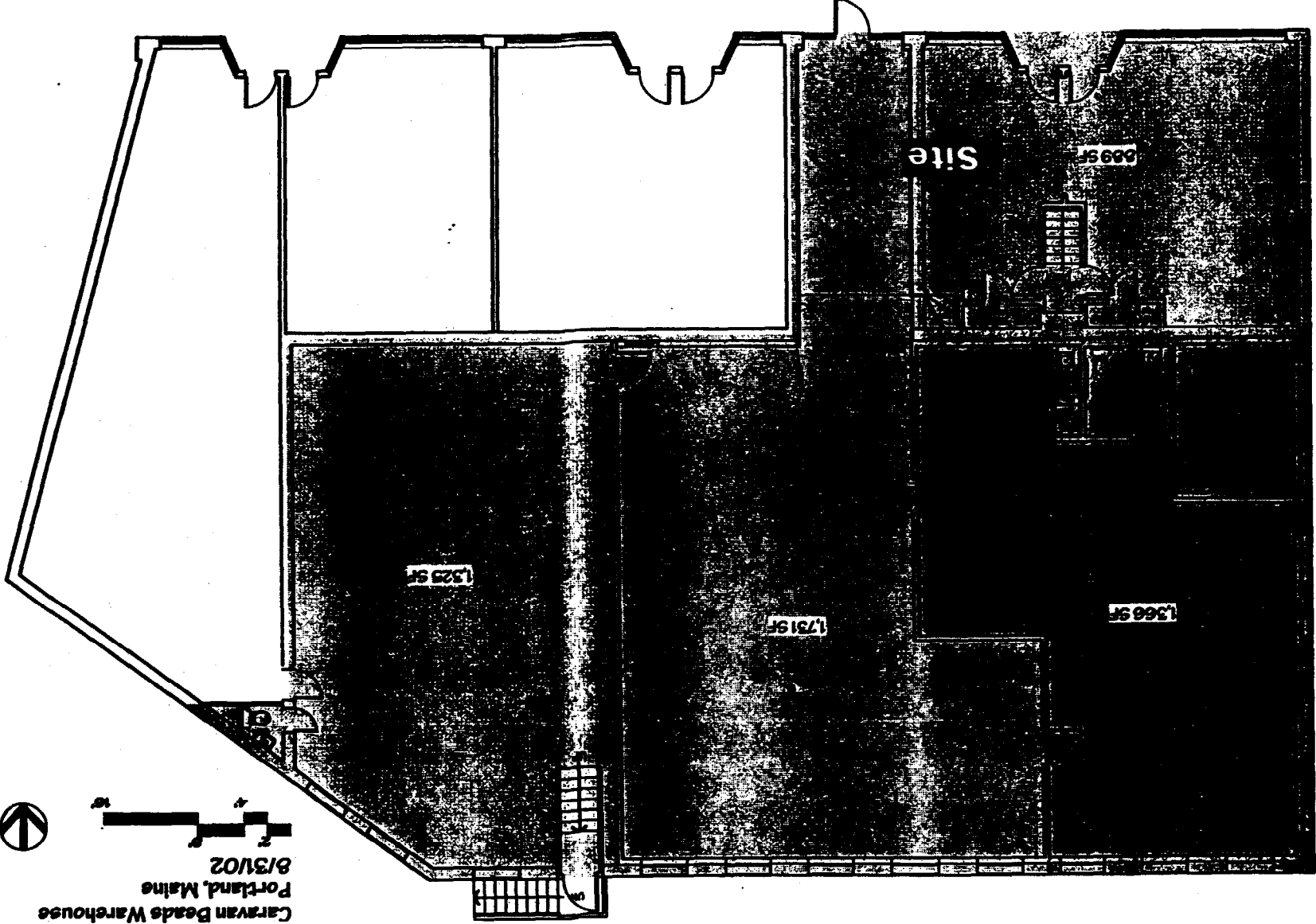
THIS PLAN MIGHT NOT REVEAL CONFLICTS WITH ABUTTING DEEDS.

BRUCE R. BOWMAN, INC.
P.O. Box 12 A
Cumberland, Maine 04021
Phone: (207) 829-3959
Fax: (207) 829-3522



PLAN BOOK 11 PAGE 123
DEED BOOK 14581 PAGE 26 LOT 98,99
COUNTY Cumberland

THIS PLAN IS NOT FOR RECORDING Drawn by: RBM



Caravan Beads Warehouse
Portland, Maine
8/3/02

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: October 6, 2003
RE: Action taken by the Zoning Board of Appeals on October 2, 2003.

The meeting was called to order at 7:05 p.m.

Roll call as follows:

Members present: Patric Santerre, Nan Sawyer, John Thompson, Jr., William Hall, Catherine Decker
Members Absent: Joseph Lewis

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, October 2nd, 2003 at 7:00 p.m. on the second floor in Room 209 on the 2nd Floor at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1: Unfinished Business:

A. Findings of Fact

98 Falmouth Street, University of Maine System, owner (Tax Map #114A-A-001 in the R-5 Zone). The Board will review prepared Findings of Facts for the Practical Difficulty Appeal of September 18, 2003, which was approved. The Board adopted the Findings of Fact as presented 4-0, Patric Santerre did not vote as he had recused himself due to a potential conflict

B. Miscellaneous Appeal

468 Forest Avenue, Old Dog LLC, d/b/a Blue Mango, tenant (Tax Map #116-A-003 in the B-2b Zone). Applicant is requesting relief from §14-334 of the City of Portland Zoning Ordinance, which states that required off-street parking in nonresidential zones shall be located either on the same lot with the principal building or within 100' measured along lines of public access. The Applicant is proposing to provide additional off-street parking for their business at 494 Forest Ave., (Tax Map #116-E-002) approximately 300' from their business. This is continued from the September 18, 2003, meeting. The Applicant faxed his withdrawal on September 26, 2003. The Board voted to accept the withdrawal without prejudice.

2: New Business:

A. Conditional Use Appeal

496 Woodford Street, Robert and Laura Butler, d/b/a Rachel's, tenant, (Tax Map #184-D-015, 016 in the B-1 Zone). The Applicants are requesting permission to operate a restaurant on the premises under §14-163 of the City of Portland Zoning Ordinance. The Board voted to grant the Appeal 5-0.

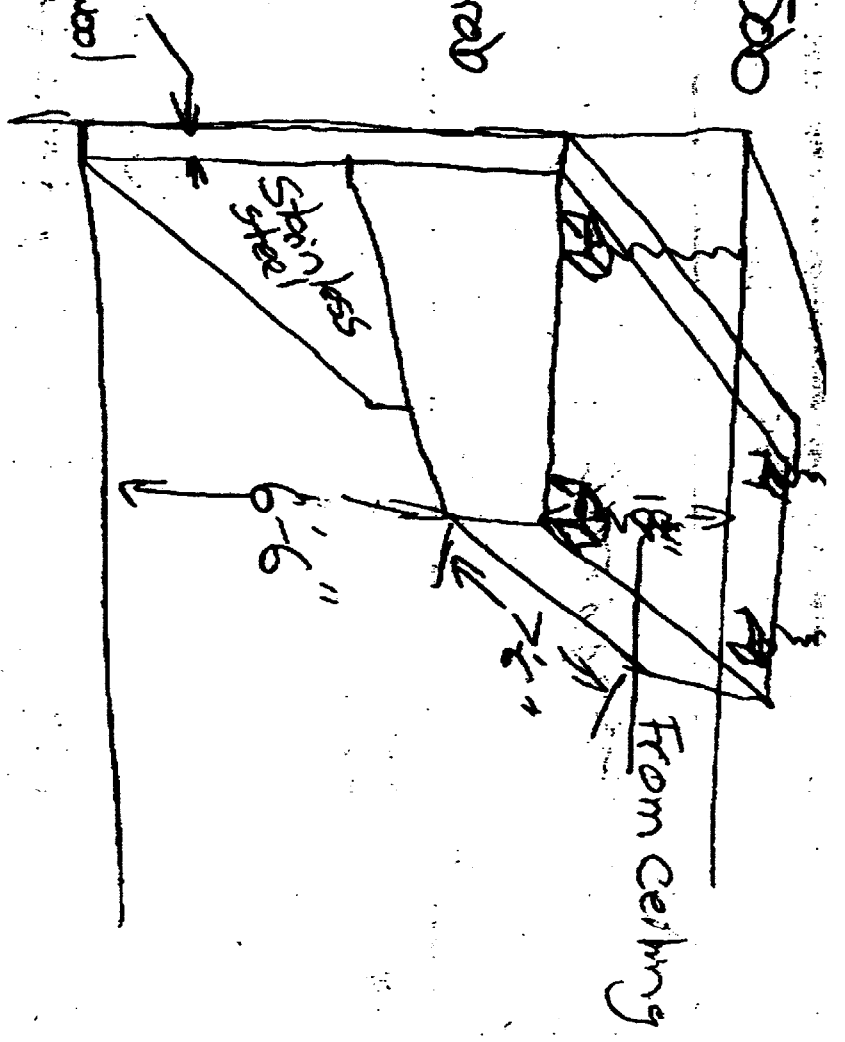
B. Reconsideration of 15-17 Grant St. Interpretation Appeal

15-17 Grant Street, (Tax Map #036-D-015 in the R-6 Zone). The City of Portland is requesting authorization to reconsider the Interpretation Appeal granted by the Zoning Board of Appeals at the September 4, 2003, meeting, Thomas Jewell representing Portside Properties, owner. The

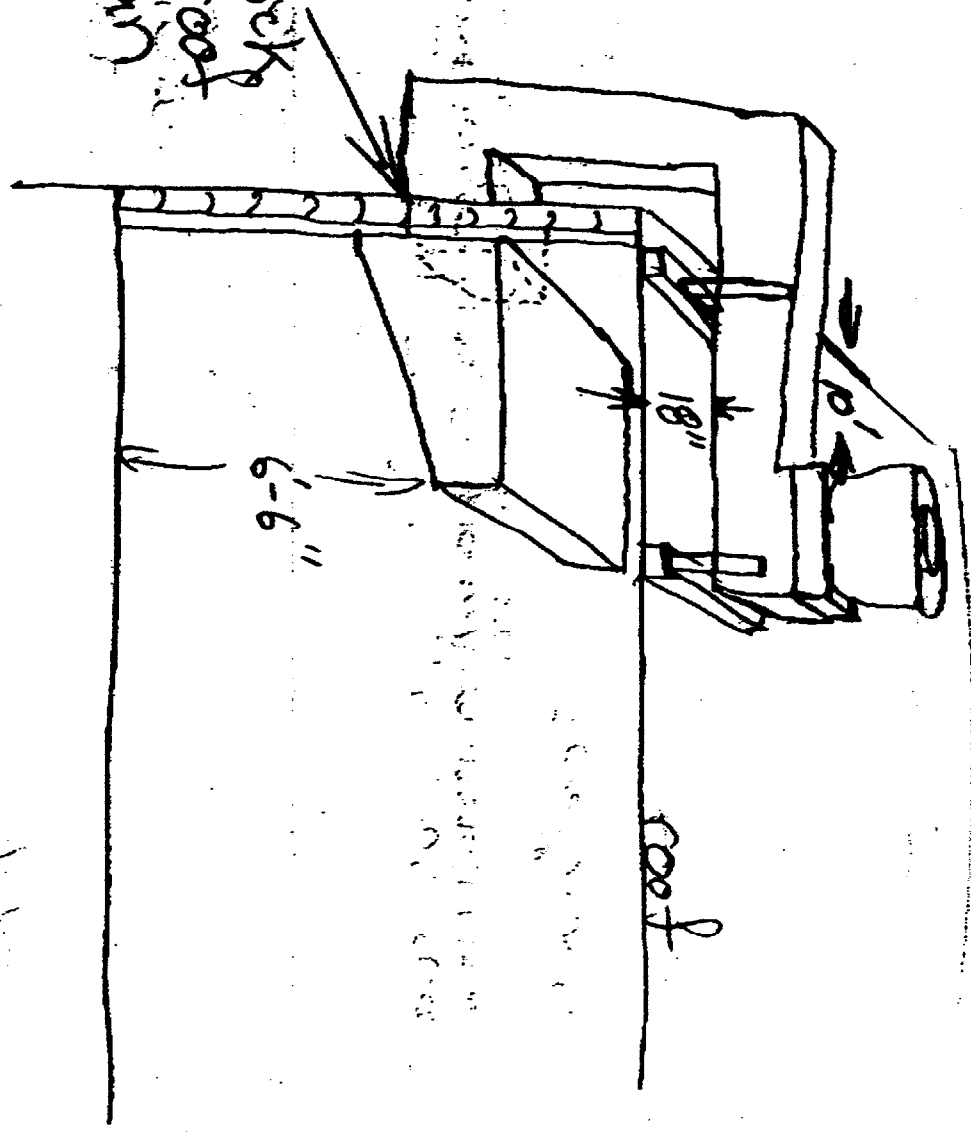
Woodford ST 500
ATT. Shelly

Fashion forward cab
Or 199

2" thick non wood
Insulation



vent out brick
wall onto roof
10' in on fan



Borgoin & Son LLC