

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND

BUILDING PERMIT

This is to certify that CAR SUM ME RIVER LLC.

Located At 191 RIVERSIDE ST

Job ID: 2012-08-4610-ALTCOMM

CBL: 268-A-002-001

has permission to Additon for Car Delivery area. Update ext showroom
provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be

Fire Prevention Officer

James Bouke 9/21/12
Code Enforcement Officer / Plan Reviewer

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

BUILDING PERMIT INSPECTION PROCEDURES

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

or email: buildinginspections@portlandmaine.gov

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**

Footings/Setbacks prior to pouring concrete

Foundation/Rebar

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

Final Inspection

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

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.



PORTLAND MAINE

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

Director of Planning and Urban Development
Jeff Levine

Job ID: 2012-08-4610-ALTCOMM

Located At: 191 RIVERSIDE ST

CBL: 268- A-002-001

Conditions of Approval:

Building

1. Application approval based upon information provided by the applicant or design professional. Any deviation from approved plans requires separate review and approval prior to work.
2. All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM E 814 or UL 1479, per IBC 2009 Section 713.
3. 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.
4. A final special inspection report shall be submitted prior to issuance of a certificate of occupancy. This report must demonstrate all deficiencies and corrective measures that were taken.

Fire

1. All construction shall comply with City Code Chapter 10.
2. This permit is being approved on the basis of the plans submitted. Any deviation from the plans would require amendments and approval.
3. Application may require State Fire Marshal approval.
4. Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.
5. Central Station monitoring for addressable fire alarm systems shall be by point.
6. Any Fire alarm or Sprinkler systems shall be reviewed by a licensed contractor(s) for code compliance. Compliance letters are required.
7. A separate Fire Alarm Permit is required. This review does not include approval of fire alarm system design or installation.
8. Fire Alarm system shall be maintained. If system is to be off line over 4 hours a fire watch shall be in place. Dispatch notification required 874-8576.
9. The fire alarm system shall comply with the City of Portland Fire Department Rules and Regulations. All fire alarm installation and servicing companies shall have a Certificate of Fitness from the Fire Department.
10. The sprinkler system shall be installed in accordance with NFPA 13.
11. A separate Suppression System Permit is required. This review does not include approval of sprinkler system design or installation.
12. Sprinkler supervision shall be provided in accordance with NFPA 101, Life Safety Code, and NFPA 72, National Fire Alarm and Signaling Code.
13. Sprinkler protection shall be maintained. Where the system is to be shut down for maintenance or repair, the system shall be checked at the end of each day to insure the system has been placed back in service.
14. The Fire Department will require Knox locking caps on all Fire Department Connections on the exterior of the building.

15. System acceptance and commissioning must be coordinated with alarm and suppression system contractors and the Fire Department. Call 874-8703 to schedule.
16. A Knox Box is required.
17. A firefighter Building Marking Sign is required.
18. Private fire mains and fire hydrants shall be maintained, tested and painted in accordance with Fire Department Regulations.
19. Fire extinguishers are required per NFPA 1.
20. All means of egress to remain accessible at all times.
21. No means of egress shall be affected by this renovation.
22. Emergency lights and exit signs are required. Emergency lights and exit signs are required to be labeled in relation to the panel and circuit and on the same circuit as the lighting for the area they serve.
23. Any cutting and welding done will require a Hot Work Permit from Fire Department.
24. Walls in structure are to be labeled according to fire resistance rating. IE; 1 hr. / 2 hr. / smoke proof.
25. A single source supplier should be used for all through penetrations.

Zoning

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. All previous conditions under permit #2012-03-3566 are still in force with the issuance of this permit.

City of Portland, Maine - Building or Use Permit Application

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

Job No: 2012-08-4610-ALTCOMM	Date Applied: 8/2/2012	CBL: 268- A-002-001	
Location of Construction: 191 RIVERSIDE ST	Owner Name: CAR SUM ME RIVER LLC	Owner Address: 8270 GREENSBORO DR STE 950 MCLEAN, VA 22102	Phone: 1-877-724-4712 Ron Redfern
Business Name: Berlin City Lexus / Toyota	Contractor Name: Allied Cood Constrution Corp. - JP Swartz	Contractor Address: 8 US ROUTE ONE SCARBOROUGH MAINE 04074	Phone: (207) 772-2888 415-0080 -JP
Lessee/Buyer's Name:	Phone:	Permit Type: BLDG	Zone: B-4
Past Use: Car Dealership and Repairs	Proposed Use: Same: Car Dealership and Repairs - Showroom addition - see previous permit #2012-03-3566	Cost of Work: \$736,000.00	CEO District:
		Fire Dept: 9/20/12 <input checked="" type="checkbox"/> Approved w/ conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Inspection: Use Group: B, S-1 Type: ZB, S-2 MUSEC '09 Signature: <i>[Signature]</i>
Proposed Project Description: Additon for Car Delivery area, Update ext showroom		Pedestrian Activities District (P.A.D.) <i>[Signature]</i> 9/7/12	
Permit Taken By: Lannie		Zoning Approval	

<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building Permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False informatin may invalidate a building permit and stop all work.</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland <i>N/A</i></p> <p><input type="checkbox"/> Wetlands <i>See previous permit #2012-03-3566</i></p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input checked="" type="checkbox"/> Site Plan <i>2012-472</i></p> <p><input checked="" type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM</p> <p>Date: <i>OK with conditions</i> <i>9/3/12</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><input checked="" type="checkbox"/> Not in Dist or Landmark</p> <p><input type="checkbox"/> Does not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: <i>[Signature]</i></p>
	CERTIFICATION		

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

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

Showroom Addition

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: 191 Riverside Street		
Total Square Footage of Proposed Structure/Area 1,910sf	Square Footage of Lot	Existing Building
Tax Assessor's Chart, Block & Lot Chart# 268 Block# A Lot# 2	Applicant * must be owner, Lessee or Buyer* Name Berlin City Automotive Address 255 Maine Mall Rd. City, State & Zip S. Portland, ME 04106	Telephone: 1-877-724-4712 Contact: Ron Redfern
Lessee/DBA (If Applicable) N/A	Owner (if different from Applicant) Name CAR SUM ME RIVER Address N/A City, State & Zip	Cost Of Work: \$ 735,072.00 Cost of O Fee: \$ Total Fee: \$ 7,380
Current legal use (i.e. single family) commercial use (Car Dealership) If vacant, what was the previous use? in conjunction with # 2012-03-3566		
Proposed Specific use: Car Dealership Showroom		
Is property part of a subdivision? No If yes, please name _____		
Project description: Showroom Addition allowing for an interior new car delivery area. Update existing elevation at the Toyota showroom area.		
Contractor's name: AlliedCook Construction Corp.		
Address: 8 US Route One		
City, State & Zip Scarborough, ME 04074		Telephone: (207) 772-2888
Who should we contact when the permit is ready: JP Schwartz (AlliedCook)		Telephone: (207) 415-0080
Mailing address: PO Box 1396, Portland, ME 04103		

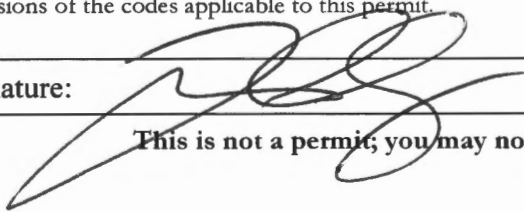
see for zoning info

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

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

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

RECEIVED
AUG 8 2 2012
City of Portland Inspections
Dept. of Building Inspection
City of Portland, Maine

Signature:  Date: **8/2/12**

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



Certificate of Design Application

From Designer: Nudell Architects
 Date: 03-21-2012
 Job Name: TSL Showroom Addition
 Address of Construction: 191 Riverside Street, Portland Maine

2009 ~~2003~~ International Building Code
 Construction project was designed to the building code criteria listed below:

Building Code & Year IBC 2009 Use Group Classification (s) B / S-1 / S-2
 Type of Construction 2B **2009 IBC**
 Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the ~~2003~~ IRC Yes
 Is the Structure mixed use? yes If yes, separated or non separated or non separated (section 302.3) Separated
 Supervisory alarm System? _____ Geotechnical/Soils report required? (See Section 1802.2) Refer to Specification

Structural Design Calculations

_____ Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use	Loads Shown
Office	50 PSF + 15 PSF

Wind loads (1603.1.4, 1609)

_____ Design option utilized (1609.1.1, 1609.6)
100 mph Basic wind speed (1809.3)
1 Building category and wind importance Factor, w
table 1604.5, 1609.5)
B Wind exposure category (1609.4)
+/- 0.18 Internal pressure coefficient (ASCE 7)
05 Component and cladding pressures (1609.1.1, 1609.6.2.2)
 _____ Main force wind pressures (7603.1.1, 1609.6.2.1)

Earth design data (1603.1.5, 1614-1623)

_____ Design option utilized (1614.1)
1 Seismic use group ("Category")
0.487, 0.182 Spectral response coefficients, S_D & S_{D1} (1615.1)
E Site class (1615.1.5)

N/A Live load reduction
N/A Roof *live* loads (1603.1.2, 1607.11)
46.2 PSF Roof snow loads (1603.7.3, 1608)
60 PSF Ground snow load, P_g (1608.2)
46.2 PSF If $P_g > 10$ psf, flat-roof snow load P_f
1.0 If $P_g > 10$ psf, snow exposure factor, C_e
1.0 If $P_g > 10$ psf, snow load importance factor, I_s
1.1 Roof thermal factor, C_t (1608.4)
N/A Sloped roof snowload, P_s (1608.4)
C Seismic design category (1616.3)
See Note 1 Basic seismic force resisting system (1617.6.2)
3.3 Response modification coefficient, R , and
 EQUIVALENT deflection amplification factor, C_d (1617.6.2)
LATERAL FORCE Analysis procedure (1616.6, 1617.5)
0.16W Design base shear (1617.4, 1617.5.1)

Flood loads (1803.1.6, 1612)

_____ Flood Hazard area (1612.3)
 _____ Elevation of structure

Other loads

_____ Concentrated loads (1607.4)
 _____ Partition loads (1607.5)
 _____ Misc. loads (Table 1607.8, 1607.6.1, 1607.7,
 1607.12, 1607.13, 1610, 1611, 2404)

Note 1: ordinary concentrically braced frames & moment frames, structural steel system not specifically detailed for seismic resistance (R=3)



New Commercial Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

One (1) complete Set of construction drawings must include:

Note: Construction documents for costs in excess of \$50,000.00 must be prepared by a Design Professional and bear their seal.

- Cross sections w/framing details
- Detail of any new walls or permanent partitions
- Floor plans and elevations
- Window and door schedules
- Foundation plans with rebar specifications and required drainage and damp proofing (if applicable)
- Detail egress requirements and fire separations
- Insulation R-factors of walls, ceilings, floors and U-factors of windows as per the IECC 2003
- Complete the Accessibility Certificate and The Certificate of Design
- A statement of special inspections as required per the IBC 2003
- Complete electrical and plumbing layout.
- Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review.
- Reduced plans or electronic files in PDF format are required if originals are larger than 11" x 17".
- Per State Fire Marshall, all new bathrooms must be ADA compliant.

Separate permits are required for internal & external plumbing, HVAC and electrical installations.

~~Nine (9) copies of the minor (< 10,000 sf) or major (> 10,000 sf) site plan application is required that includes:~~

- A stamped boundary survey to scale showing north arrow, zoning district and setbacks to a scale of $\geq 1" = 20'$ on paper $\geq 11" \times 17"$
- The shape and dimension of the lot, footprint of the proposed structure and the distance from the actual property lines. Photocopies of the plat or hand draw footprints not to scale will not be accepted.
- Location and dimensions of parking areas and driveways, street spaces and building frontage
- Finish floor or sill elevation (based on mean sea level datum)
- Location and size of both existing utilities in the street and the proposed utilities serving the building
- Existing and proposed grade contours
- Silt fence (erosion control) locations

Fire Department requirements.

The following shall be submitted on a separate sheet:

- Name, address and phone number of applicant **and** the project architect.
- Proposed use of structure (NFPA and IBC classification)
- Square footage of proposed structure (total and per story)
- Existing and proposed fire protection of structure.
- Separate plans shall be submitted for
 - a) Suppression system
 - b) Detection System (separate permit is required)
- A separate Life Safety Plan must include:
 - a) Fire resistance ratings of all means of egress
 - b) Travel distance from most remote point to exit discharge
 - c) Location of any required fire extinguishers
 - d) Location of emergency lighting
 - e) Location of exit signs
 - f) NFPA 101 code summary
- Elevators shall be sized to fit an 80" x 24" stretcher.

For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405.

Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

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.

Permit Fee: \$30.00 for the first \$1000.00 construction cost, \$10.00 per additional \$1000.00 cost

This is not a Permit; you may not commence any work until the Permit is issued.



Certificate of Design

Date: 3/21/2012

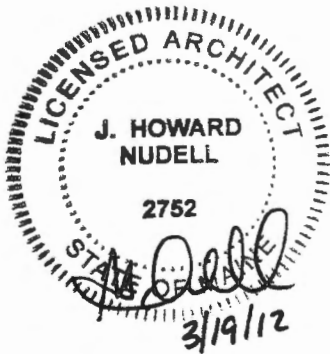
From: Nudell Architects

These plans and / or specifications covering construction work on:

TSL Building Showroom addition and renovation

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

2009 International Building Code



Signature: _____

Title: President

Firm: Nudell Architects

Address: 31690 W Twelve Mile Road

Farmington Hills, Mi 48334

Phone: 248-324-8800

Project contact: Jason Fochtman

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



Envelope Compliance Certificate

90.1 (2007) Standard

Section 1: Project Information

Project Type: **Addition**

Project Title : TSL Showroom Addition

Construction Site:

191 Riverside Street
Portland, ME 04106

Owner/Agent:

Ron Redfern
Berlin City Automotive
255 Main Mall Road
Portland , ME 04106

Designer/Contractor:

Jason Fochtman
Nudell Architects
31690 W. Twelve Mile Road
Farmington Hills, MI 48334
248-324-8800
jfochtman@jhn.com

Section 2: General Information

Building Location (for weather data):

Portland, Maine

Climate Zone:

6a

Building Type for Envelope Requirements:

Non-Residential

Vertical Glazing / Wall Area Pct.:

46%**Activity Type(s)****Floor Area**

New Car Delivery (Retail:Sales Area)

1910

Section 3: Requirements Checklist

Envelope PASSES: Design 12% better than code.**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: Insulation Entirely Above Deck	1910	---	32.0	0.031	0.048
Floor 1: Slab-On-Grade:Unheated, Horizontal with vertical >= 4 ft.	84	---	10.2	---	---
Exterior Wall 1: Steel-Framed, 16" o.c.	1205	19.0	0.0	0.110	0.064
Window 1: Metal Frame with Thermal Break:Double Pane with Low-E, Clear, SHGC 0.62, PF 0.21	276	---	---	0.350	0.550
Window 2: Metal Frame with Thermal Break:Double Pane with Low-E, Clear, SHGC 0.62, PF 0.21	276	---	---	0.350	0.550
Exterior Wall 2: Steel-Framed, 16" o.c.	1441	19.0	0.0	0.110	0.064
Window 3: Metal Frame with Thermal Break:Double Pane with Low-E, Clear, SHGC 0.62, PF 0.21	336	---	---	0.350	0.550
Window 4: Metal Frame with Thermal Break:Double Pane with Low-E, Clear, SHGC 0.62, PF 0.21	336	---	---	0.350	0.550

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

Insulation:

- 1. Open-blown or poured loose-fill insulation has not been used in attic roof spaces with ceiling slope greater than 3 in 12.
- 2. Wherever vents occur, they are baffled to deflect incoming air above the insulation.
- 3. Recessed lights, equipment and ducts are not affecting insulation thickness.
- 4. No roof insulation is installed on a suspended ceiling with removable ceiling panels.
- 5. All exterior insulation is covered with protective material.

6. Cargo and loading dock doors are equipped with weather seals.

Fenestration and Doors:

7. Windows and skylights are labeled and certified by the manufacturer for U-factor and SHGC.
8. Fixed windows and skylights unlabeled by the manufacturer have been labeled using the default U-factor and SHGC.
9. Other unlabeled vertical fenestration, operable and fixed, that are unlabeled by the manufacturer have been site labeled using the default U-factor and SHGC. No credit has been given for metal frames with thermal breaks, low-emissivity coatings, gas fillings, or insulating spacers.

Air Leakage and Component Certification:

10. All joints and penetrations are caulked, gasketed, weather-stripped, or otherwise sealed.
11. Windows, doors, and skylights certified as meeting leakage requirements.
12. Component R-values & U-factors labeled as certified.
13. 'Other' components have supporting documentation for proposed U-Factors.
14. Building entrances that separate conditioned space from the exterior have an enclosed vestibule with all doors equipped with self-closing devices. Interior and exterior doors in the closed position are no less than 7 ft apart. Conditioned vestibules comply with the requirements for a conditioned space. Unconditioned vestibules comply with the requirements of a semiheated space.

Exceptions:

- Building entrances with revolving doors.
- Doors not intended to be used as a building entrance.
- Doors opening directly from a dwelling unit.
- Doors that open directly from a space less than 3000 sq. ft. in area and is separate from the building entrance.

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 90.1 (2007) Standard requirements in COMcheck Version 3.9.0 and to comply with the mandatory requirements in the Requirements Checklist.

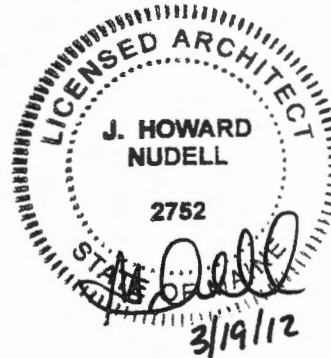
HOWARD NUDELL

Name - Title

Sig

3/19/2012

Date



CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Timothy Dean
Bill Hall
Joe Lewis
David Silk
Patrick Venne

May 14th, 2012

Christopher Ward
Berlin City of Portland
191 Riverside Street
Portland, ME 04103

Jim Seymour, P.E.
Sebago Technics
One Chabot Street
P.O. Box 1339
Westbrook, Maine 04098

Project Name: **Berlin City Toyota Expansion**
Address: 191 Riverside Street
Project ID: 2012-472; CBL: 268-A-2
Applicant: Berlin City of Portland, Inc.

Dear Mr Ward:

On May 8th, 2012, the Planning Board considered the Level III Site Plan application to expand the Toyota showroom at the front of the existing building by 1,910 sq ft and add a service area building of 11,792 sq ft to the rear of the existing building. The Planning Board reviewed the proposal for conformance with the Site Plan standards.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 20 -12 for the Berlin City Toyota Expansion at 191 Riverside Street, application 2012-472 relevant to the Site Plan review, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 5-0 (Lewis and Silk absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

1. The Planning Board voted 5-0 (Lewis and Silk absent) to waive the Technical Standard, Section 1.14 to increase the parking space dimensions to 9' X 19' in some locations as shown on the approved plan; and
2. The Planning Board voted 5-0 (Lewis and Silk absent) to waive the Technical Standard, Section 1.7.1.4 to increase the parking aisle width to 26 feet in view of the large truck carrier movements into and out of this site.

SITE PLAN REVIEW

The Planning Board voted 5-0 (Lewis and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. That snow storage areas shall be shown on the final plans for review and approval by the Planning Authority and the Department of Public Services prior to the issuance of a building permit; and
2. All signage (both free standing and wall mounted), whether included in the approved plan set or not, shall be subject to separate sign permits and approvals.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit, a pre-construction meeting shall be held at the project site. This meeting will be held 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 Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.

7. **Department of Public Services Permits** 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.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 (207) 874- 8728.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Hearing Report #20-12
2. Portland City Code: Chapter 32
3. Performance Guarantee Packet

Electronic Distribution:

cc: Greg Mitchell, Interim Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter Fil

Project: Berlin City TSL Showroom and Service Bay Additions, Portland, Maine
Date Prepared: March 26, 2012

Structural Statement of Special Inspections – Exhibit A

Project: *Berlin City TSL Showroom and Service Bay Additions*

Location: *Portland, Maine*

Owner: *Summit Automotive Partners*

This *Statement of Special Inspections* encompass the following discipline: **Structural**

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 Structural Special Inspection Coordinator (SSIC) and the identity of other approved agencies to be retained for conducting these inspections and tests.

The Structural Special Inspection Coordinator shall keep records of all Structural inspections and shall furnish inspection reports to the Building Code Official (BCO) and the Structural Registered Design Professional in Responsible Charge (SRDP). 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 Structural 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 Structural Registered Design Professional in Responsible Charge at an interval determined by the SSIC and the BCO.

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 to the BCO 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: Upon request of Building Official _____ or per attached schedule.

Prepared by:

James C Fortin, P.E.

(type or print name of the Structural Registered Design Professional in Responsible Charge)


Signature

3/26/12
Date



Owner's Authorization:

Building Code Official's Acceptance:

Signature

Date

Signature

Date

PDFV

Project: Berlin City TSL Showroom and Service Bay Additions, Portland, Maine
 Date Prepared: March 26, 2012

Structural Statement of Special Inspections (Continued) – Exhibit A

List of Agents

Project: Berlin City TSL Showroom and Service Bay Additions

Location: Portland, Maine

Owner: Summit Automotive Partners

This Statement of Special Inspections encompass the following discipline: Structural

(Note: Statement of Special Inspections for other disciplines may be included under a separate cover)

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

- Soils and Foundations
- Cast-in-Place Concrete
- Precast Concrete System
- Masonry Systems
- Structural Steel
- Wood Construction
- Special Cases

Special Inspection Agencies	Firm	Address, Telephone, e-mail
1. STRUCTURAL Special Inspections Coordinator (SSIC)	James C. Fortin, P.E. Becker Structural Engineers	75 York Street Portland, Maine 04101 (207) 879-1838 jim@beckerstructural.com
2. Special Inspector (SI-1)	James C. Fortin, P.E. Becker Structural Engineers	75 York Street Portland, Maine 04101 (207) 879-1838 jim@beckerstructural.com
3. Special Inspector (SI-2)	TBD by Owner	
4. Testing Agency (TA-1)	TBD by Owner	
5. Testing Agency (TA-2)		
6. Other (O1)		

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.

Project: Berlin City TSL Showroom and Service Bay Additions, Portland, Maine
Date Prepared: March 26, 2012

Structural Statement of Special Inspections (Continued) – Exhibit A

Final Report of Special Inspections (SSIC/SI 1)

[To be completed by the Structural Special Inspections Coordinator (SSIC/SI 1). Note that all Agent's Final Reports must be received prior to issuance.]

Project: *Berlin City TSL Showroom and Service Bay Additions*

Location: *Portland, Maine*

Owner: *Summit Automotive Partners*

Owner's Address: *130301 East Arapahoe Road, Suite 200
Centennial, CO 80112*

Architect of Record: *Barbara Derbis*
(name)

Nudell Architects
(firm)

Structural Registered Design

Professional in Responsible Charge: *James C Fortin, P.E.*
(name)

Becker Structural Engineers, Inc.
(firm)

To the best of my information, knowledge and belief, the Special Inspections required for this project, and itemized in the *Statement of Special Inspections* submitted for permit, have been performed and all discovered discrepancies have been reported and resolved.

Interim reports submitted prior to this final report form a basis for and are to be considered an integral part of this final report.

Respectfully submitted,
Structural Special Inspection Coordinator

(Type or print name)

(Firm Name)

Signature

Date

Licensed Professional Seal

Project: Berlin City TSL Showroom and Service Bay Additions, Portland, Maine
Date Prepared: March 26, 2012

Structural Statement of Special Inspections (Continued) – Exhibit A
Special Inspector's/Agent's Final Report

Project: *Berlin City TSL Showroom and Service Bay Additions*

Special Inspector or

Agent:

(name)

(firm)

Designation:

To the best of my information, knowledge and belief, the Special Inspections or testing required for this project, and designated for this Inspector/Agent in the *Statement of Special Inspections* submitted for permit, have been performed and all discovered discrepancies have been reported and resolved.

Interim reports submitted prior to this final report form a basis for and are to be considered an integral part of this final report.

Respectfully submitted,
Special Inspector or Agent:

(Type or print name)

Signature

Date

*Licensed Professional Seal or
Certification Number*

Structural Schedule of Special Inspections – Exhibit B

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 to the Special Inspector for their records. *NOTE VERIFICATION THAT QUALIFIED INDIVIDUALS ARE AVAILABLE TO PERFORM STIPULATED TESTING AND/OR INSPECTION SHOULD BE PROVIDED PRIOR TO SUBMITTING STATEMENT. AGENT QUALIFICATIONS IN SCHEDULE ARE SUGGESTIONS ONLY; FINAL QUALIFICATIONS ARE SUBJECT TO THE DISCRETION OF THE REGISTERED DESIGN PROFESSIONAL PREPARING THE SCHEDULE.*

Key for Minimum Qualifications of Inspection Agents:

When the Registered Design Professional in Responsible Charge or Special Inspector of Record deems it appropriate that the individual performing a stipulated test or inspection have a specific certification, license or experience as indicated below, such requirement shall be listed below and shall be clearly identified within the schedule under the Agent Qualification Designation.

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

Experienced Testing Technician

ETT	Experienced Testing Technician – An Experienced Testing Technician with a minimum 5 years experience with the stipulated test or inspection
-----	---

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

Other

Structural Schedule of Special Inspections – Exhibit B
SOILS & FOUNDATION CONSTRUCTION

VERIFICATION AND INSPECTION	Y/N	EXTENT: CONTINUOUS, PERIODIC, SUBMITTAL, OR NONE	COMMENTS	AGENT	AGENT QUALIFICATION	TASK COMPLETED
IBC Section 1704.7, 1704.8, 1704.9						
1. Verify existing soil conditions, fill placement and load bearing requirements						
a. Prior to placement of prepared fill, determine that the site has been prepared in accordance with the approved soils report.	Y	P	IBC 1704.7.1	SI-2	PE/GE	
b. During placement and compaction of fill material, verify material being used and maximum lift thickness comply with the approved soils report.	Y	P	IBC 1704.7.2	SI-2	PE/GE	
c. Test in-place dry density of compacted fill complies with the approved soils report.	Y	P	IBC 1704.7.2	TA-1	PE/GE, EIT or ETT	
2. Pile foundations:						
a. Observe and record procedures for static load testing of piles.	N					
b. Observe and record procedures for dynamic load testing of piles.	N					
c. Record installation of each pile and results of load test. Include cutoff and tip elevations of each pile relative to permanent reference.	N					
d. Test welded splices of steel piles	N					
3. Pier foundations: Verify installation of pier foundations for buildings assigned to Seismic Design Category C, D, E or F.	N					
a. Verify pier diameter and length	N					
b. Verify pier embedment (socket) into bedrock	N					
c. Verify suitability of end bearing strata	N					

Structural Schedule of Special Inspections – Exhibit B
CONCRETE CONSTRUCTION

VERIFICATION AND INSPECTION IBC Section 1704.4	Y/N	EXTENT: CONTINUOUS, PERIODIC, SUBMITTAL, OR NONE	COMMENTS	AGENT	AGENT QUALIFICATION	TASK COMPLETED
1. Inspection of reinforcing steel, including prestressing tendons, and placement	Y	C	ACI 318: 3.5, 7.1-7.7	SI-1	PE, EIT, ACI-CCI or ICC-RCSI	
2. Inspection of reinforcing steel welding in accordance with Table 1704.3, Item 5B	N		Welding of Reinf Not Allowed	-	AWS-CWI	
3. Inspect bolts to be installed in concrete prior to and during placement of concrete where allowable loads have been increased	Y	C	IBC 1912.5	SI-1	PE, EIT, ACI-CCI or ICC-RCSI	
4. Verifying use of required design mix	Y	P	ACI 318: Ch 4, 5.2-5.4	TA-1	ACI-CFTT or ACI-STT	
5. At time fresh concrete is sampled to fabricate specimens for strength test, perform slump and air content test and temperature	Y	C	ASTM C 172 ASTM C 31 ACI 318: 5.6, 5.8	TA-1	ACI-CFTT or ACI-STT	
6. Inspection of concrete and shotcrete placement for proper application techniques	Y	C	ACI 318: 5.9, 5.10	TA-1	PE, EIT, ACI-CCI or ICC-RCSI	
7. Inspection for maintenance of specified curing temperature and techniques	Y	P	ACI 318: 5.11-5.13	TA-1	PE, EIT, ACI-CCI or ICC-RCSI	
8. Inspection of Prestressed Concrete						
a. Application of prestressing force.	N					
b. Grouting of bonded prestressing tendons in seismic force resisting system	N					
9. Erection of precast concrete members	N					
10. Verification of in-situ concrete strength, prior to stressing of tendons in post-tensioned concrete and prior to removal of shores and forms beams and structural slabs	N					

Structural Schedule of Special Inspections – Exhibit B - STEEL CONSTRUCTION

VERIFICATION AND INSPECTION	Y/N	EXTENT: CONTINUOUS, PERIODIC, SUBMITTAL, OR NONE	COMMENTS	AGENT	AGENT QUALIFICATION	TASK COMPLETED
IBC Section 1704.3						
1. Material verification of high-strength bolts, nuts and washers:						
a. Identification markings to conform to ASTM standards specified in the approved construction documents.	Y	P	Applicable ASTM material specifications; AISC 335, Section A3.4; AISC LRFD, Section A3.3	TA-1	AWS/AISC-SSI	
b. Manufacturer's certificate of compliance required.	Y	S		SI-1	PE/SE or EIT	
2. Inspection of high-strength bolting						
a. Bearing-type connections.	Y	P	AISC LRFD Section M2.5	TA-1	AWS/AISC-SSI	
b. Slip-critical connections.	Y	C	IBC Sect 1704.3.3	TA-1	AWS/AISC-SSI	
3. Material verification of structural steel (IBC Sect 1708.4):						
a. Identification markings to conform to ASTM standards specified in the approved construction documents.	Y	P	ASTM A 6 or ASTM A 568 IBC Sect 1708.4	TA-1	AWS/AISC-SSI	
b. Manufacturers' certified mill test reports.	Y	S	ASTM A 6 or ASTM A 568 IBC Sect 1708.4	SI-1	PE/SE or EIT	
4. Material verification of weld filler materials:						
a. Identification markings to conform to AWS specification in the approved construction documents.	Y	P	AISC, ASD, Section A3.6; AISC LRFD, Section A3.5	TA-1	AWS-CWI	
b. Manufacturer's certificate of compliance required.	Y	S		SI-1	PE/SE or EIT	
5. Submit current AWS D1.1 welder certificate for all field welders who will be welding on this project.	Y	S	AWS D1.1	SI-1	PE/SE or EIT	
6. Inspection of welding (IBC 1704.3.1):						
Structural steel:						
1) Complete and partial penetration groove welds. NOTE: For extent marked "C", Agent must be present to observe full welding process	Y	C	AWS D1.1	TA-1	AWS-CWI	
2) Multipass fillet welds.	Y	C		TA-1	AWS-CWI	
3) Single-pass fillet welds > 5/16"	Y	C		TA-1	AWS-CWI	
4) Single-pass fillet welds < 5/16"	Y	P		TA-1	AWS-CWI	
5) Floor and deck welds.	Y	P	AWS D1.3	TA-1	AWS-CWI	
b. Reinforcing steel (IBC Sect 1903.5.2):						
1) Verification of weldability of reinforcing steel other than ASTM A706.	N					
2) Reinforcing steel-resisting flexural and axial forces in intermediate and special moment frames, and boundary elements of special reinforced concrete shear walls and shear reinforcement.	N					
3) Shear reinforcement.	N					
4) Other reinforcing steel.	N					
7. Inspection of steel frame joint details for compliance (IBC Sect 1704.3.2) with approved construction documents:						
a. Details such as bracing and stiffening.	Y	P		SI-1	PE/SE or EIT	
b. Member locations.	Y	P		SI-1	PE/SE or EIT	
c. Application of joint details at each connection.	Y	P		SI-1	PE/SE or EIT	

Structural Schedule of Special Inspection Services – Exhibit B
FABRICATION AND IMPLEMENTATION PROCEDURES – STRUCTURAL STEEL

VERIFICATION AND INSPECTION ~ IBC Section 1704.2	Y/N	EXTENT: CONTINUOUS, PERIODIC, SUBMITTAL, OR NONE	COMMENTS	AGENT	AGENT QUALIFICATION	TASK COMPLETED
1. Fabrications Procedures: Review of fabricator's written procedural and quality control manuals and periodic auditing of fabrication practices by an approved special inspection agency. At the completion of fabrication, the approved fabricator shall submit a certificate of compliance to the building code official stating that the work was performed in accordance with the approved construction documents. -OR- 2. AISC Certification	Y	S	Fabricator shall submit one of the two qualifications	SI-1	PE/SE or EIT	
3. At completion of fabrication, the approved fabricator shall submit a certificate of compliance to the building code official stating that the work was performed in accordance with the approved construction documents.	Y	S	IBC 1704.2.2	SI-1	PE/SE or EIT	

Structural Schedule of Special Inspections – Exhibit C
SEISMIC RESISTANCE - STRUCTURAL

VERIFICATION AND INSPECTION	Y/N	EXTENT: CONTINUOUS, PERIODIC, SUBMITTAL, OR NONE	COMMENTS	AGENT	AGENT QUALIFICATION	TASK COMPLETED
IBC Section 1707						
1. Special inspections for seismic resistance. Special inspection as specified in this section is required for the following:			Seismic Design Category: C R=3			
a. The seismic-force-resisting systems in structures assigned to Seismic Design Category C, D, E or F	N					
2. Structural steel: Continuous special inspection for structural welding in accordance with AISC 341. Note: Agent must be present to observe certain welding process.	N					
3. Structural wood:						
a. Continuous special inspection during field gluing operations of elements of the seismic-force-resisting system.	N					
b. Periodic special inspections for nailing, bolting, anchoring and other fastening of components within the seismic-force-resisting system, including drag struts, braces and hold-downs	N					
4. Cold-formed steel framing: Periodic special inspections during welding operations of elements of the seismic-force-resisting system. Periodic special inspections for screw attachment, bolting, anchoring and other fastening of components within the seismic-force-resisting system, including struts, braces, and hold-downs	N					
4. Seismic isolation system. Provide periodic special inspection during the fabrication and installation of isolator units and energy dissipation devices if used as part of the seismic isolation system	N					

Quality Assurance Plan – Seismic and Wind – Exhibit C

QUALITY ASSURANCE FOR SEISMIC RESISTANCE CHECK LIST [IBC 1705]

Seismic Design Category **C**

FOR SEISMIC DESIGN CATEGORY C OR HIGHER:

Structural:

- The seismic-force-resisting systems
 - Steel Braced Frames and associated connections/anchorage
 - Steel Moment Frames and associated connections
 - Shear walls: CMU Wood Concrete
 - Other:
- Diaphragms: Floor Roof

QUALITY ASSURANCE FOR WIND RESISTANCE CHECK LIST [IBC 1706]

Wind Exposure Category **B**

REQUIRED	NOT REQUIRED	NOT APPLICABLE	QUALITY ASSURANCE PLAN REQUIREMENTS (A Quality Assurance Plan is required where indicated below)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In wind exposure Categories A and B, where the 3-second-gust basic wind speed is 120 miles per hour (mph) (52.8 m/sec) or greater.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	In wind exposure Categories C and D, where the 3-second-gust basic wind speed is 110 mph (49 m/sec) or greater.

Prepared by:

Building Code Official's Acceptance:

Signature

Date

Signature

Date

Contractor's Statement of Responsibility – Exhibit D

Each contractor responsible for the construction or fabrication of a system or component designated in the Quality Assurance Plan must submit a Statement of Responsibility to the Building Official and the Owner prior to the commencement of work on the system or component. The Statement of Responsibility is required for Seismic Design Category C or higher. Make additional copies of this form as required.

Forms shall be completed by the following:

1. General Contractor – Allied Cook Construction
2. Steel Fabricator
3. Steel Erector

Project: ***Berlin City TSL Showroom and Service Additions, Portland, Maine***

Contractor's Name: **Allied Cook Construction**

Address: 8 US Route 1, Scarborough, Maine 04074

License No.:

Description of designated building systems and components included in the Statement of Responsibility:

Contractor's Acknowledgment of Special Requirements

I hereby acknowledge that I have received, read, and understand the Quality Assurance Plan and Special Inspection program.

I hereby acknowledge that control will be exercised to obtain conformance with the construction documents approved by the Building Official.

Signature

Date

Contractor's Provisions for Quality Control

Procedures for exercising control within the contractor's organization, the method and frequency of reporting and the distribution of reports is attached to this Statement.

Identification and qualifications of the person(s) exercising such control and their position(s) in the organization are attached to this Statement.

EXHIBIT E — Terms and Conditions

This is an exhibit attached to and made part of the agreement dated March 26, 2012 between Becker Structural Engineers, Inc and Summit Automotive Partners
(Special Inspector) (Owner)

Section 1 - General

1.1 This Agreement

- 1.1.1 These Terms and Conditions, along with the Letter Agreement, and Exhibits A through D, form the Agreement as if they were part of one and the same document. Unless otherwise specified, this Agreement shall be governed by the laws of the principal place of business of the Special Inspector (SI).
- 1.1.2 The Letter Agreement and Exhibits A through D may limit or negate the applicability of portions of these Terms and Conditions. Such limitation shall take precedence over provisions of this Exhibit.

1.2 General obligations of the Special Inspector and the Owner:

- 1.2.1 Becker Structural Engineers, Inc. hereinafter referred to as the Special Inspector (SI), shall provide Special Inspection Services related to the project as summarized in the Schedule of Special Inspections, Exhibit B, and as further detailed in these Terms and Conditions.
- 1.2.2 The Owner shall provide to the SI a complete set of Contract Documents, sealed by the Design Professional and approved by the Building Official.
- 1.2.3 The Owner shall direct the Contractor to notify the SI of the Contractor's progress so the SI will have at least 24 hours notice prior to performance of work that will require inspection or testing.
- 1.2.4 The Owner shall designate a person to act with authority on his or her behalf in all aspects of the project.
- 1.2.5 The SI shall designate a person or persons to act with authority on his or her behalf with respect to all aspects of the project,
- 1.2.6 The SI or his or her designee shall notify the Contractor of his or her presence and responsibilities at the job site.
- 1.2.7 The SI shall submit interim reports as may be required by the Building Official.
- 1.2.8 The SI shall submit to the Building Official the final report of the SI before issuance of the Certificate of Occupancy.

1.3 Definitions

- 1.3.1 **Special Inspection Program** is the mandatory quality assurance requirements for structural elements.
- 1.3.2 **Special Inspector (SI)** is the Owner's agent that implements the Special Inspection Program for the project.
- 1.3.3 **Statement of Special Inspections** is the document filed with and approved by the Building Official that lists the materials and work requiring special inspection as stated in Exhibits A through D. This document shall include the inspections to be performed, and the individuals, agencies and/or firms to be retained for conducting such inspections.
- 1.3.4 **Testing Laboratory** is an agency or firm qualified to inspect structural elements and perform field and laboratory test to determine the characteristics and quality of building materials and workmanship.
- 1.3.5 **Contract Documents** are the Engineering and Architectural Drawings and Specifications issued for

construction purposes, plus the Clarification Drawings, Addenda and Change Orders issued and acknowledged, including Contractors designed elements.

- 1.3.6 **Inspect and Inspection** are visual observation of materials, equipment, or construction work, on an intermittent basis, and as defined in Exhibits A through D, to determine that the work is in substantial conformance with the requirements of the Contract Documents.

Section 2 - Services

- 2.1.1 Services include implementation of the Special Inspection Program as designated in the Summary of Special Inspections for the Project and further detailed below. Some inspection and testing duties are to be performed by Testing Laboratories retained by either the Owner or the SI, as agreed.

- 2.1.2 Unless otherwise stated in the Agreement, the SI will provide only the following Services, as applicable to the Project.

2.1.3 Administrative Services:

- The SI shall keep records of all inspections related to the "Schedule of Special inspections Services", Exhibit B.
- The SI shall review inspection and materials testing reports and will bring discrepancies to the attention of the Contractor.
- The SI shall distribute reports to the Building Official, the Architect, SER, Contractor, and the Owner. Reports will be submitted monthly unless more frequent submissions are requested by the Building Official.

2.1.4 In-Plant Review:

- The SI shall review the Fabricator's facility to verify that the Fabricator maintains detailed fabrication and quality control procedures which provide a basis for inspection control of workmanship and the Fabricator's ability to conform to approved drawings, project specifications and referenced standards. The SI shall review the procedures for completeness and adequacy relative to the Building Code requirement for the Fabricator's scope of work.
- The SI shall not be responsible for the means, methods, techniques, sequences, or procedures selected by the Fabricator or safety precautions and program incident to the work of the Fabricator. The SI's efforts will be directed toward providing a greater degree of confidence for the Owner and the Building Official that the completed work of the Fabricator will conform to the Contract Documents. The SI shall not be responsible for the failure of the Fabricator to perform the work in accordance with the Contract Documents.

2.1.5 Certificate of Compliance Review:

- Certificates of Compliance shall be reviewed for conformance with the standards specified in the Contract Documents. Discrepancies will be brought to the attention of the Contractor.

2.1.6 Field Review:

- The SI shall make site visits to inspect work designated to be reviewed by the SI in the Statement of Special Inspections for the Project.
- The SI shall prepare a report following each site visit.
- The SI shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor or safety precautions and programs incident to the work of the Contractor. The SI's efforts will be directed toward providing a greater degree of confidence for the Owner and the Building Official that the completed work of the Contractor will conform to the Contract Documents. The SI shall not be responsible for the failure of the Contractor to perform the construction work in accordance with the Contract Documents.

2.1.7 Material Testing and Inspection:

- The SI shall review reports from Testing Laboratories to determine if the testing laboratory has verified conformance of the reported item of work with the Contract Documents.
- The SI shall initiate appropriate action in response to those reports, if required.

Section 3 - Fees and Payments

3.1 Fees and Other Compensation

3.1.1 Fees and Compensation for Reimbursable Expenses are set forth in the letter Agreement.

3.2 Payments on Account

3.2.1 Invoices for the SI's services shall be submitted, at the SI's option, either upon completion of any phase of service or on a monthly basis. Invoices shall be payable when rendered and shall be considered PAST DUE if not paid within 30 days after the invoice date.

3.2.2 Retainers, if applicable, shall be credited to the final invoice(s).

3.2.3 Any inquiry or questions concerning the substance or content of an invoice shall be made to the SI in writing within 10 days of receipt of the invoice. A failure to notify the SI within this period shall constitute an acknowledgement that the service has been provided and that the invoice is correct.

3.3 Late Payments

3.3.1 A service charge will be charged at the rate of 1.5% (18% true annual rate) per month or the maximum allowable by law on the then outstanding balance of PAST DUE accounts. In the event any portion of an account remains unpaid 90 days after billing, the Owner shall pay all costs of collection, including reasonable attorney's fees.

3.3.2 In the event that any portion of an account remains unpaid 30 days after billing, the SI may, without waiving any claim or right against the Owner, and without liability whatsoever to the Owner, suspend or terminate the performance of all services.

Section 4 - Insurance, Indemnifications and Risk Allocation

4.1 Insurance

4.1.1 The SI shall secure and endeavor to maintain professional liability insurance, commercial general liability insurance and automobile liability insurance to protect the SI from claims for negligence, bodily injury, death, or property damage which may arise out of the performance of the SI's services under this Agreement, and from claims under the Workers' Compensation acts. The SI shall, if requested in writing, issue a certificate confirming such insurance to the Owner.

4.1.2 The Owner shall verify that the Contractor maintains insurance that will adequately protect the Contractor from claims.

4.2 Indemnifications

4.2.1 The Owner shall indemnify and hold harmless the SI and all of its personnel, from and against any and all claims, damages, losses and expenses (including reasonable attorney's fees) arising out of or resulting from the performance of the services, provided that any such claims, damage, loss or expense are caused in whole or in part by the negligent act or omission and/or strict liability of the Owner, anyone directly or indirectly employed by the Owner (except the SI) or anyone for whose acts any of them may be liable.

4.2.2 The Owner shall indemnify and hold harmless the SI and all of its personnel, from and against any and all claims, damages, losses and expenses (including reasonable attorney's fees) arising from the presence, discharge, release or escape of asbestos, hazardous waste, or other contaminants at the site.

4.3 Risk Allocation

- 4.3.1 In recognition of the relative risks, rewards and benefits of the Project to both the Owner and the SI, the risks have been allocated such that the Owner agrees that, to the fullest extent permitted by law, the SI's total liability to the Owner for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this Agreement, from any cause Or causes, shall not exceed the amount of \$50,000, the amount of SI's fee (whichever is greater). In the event the Client does not wish to limit BSE's liability for this work, or subsequent work done under this project number, to the greater of \$50,000 or BSE's fee, BSE may agree to a higher limitation of liability if parties mutually agree in writing to an increase in BSE's fee because of the higher risk BSE may assume. Such causes include, but are not limited to, the SI's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

Section 5 - Miscellaneous Provisions

5.1 Termination, Successors and Assigns

- 5.1.1 This agreement may be terminated upon 10 days written notice by either party should the other fail to perform its obligations hereunder. In the event of termination, the Owner shall pay the SI for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.
- 5.1.2 The Owner and the SI each binds himself or herself, partners, successors, executors, administrators, assigns and legal representative to the other party of this Agreement and to the partners, successors, executors, administrators, assigns, and legal representative of such other party in respect to all covenants, agreements, and obligations of this Agreement.
- 5.1.3 Neither the Owner nor the SI shall assign, sublet or transfer any rights under or interest in (including but without limitations, monies that may be due or monies that are due) this Agreement, without the written consent of the other, except as stated in the paragraph above, and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assigner from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent the SI from employing such independent consultants, associates and subcontractors as he or she may deem appropriate to assist in the performance of services hereunder.
- 5.1.4 The SI and Owner agree that the services performed by the SI pursuant to this Agreement are solely for the benefit of the Owner and are not intended by either the Si or the Owner to benefit any other person or entity. To the extent that any other person or entity, including but not limited to the Contractor and/or any of its Subcontractors and other Design Professionals, is benefited by the services performed by the SI pursuant to this Agreement, such benefit is purely incidental and such other person or entity shall not be deemed a third party beneficiary to this contract.

5.2 Disputes Resolution

- 5.2.1 All claims, counterclaims, disputes and other matters in question between the parties hereto arising out of or relating to this Agreement or the breach thereof will be presented to non-binding mediation, subject to the parties agreeing to a mediator(s).

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ALTCOMM

191 RIVERSIDE

Berlin City Dealership

PLANS IN LARGE PLAN AREA

12-19-12 DWM underslab trunkline OK
1-9-13 DWM underslab Bathroom group OK
2-7-13 GF PLUMBING - ABOVE SLAB CLOSE IN
PT - OK
VENT -

4-23-13 GF/JM/BKL SPKLR - PASS - SEND LOC
ALARM - FAIL - MORRIS
BLDG - PASS
ELEC -

5-8-13 GF/BKL - SHOWROOM CLOSE IN -
PASS - BLDG
PASS - PLUMB
FAIL - ELEC

6-7-13 GF/BKL - SHOWROOM ABV CELLS PHASE (1)
PASS

6-13-13 GF - JM - RP - BKL
OK - MOVE IN PHASE (1)

7-24-13 GF-SC ABOVE [REMAINDER] - PASS
CELLS