



Permitting and Inspections Department
Michael A. Russell, MS, Director

2017-00286

35 Silver St
(#35)

Outdoor Dining Permit Application

Please circle all that apply:

New Application? Yes No
 Renewal? Yes No → If yes, are there any changes? (Yes/ No)
 Private Property? Yes No
 Historic District? Yes No
 Liquor License Required? (Yes/No) _____
 OR Pending City Council Date _____ (D/M/Y)

Location Name: The North Point
Address: 35 Silver St., Portland, ME 04101

Chart 029 **Block** 8001 **Lot#** 001

Owner Name: Thomas Will (Landlord)
Phone #: 207-380-6940
Email: tbwittbuilder@gmail.com

Total Square Footage of Outdoor Dining Area:¹
 Length: (49.5) x Width (6) = 297 (total sq ft)

Applicant must be owner or lessee.
Name: Daniel Talmatch
Address: 35 Silver St.
City: Portland
State & Zip: ME 04101
E-Mail: dan@northpointportland.com

Please pay before the permit can be issued.
 \$125 (One-time Private Property fee) or
 \$80 (Annual Public Fee) + Total Sq. Ft.: 297 x
 (\$2) or (\$6 in public parks) =
Total Fee of \$ 674

Current use: Restaurant **Business name:** The North Point
How many chairs? 40 **How many tables?** 10
 Please circle one of the following: Alcohol is served = (Yes/ No).

Who should we contact?
Name: Daniel Talmatch
Phone: 207-831-5317
Address: 35 Silver St., Portland, ME 04101 **E Mail:** dan@northpointportland.com

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. For further information, please visit www.portlandmaine.gov, email permitting@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: Daniel Talmatch Digitally signed by Daniel Talmatch Date: 3/3/2017

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.



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All outdoor dining permits are subject to the following:

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?	
< 8'0"	No	
≥ 8'0"	Yes – up to 60% of sidewalk width.	
Sidewalk Type	Sidewalk Passage Required	
	Width (minimum)	Height (minimum)
Standard sidewalk	4'0"	6'8"
Street corner	5'0"	6'8"

- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- Free-standing barriers are preferred. Physical attachments to a building are subject to administrative review, especially in historic districts.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- If alcohol is to be served, then the permit holder must be approved for outdoor dining by the City Council. To initiate the process, notify the Business Licensing Office at 874-8557.



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- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

Signed and acknowledged: Daniel Talmatch Date: 3/3/2017

Printed name: Daniel Talmatch

Establishment: The North Point

Location: 35 Silver St., Portland, ME 04101



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Electronic Signature and Fee Payment Confirmation

This is a legal document and your electronic signature is considered a legal signature per Maine state law. You will receive an e-mailed invoice from our office which signifies that your electronic permit application has been received and is ready for payment. Please pay by one of the following:

- Electronic check or credit card: portlandmaine.gov/payyourpermit
- Over the phone at (207) 874-8703.
- Drop off to Room 315, City Hall.
- Mail to:

City of Portland
Permitting and Inspections Department
389 Congress Street, Room 315
Portland, Maine 04101

By signing below, I understand the review process starts once my payment has been received. After all approvals have been completed, my permit will be issued via e-mail. Outdoor dining may not commence until permit is received.

Applicant Signature: Daniel Talmatch Digitally signed by Daniel Talmatch
Date: 2017.03.03 12:41:35 -05'00' Date: 3/3/2017

I have provided electronic copies and sent them on: Date: 3/3/2017

NOTE: All electronic paperwork must be delivered to permitting@portlandmaine.gov or on a thumb drive.