Portland, Maine | Yes. Life's good here.

Inspections Division
Date: 05/02/17

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

2017_00280

416 Fore St
(29 Wharf St)

Outdoor Dining Permit Application

Please circle all that apply:

New

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) Permitting and Inspections Director Signature _____
OR Pending City Council Date April 5, 2017 (D/M/Y) per J. Hanscombe

Location Name: _____
Address: 29 Wharf Street

Chart	Block	Lot#
032	N010	001

Owner Name: Rick Binet
Phone #: 802-505-5115
Email: RickBinet@gmail.com

Total Square Footage of Outdoor Dining Area:[1]
Length: (_____) x Width (_____) = 145 sq ft total

Applicant must be owner or lessee.

Name: Rick Binet - Mash Tun
Address: 29 Wharf Street
City: Portland, Maine
State & Zip: Maine - 04101
E-Mail: Rickbinet@gmail.com

Please pay before the permit can be issued.

$125 (One-time Private Property fee) or
$80 (Annual Public Fee) + Total Sq. Ft.: 145 x ($2) or ($6 in public parks) =
Total Fee of $ _____ 850

Current use: BAR- Restaurant Business name: Mash Tun
How many chairs? 20 (5-4' Picnic Tables) How many tables? 5
Please circle one of the following: Alcohol is served = (Yes/No).

Who should we contact?
Name: Rick Binet
Phone: 802-505-5115
Address: 29 Wharf Street Portland, ME 04101 E Mail: Rickbinet@gmail.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: _____ Date: ~~2/15/17~~ 3/2/17

[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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Mash Tun
Out door Dining
Application

OUTDOOR DINING
Permit Application & Checklist

A permit is required for expanding food service to the outside of all properties.

For public properties, the Outdoor Dining annual fee is $80.00 plus $2.00 per square foot of dining area on **streets, sidewalks or other public ways** and $6.00 in **city parks**. Outdoor dining permits located on public property are only valid for a year.

The one-time private property fee is $125.00 ($25 application fee and $100 for the Certificate of Occupancy). The fee is due with your permit application. Outdoor dining permits located on private property are valid with the applicant establishment permanently.

Outdoor dining is permitted from **April 1 - November 15**. Barriers must be removed no later than November 15 and furniture removed in inclement weather to allow for sidewalk maintenance.

Application Checklist:

✓ **New applicants provide a plot plan showing:**

- Lot lines, where the building sits on the lot and dimensions of the building and lot.
- Street location and the intersecting streets.
- Sidewalk location, width, and curbing location.
- Setback dimension from the sidewalk to the building.
- Location of proposed outdoor dining area and its components (tables, chairs, barriers, etc.),including dimensions and total outdoor dining area in square feet. An outdoor dining installation cannot prevent a clear passageway for pedestrians (4 feet minimum and 5 feet for street corner).

✓ **Outdoor dining renewals do not require a plot plan.**

✓ **A drawing and/or specification of any proposed barrier solution.**

✓ **Proof of public liability insurance coverage (not required for private property):** The permit holder is required to produce at the time of submission and maintain public liability insurance coverage of not less than four hundred thousand dollars ($400,000) combined single limit for bodily injury, death and property damage, naming the City as an additional insured.

✓ **All documents provided in electronic form.**

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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: _____ Date: ~~3/15/17~~ 3/21/17

I have provided electronic copies and sent them on: Date: _____

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

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.

- 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: _____ Date: ~~2/15/17~~ 3/2/17

Printed name: Rick Binet

Establishment: Mash Tun

Location: 29 Wharf St. Portland, ME 04101