

Location of Construction: 41 Wharf St		Owner: Joe Foley		Phone:		Permit No: 970490	
Owner Address:		Lessee/Buyer's Name: Dan Roberts		Phone: 761-0069		Business Name: Double Diamond/Penguin	
Contractor Name:		Address:		Phone:		<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>PERMIT ISSUED</b>  <b>May 22 1997</b>  <b>CITY OF PORTLAND</b> </div>	
Past Use: Restaurant		Proposed Use: Same w/outside dining		COST OF WORK: \$ 106.00			
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
				Signature: [Signature]		Signature:	
Proposed Project Description: Outside dining (alcohol served outside)				<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b> Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Signature: Date:			
Permit Taken By: Vicki Dover		Date Applied For: 5/9/97					

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Call Dan for p/u 761-0069

#### 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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT: [Signature] ADDRESS: DATE: 5/9/97 PHONE: 761-0069

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

**Zoning Appeal**

☐ Variance  
☐ Miscellaneous  
☐ Conditional Use  
☐ Interpretation  
☐ Approved  
☐ Denied

**Historic Preservation**

☐ Not in District or Landmark  
☐ Does Not Require Review  
☐ Requires Review

**Action:**

☐ Approved  
☐ Approved with Conditions  
☐ Denied

Date: \_\_\_\_\_

CEO DISTRICT



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

Location of Construction: 41 Wharf St		Owner: Joe Soley		Phone:		Permit No: <b>970490</b> <b>PERMIT ISSUED</b> Permit Issued: <b>MAY 22 1997</b> <b>CITY OF PORTLAND</b>	
Owner Address:		Lessee/Buyer's Name: Dan Roberts		Phone: 761-0069			Business Name: Double Diamond/Penguin
Contractor Name:		Address:		Phone:			
Past Use: Restaurant		Proposed Use: Same w/outside dining		COST OF WORK: \$ 106.00 FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Signature: <i>[Signature]</i>			PERMIT FEE: \$ 25.00 INSPECTION: <i>U</i> Use Group: <i>A2</i> Type: <i>BOCA 96</i> Signature: <i>[Signature]</i>
Proposed Project Description: Outside dining (alcohol served outside)				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____		Zone: <i>B-3</i> CBL: <i>33-R-003</i> Zoning Approval: <i>Subject to Traffic Engineer</i> Special Zone or Reviews: <input type="checkbox"/> Shoreland <i>To be Renewed yearly</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	
Permit Taken By: Vicki Dover		Date Applied For: 5/9/97					

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Call Dan for p/U 761-0069

## 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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT

Dan Roberts

ADDRESS:

5/9/97

DATE:

761-0069

PHONE:

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

PERMIT ISSUED  
WITH REQUIREMENTS

## Zoning Appeal

- ☐ Variance
- ☐ Miscellaneous
- ☐ Conditional Use
- ☐ Interpretation
- ☐ Approved
- ☐ Denied

## Historic Preservation

- ☐ Not in District or Landmark
- ☐ Does Not Require Review
- ☒ Requires Review

## Action:

- ☒ Approved *Installation must comply with high capacity design standards attached*
- ☐ Approved with Conditions
- ☐ Denied

Date:

*5/20/97*  
*D.A.*

CEO DISTRICT

**2**

*A. Rowe*

## Design Standards for Outdoor Cafe Installations on Wharf Street

Over the past few years, numerous establishments have opened outdoor cafes along Wharf Street. In order to avoid visual clutter and lend some consistency to the streetscape, the Historic Preservation Committee of the City of Portland has developed design standards which will apply to all outdoor cafe installations on Wharf Street. Attached is a construction specification to be followed in installing posts or stanchions to cordon off the seating area. All of the materials specified are readily available through local suppliers.

In addition to the attached construction specification, the following general design standards shall also apply:

- \* No decking shall be installed over the brick sidewalk.
- \* No continuous awnings shall be installed to cover dining area; umbrellas may be installed over individual tables
- \* Tables shall not exceed 4 feet in any dimension
- \* Lighting shall consist of removable, table-top lights only

Note: Any exceptions to these approved standards must be approved by the Historic Preservation Committee





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
**05/01/97**

## PRODUCER

**BEAN INSURANCE AGENCY, INC.**  
**321 Lafayette Road**  
**P.O. Box 660**  
**Hampton NH 03842**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## COMPANIES AFFORDING COVERAGE

COMPANY

**A****Penn America**

COMPANY

**B**

COMPANY

**C**

COMPANY

**D**

## INSURED

**The Penguin LLC & Double Diamond**  
**Attn: Daniel Roberts**  
**469 Gorham Road**  
**Scarboro ME 040740000**

## COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
<b>A</b>	GENERAL LIABILITY	PAC1026132-A	07/13/96	07/13/97	GENERAL AGGREGATE \$ 300,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG \$ 300,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 300,000
					FIRE DAMAGE (Any one fire) \$ 50,000
					MED EXP (Any one person) \$ 5,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE \$
	<input type="checkbox"/> HIRED AUTOS				
	<input type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY \$
					\$
					\$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER
	THE PROPRIETOR/ PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL				EL EACH ACCIDENT \$
					EL DISEASE - POLICY LIMIT \$
					EL DISEASE - EA EMPLOYEE \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS  
For Patio Dining Operation

## CERTIFICATE HOLDER

**City of Portland****Portland****ME**

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL

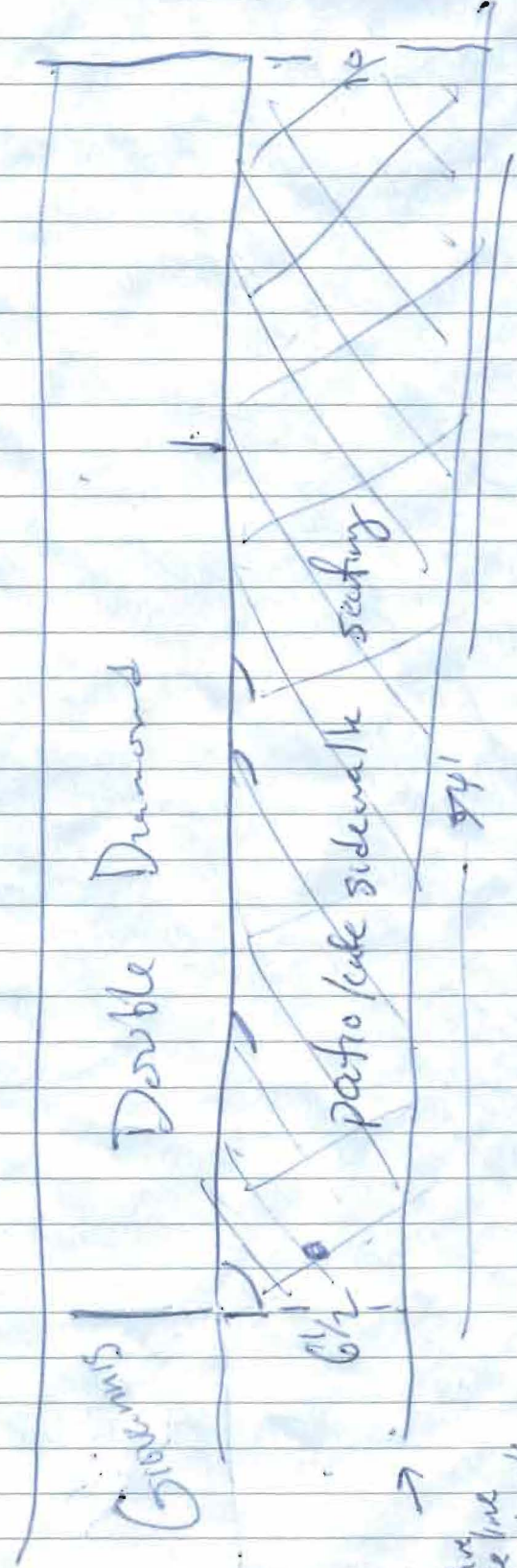
**10** DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

**Scott A. Bean**

DATE:  
TOPIC:

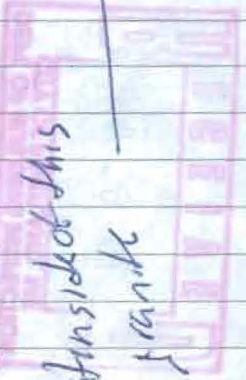
Previous set: up  
using same style  
order Bakers  
Tobacco  
and existing PVC.



define  
granite line  
marks brick  
and cobblestone

WYART ST

every 8-10 ft PVC. station with  
plastic chain  
to surround area.



just inside of this  
frank

Dan Roberts 961-0069

(4) 839-4207



Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

### OUTSIDE DINING ON PRIVATE AND/OR CITY PROPERTY

Permits are required for expanding eating facilities (tables and chairs) to the outside whether it is on private and/or City property. The fee is based on the cost of work (which in most cases would be less than \$1,000 or a \$25.00 fee). The time period covered is from April 15th thru September 30th. This is a yearly renewable permit.

1. In order to apply the applicant must submit plans showing where the tables and chairs would be located (showing footage distances from the establishment, other chairs, exiting, curbing, how much sidewalk footage is available, etc). The tables and chairs shall be placed on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If in the sole opinion of the Traffic Engineer, the placement of the tables and chairs creates a public safety hazard, the establishment shall comply with the Traffic Engineer's request to relocate the tables and chairs to a more suitable location. The establishment shall keep the sidewalk area where the tables and chairs are located neat and free from litter and debris.
2. The establishment shall procure and maintain public liability insurance coverage in an amount of not less than three hundred thousand (\$300,000) combined single limit for bodily injury, death and property damage. And if the tables and chairs are on City property, the City of Portland shall be named as an additional insured thereon.
3. If the establishment is to be on City Property an indemnifying statement shall be signed by the establishment owner (see attached).
4. No food shall be prepared outside. If alcohol is to be served, we need to be notified. State law requires that the area be segregated from the rest of the public. We need to know how that is to be accomplished.

*Sam,  
Please let me know if I've  
missed anything. Thanks  
Dano*

CONDITIONS FOR SIDEWALK OCCUPANCY PERMIT

Written consent and agreement relating to occupancy of the City of Portland sidewalk in the front, side, and/or rear of the building at:

41 Wharf St

in Portland, Maine, by the owner of the establishment being:

Daniel Roberts

doing business as:

Double Diamond / Penryn.

hereby, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City, its 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, 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 therefrom, 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:

Dan Roberts

Establishment Owner

Dated:

5-1-97



## BUILDING PERMIT REPORT

DATE: 23 May 97 ADDRESS: 41 Wharf St  
REASON FOR PERMIT: Outside dining with alcohol  
BUILDING OWNER: Joe Soley  
CONTRACTOR: Dan Roberts  
PERMIT APPLICANT: ↑ APPROVAL: \*1, \*23, \*26, \*27 DENIED

### CONDITION(S) OF APPROVAL

- X 1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
3. Precaution must be taken to protect concrete from freezing.
4. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
5. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of ½ inch gypsum board or the equivalent applied to the garage means of ½ inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)
6. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993) U.L. 103.
7. Guardrail & Handrails A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect.
8. Headroom in habitable space is a minimum of 7'6".
9. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread, 7" maximum rise.
10. The minimum headroom in all parts of a stairway shall not be less than 80 inches.
11. Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft.
12. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
13. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closer's.
14. The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment.
15. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 19, 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
  - In the immediate vicinity of bedrooms
  - In all bedrooms
  - In each story within a dwelling unit, including basementsIn addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required)



16. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type.
17. The Fire Alarm System shall be maintained to NFPA #72 Standard.
18. The Sprinkler System shall maintained to NFPA #13 Standard.
19. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
20. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final Certificate of Occupancy is issued or demolition permit is granted.
21. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
22. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
- X 23. This permit does not excuse the applicant from obtaining any license which may be needed from the City Clerk's office.
24. Ventilation shall meet the requirements of Chapter 12 Sections 1210. of the City's Building Code.
25. All electrical and plumbing permits must be obtained by a Master Licensed holders of their trade.
- X 26. This permit is being issued subject to the Traffic engineers approval and requirements. (This permit must be renewed yearly)
- X 27. This permit is also being issued subject to the requirement set forth by the Historic Preservation Standards. (see attached).
- 28.

  
P. Samuel Hoffes, Chief of Code Enforcement

cc: Lt. McDougall, PFD  
Marge Schmuckal

 Debbie Andrews Senior Planner