

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

## CITY OF PORTLAND

Please Read  
Application And  
Notes, If Any,  
Attached

BUILDING INSPECTION

PERMIT

Permit Number: 080473

PERMIT ISSUED

MAY 13 2008

This is to certify that OLD PORT RETAIL HOLDINGS LLC

has permission to "The Merry Table, LLC" - inside Dining Room and 12 Chairs

AT 434 FORE ST PERMIT NO. 032 R004001

provided that the person or persons performing or supervising the work accepting this permit shall comply with all of the provisions of the Statutes of the State and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission is procured before this building or part thereof is occupied or otherwise closed-in. 4 HOUR NOTICE REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

## OTHER REQUIRED APPROVALS

Fire Dept. \_\_\_\_\_

Health Dept. \_\_\_\_\_

Appeal Board \_\_\_\_\_

Other \_\_\_\_\_

Department Name

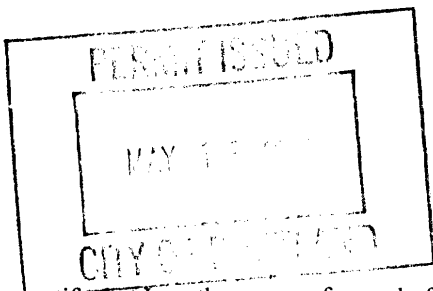
Director - Building &amp; Inspection Services

PENALTY FOR REMOVING THIS CARD

**City of Portland, Maine - Building or Use Permit Application**

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

<b>Permit No:</b> 08-0473		<b>Issue Date:</b> 05/08/2008		<b>CBL:</b> 032 R004001	
<b>Location of Construction:</b> 434 FORE ST		<b>Owner Name:</b> OLD PORT RETAIL HOLDINGS		<b>Owner Address:</b> 101 RICHARDSON ST	
<b>Business Name:</b>		<b>Contractor Name:</b>		<b>Contractor Address:</b>	
<b>Lessee/Buyer's Name</b>		<b>Phone:</b>		<b>Permit Type:</b> Outdoor Seating	
<b>Past Use:</b> Restaurant "The Merry Table, LLC"		<b>Proposed Use:</b> Restaurant "The Merry Table, LLC" - Outside Dining 6 tables and 12 Chairs		<b>Zone:</b> B-3	
<b>Permit Fee:</b> \$346.00		<b>Cost of Work:</b> \$346.00		<b>CEO District:</b> 1	
<b>FIRE DEPT:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied		<b>INSPECTION:</b> Use Group: Type:			
<b>Signature:</b>		<b>Signature:</b>			
<b>Proposed Project Description:</b> "The Merry Table, LLC" - Outside Dining 6 tables and 12 Chairs		<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b> Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied <b>Signature:</b> <b>Date:</b>			
<b>Permit Taken By:</b> Idobson		<b>Date Applied For:</b> 05/07/2008		<b>Zoning Approval</b>	
<ol style="list-style-type: none"><li>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li><li>2. Building permits do not include plumbing, septic or electrical work.</li><li>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..</li></ol>		<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>ok 5/9/08</i>		<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	
		<b>Historic Preservation</b> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:			

**CERTIFICATION**

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

SIGNATURE OF APPLICANT

ADDRESS

DATE

PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

DATE

PHONE

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
Portland, Maine 04101

**INVOICE FOR PERMIT FEES**

<b>Application No:</b>	8-0473	<b>Applicant:</b>	OLD PORT RETAIL HOLDINGS L
<b>Project Name:</b>	"The Merry Table, LLC" - Outside	<b>Location:</b>	434 FORE ST
<b>CBL:</b>	032 R004001	<b>Development Type:</b>	
<b>Invoice Date:</b>	05/08/2008		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$346.00		\$0.00		\$346.00	On Receipt

**First Billing**

**Previous Balance**

**\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Outside Seating Sidewalk	133	\$266.00
Outside Seating	1	\$80.00
		<u>\$346.00</u>

**Total Current Fees: + \$346.00**

**Total Current Payments: - \$0.00**

**Amount Due Now: \$346.00**

MAY 13 2008

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Detach and remit with payment

**Bill to:** OLD PORT RETAIL HOLDINGS LLC  
101 RICHARDSON ST  
BROOKLYN, NY 11211

CBL 032 R004001  
**Application No:** 8-0473  
**Invoice Date:** 05/08/2008  
**Invoice No:** 31028  
**Total Amt Due:** \$346.00  
**Payment Amount:**

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.



# Outdoor Dining Permit Application

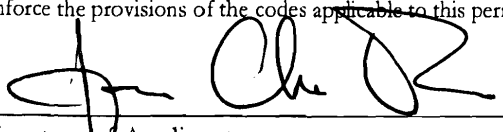
If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Outdoor Seating: <u>43 Wharf St Portland ME 04101</u>		
Total Square Footage of Proposed Seating Area: <u>175</u> <del>128</del> <sup>sq</sup> feet		Square Footage of Lot Outside + Inside: <u>1550</u> <sup>Sq/Ft</sup>
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot#	Owner: <u>Old Port Retail Holdings, LLC</u>	Telephone: <u>718-3887700</u>
Lessee/Buyer's Name (If Applicable) <u>Jean-Claude Vassalle</u> <u>The Merry Table, LLC</u>	Applicant <u>*must</u> be owner or Lessee Name <u>The Merry Table</u> Address <u>43 Wharf St</u> <u>Portland, ME</u> City, State & Zip <u>04101</u>	Annual Fee: <u>\$80</u> <u>19 x 7 = 133</u> <sup>Sq Ft</sup> Sq Ft Fee: \$ _____ Total Fee: \$ _____
Current use: <u>Restaurant</u>		
Business name: <u>The Merry Table, LLC</u>		
Seating area dimensions: _____		
How many chairs? <u>12</u> How many tables? <u>6</u>		
Alcohol to be served outside?      circle one: <u>YES</u> NO		
Who should we contact for the pre-inspection: <u>Jean-Claude VASSALLE</u> <u>c/o Merry Table</u>		
Mailing address: <u>43 Wharf St Portland ME, 04101</u> Phone: <u>899-4494</u> <u>Call 917-674-0601</u>		

Please submit all of the information outlined in the Outdoor Dining Application 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 visit us on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), stop by the Building Inspections 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 hour to enforce the provisions of the codes applicable to this permit.

  
Signature of Applicant

05/04/08  
Date

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

<sup>1</sup> In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.



# OUTDOOR DINING PERMIT CHECKLIST

Permits are required for expanding food service establishments to the outside on City Property. The annual fee is \$80.00 plus \$2.00 per square foot of dining area on streets, sidewalks or other public ways and \$80.00 plus \$6.00 per square foot of dining area in city parks. For purposes of fee calculation, the area abutting the buildings which border Monument Square and extending ten (10) feet from the facade of said buildings shall be considered a sidewalk. The ten (10) foot area shall be measured from that portion of the facade that protrudes furthest into the sidewalk. The area beyond the ten (10) foot sidewalk shall be considered park space.

Outdoor dining is permitted year round under the permit; however, furniture must be removed in inclement weather to allow for sidewalk snow removal. **The permit must be renewed each year.**

All of the following information is required and must be submitted. You will also be required to fill out an Outdoor Dining Permit Application.

## **A plot plan is required and must include:**

- ☒ A drawing of the lot, where the building sits on the lot along with the lot and building dimensions
- ☒ The dimensional setback from the sidewalk to the building **7 Feet**
- ☒ The location of the street, and if it's a corner lot, the intersecting streets
- ☒ The sidewalk along with its width and curbing location
- ☒ The location of the table and chair placement, including dimensions

(NOTE: there must be a minimum of four feet of open sidewalk from the outer boundary of the seating area to the curb, and a minimum of five feet on corners, and egress from the building must be maintained free of obstruction per the building code and NFPA Life Safety Code).

## **Additional Requirements:**

- ☒ The permit holder is required to produce, at the time of submission, and maintain public liability insurance coverage in an amount 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 thereon.

## **All permits for outdoor dining are issued subject to the following conditions:**

- ☒ The tables and chairs must be placed within the permitted area on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the tables and chairs are moved and located outside of the permitted outdoor seating area, they must be relocated to within the permitted area. Failure to contain the tables and chairs to the permitted area may result in a reduced permitted area or a revocation of the permit.

# ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID WE  
THEME-2

DATE (MM/DD/YYYY)  
05/05/08

## PRODUCER

GSB/TBI Referral  
63 Marginal Way, Suite 101  
Portland ME 04101  
Phone: 207-773-8156 Fax: 207-773-6647

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.

## INSURED

The Merry Table LLC  
Jean Claude Vassalle  
43 Wharf Street  
Portland ME 04101

## INSURERS AFFORDING COVERAGE

## NAIC #

INSURER A Travelers Insurance Co.  
INSURER B  
INSURER C  
INSURER D  
INSURER E

## COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A X X	GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR	I680-1438M284-IND-08	03/04/08	03/04/09	EACH OCCURRENCE : 1000000 DAMAGE TO RENTED PREMISES (EA OCCUR) : 300000 MED EXP (any one person) : 5000 PERSONAL & ADV INJURY : 1000000 GENERAL AGGREGATE : 2000000 PRODUCTS - COMMOD AGG : 2000000
	AGGREGATE LIMIT APPLIES PER POLICY PRO. LOC				
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRSD AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA ACCIDENT) BODILY INJURY (Per Person) BODILY INJURY (Per Accident) PROPERTY DAMAGE (Per Accident)
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY - EA ACC AGG
	EXCESS/UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION				EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED If yes, describe under SPECIAL PROVISIONS below				ALL STATE - FORTY LIMITS OTHER E L EACH ACCIDENT E L DISEASE - EA EMPLOYEE E L DISEASE - POLICY LIMIT
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Restaurant

## CERTIFICATE HOLDER

CITYOP1

City of Portland  
Attn: Business License Dept  
389 Congress St  
Portland ME 04101

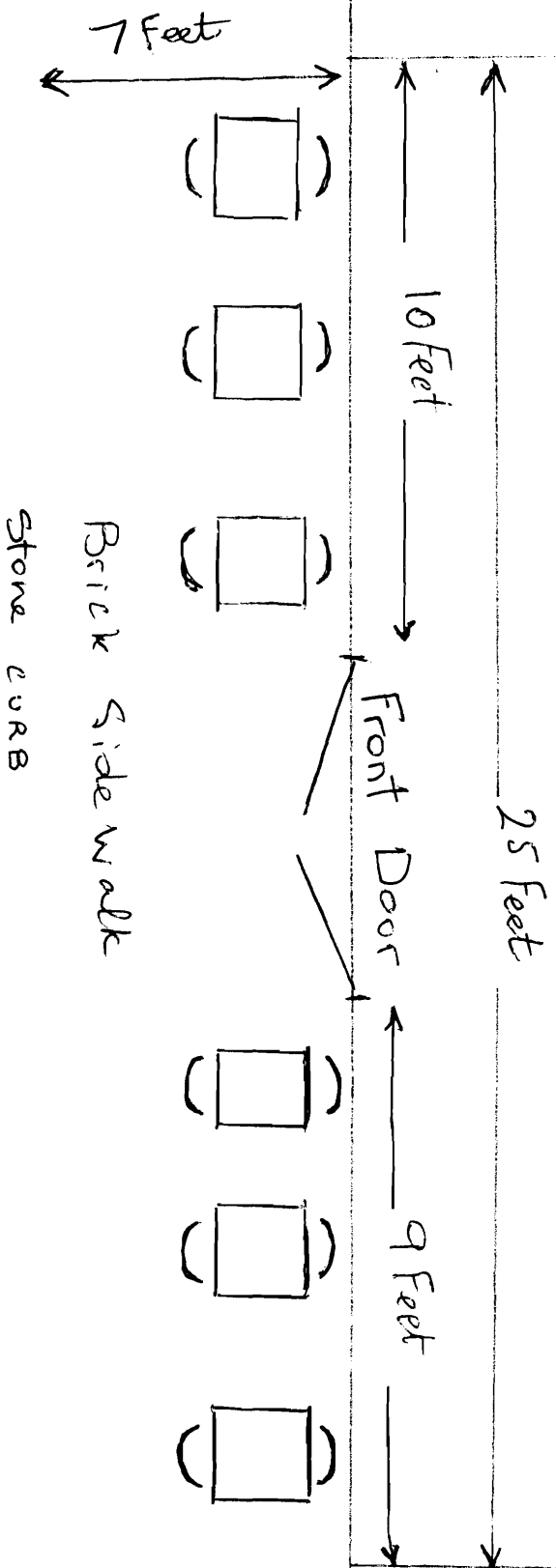
## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

William Exley

# THE MERRY TABLE Restaurant at 43 Wharf Street



WHARF Street

\* Table size 2x2 Feet (Seats 2 persons)

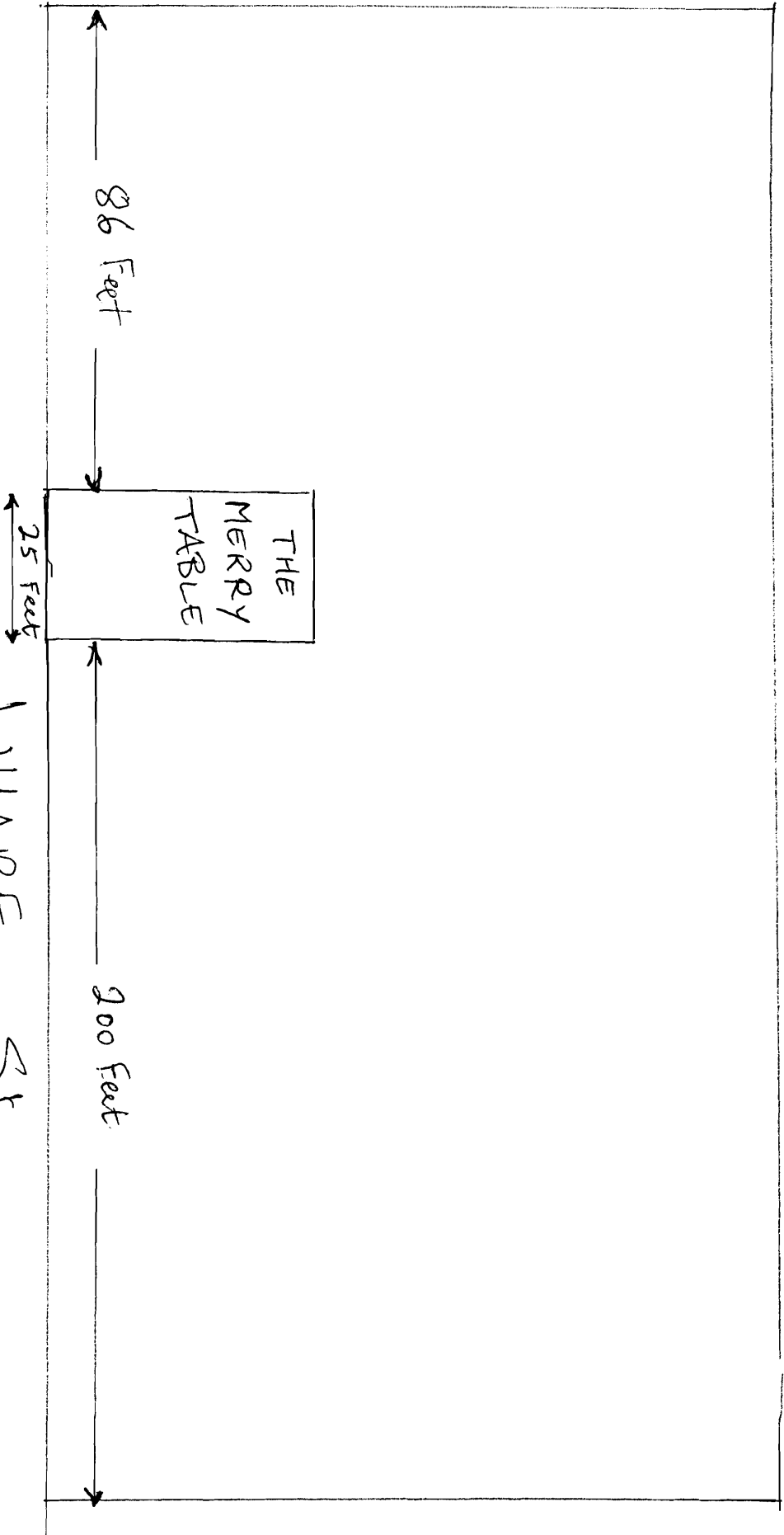
\* Outdoor seating is 12 people Total

\* Sidewalk, Curb, and Cobble Stone Street are All on the same level.

UNION St

FORE St

DANA St




COMMERCIAL St



- ☒ If alcohol is to be served, the permit holder must notify the City's Business Licensing Office in room 203 of City Hall or by telephone at 874-8557 and obtain approval for the service of alcohol outdoors. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- ☒ All tables and chairs shall be removed prior to a predicted snowfall and while any snow or ice exists within the designated outdoor seating area or within four feet from the boundaries thereof. The City will not be responsible for damage to any tables, chairs or other property that is not properly removed when the City is engaged in sidewalk maintenance activities.
- ☒ The permit holder shall comply with all applicable rules and regulations implemented by the city regarding outdoor dining.

**Failure to comply with any of the above conditions will result in revocation or non-renewal of the permit.**

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: 05/02/08  
Printed name Jean-Claude Vassalle  
Establishment The Merry Table  
Location 43 Wharf St Portland