

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

Permit No: 09-0674	Issue Date: 08/10/2009	CBL: 032 V001001
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Location of Construction: 10 Dana St	Owner Name: 10 Dana Street Llc	Owner Address: 340 Fore St	Phone: 207-347-6154
Business Name:	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	Zone:

Past Use: Restaurant / Cinque Terre LLC	Proposed Use: Restaurant / Outside Dining 8 tables and 32 chairs. Seating area is 12' x 32' (384 sq. Ft.)	Permit Fee: \$848.00	Cost of Work: \$848.00	CEO District: 1
Proposed Project Description: Outside Dining 8 tables and 32 chairs. Seating area is 12' x 32' (384 sq. Ft.)		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:	
		Signature: _____		Signature: _____
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: gg	Date Applied For: 06/26/2009	Zoning Approval		
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..	Special Zone or Reviews <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: _____	Zoning Appeal <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: _____	Historic Preservation <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

09 0674



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>10 Dana Street & 36 Wharf Street</u>		
Total Square Footage of Proposed Seating Area ¹ <u>512 sq. ft.</u>		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# <u>032</u> Block# <u>V</u> Lot# <u>001</u>	Owner: <u>Dan Kany</u>	Telephone: <u>207-347-6154</u>
Lessee/Buyer's Name (If Applicable)	Applicant * must be owner or Lessee Name Address City, State & Zip	Annual Fee: <u>\$80</u> Sq Ft Fee: \$ _____ Total Fee: \$ _____
Current use:		JUN 26 2009
Business name: <u>Cinque Terre LLC</u>		
Seating area dimensions:		
How many chairs? <u>32</u>	How many tables? <u>8</u>	<u>renewal</u>
City Clerk signature for liquor license approval <u>[Signature]</u> <u>6-26-09</u> or Pending Council Date		
Who should we contact for the pre-inspection: <u>Caitlin Wilson</u>		
Mailing address: <u>36 Wharf St, Portland ME</u> Phone: <u>207-347-6154</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, 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.

Caitlin Wilson 6/26/09
 Signature of Applicant Date

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

¹ 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.

Gayle Guertin - inspection for outside seating

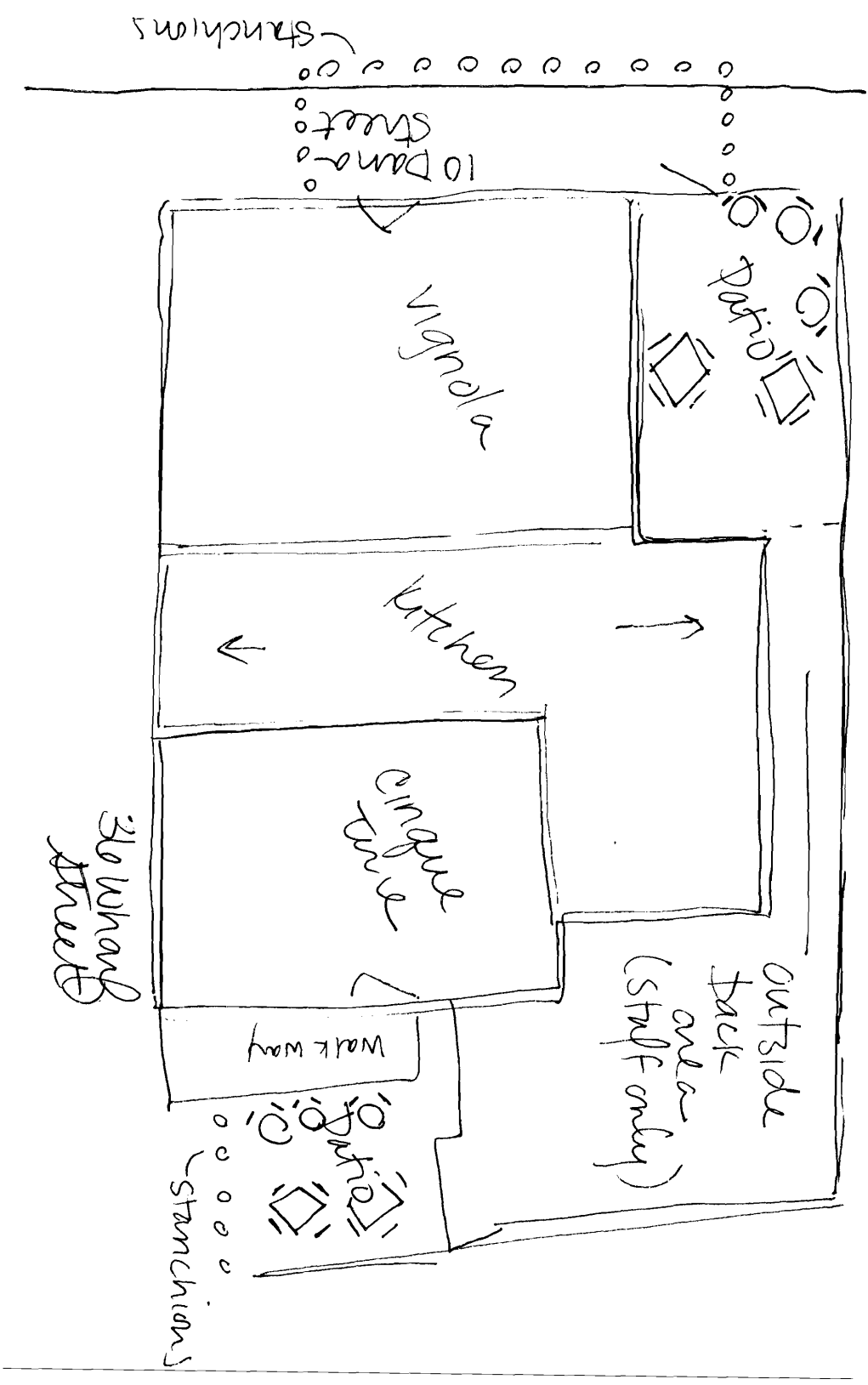
From: Gayle Guertin
To: Thomas Higgins
Date: 6/29/2009 9:52 AM
Subject: inspection for outside seating
CC: Gayle Guertin; Marc Spiller

Good Morning!

Renewal, Needs inspection

Cinque Terre LLC
10 Dana Street
032 V001

Contact Caitlin Wilson @ 207-347-6154
Thank You
Gayle



Administrative Regulation

OUTDOOR DINING PERMITS

I. **Purpose**

It is the purpose of this regulation to establish the policy of the City and the procedures to be used for the issuance of outdoor dining permits pursuant to City Code section 25-26 et seq.

II. **Policy**

It is the policy of the City to permit food service establishments to expand their businesses to the outdoors on city sidewalks, public ways and other public places, including parks. Such expansions onto city property shall be permitted on a case-by-case basis, upon application to the city and payment of a fee, in accordance with certain conditions.

It is the policy of the City that due to the high value of downtown park space, expansion of a private business into such areas shall require a higher fee than expansion into a sidewalk or other public way. Further, in no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant obtains a waiver from the Director of Parks and Recreation or his or her designee.

The following procedures are to be followed in the issuance of outdoor dining permits.

III. **Procedures**

A. **Application and Permit**

1. A food service establishment shall submit an application and fees to the Inspections Division for an outdoor dining permit.
2. The application shall contain a drawing of the dining area that the applicant intends to occupy that includes the location of the street, the sidewalk width and curbing location, and the location of chair and table placement.
3. Upon receipt of a new application, city staff will conduct a site visit to ensure that the measurements provided are correct and that there is sufficient open sidewalk area remaining in accordance with the Americans with Disabilities Act. The permit area will be permanently delineated to ensure compliance.

B. **Permit Conditions**

1. 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 a corner, per the Americans with Disabilities Act, and egress from the building must be maintained free of obstruction

per the building code and NFPA Life Safety Code.

2. 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.
3. The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
4. The permit holder is required to produce 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.
5. No food shall be prepared outside.
6. If alcohol is to be served, the permit holder must notify the City's Business Licensing Office 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.
7. 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. Failure to remove tables and chairs during a snowfall may result in revocation of the permit.
8. The applicant shall sign a release, indemnification and hold harmless agreement prior to the issuance of the permit.
9. If smoking is permitted in the outdoor dining area, the permittee shall provide ashtrays. If smoking is not permitted, the permittee shall post "No Smoking" sign.



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
- 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.

- The permit holder is responsible for keeping the outdoor seating area clean. The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
- No food shall be prepared outside.
- 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: Caitlin Wilson Date: 6/26/09
 Printed name Caitlin Wilson
 Establishment Cinque Torre LLC
 Location 10 Dana St + 36 Wharf St.



Billing Number: 180009658
 Policy Number: CB 0100033406 00

BUSINESSOWNERS POLICY DECLARATIONS
Middlesex Mutual Assurance Company

Policy Period From: 04-01-2009 To: 04-01-2010 12:01 A.M. Standard Time

Named Insured: CINQUE TERRE INC DBA

Effective Date: 04-01-2009
 12:01 A.M., Standard Time

Agent Name: COASTAL INSURANCE GROUP

Agent No.: 00697

DESCRIBED PREMISES: See Schedule of Locations

Coverage is applicable only if an 'X' is shown in the boxes below and / or a limit of insurance is shown.

POLICY COVERAGES: Limits of Insurance

Loc. No.	Bldg. No.	Coverage	Blanket #, if applicable	Limits of Insurance
		Building		
		Actual Cash Value - Building Option		
		Automatic Increase - Building Limit	%	
001	001	Business Personal Property		\$ 51,000

MORTGAGE HOLDER NAME AND ADDRESS: See Schedule of Mortgagees

DEDUCTIBLES:

Property Ded: \$ 1,000	Optional Coverage / Glass Ded: \$ 500
Property Damage Liab Ded:	Earthquake: %

OPTIONAL COVERAGES: Limits of Insurance

<input checked="" type="checkbox"/>	Employee Dishonesty	\$ 10,000	Per occurrence
<input type="checkbox"/>	Outdoor Signs		Per occurrence
<input type="checkbox"/>	Burglary and Robbery (Named Perils only)		Inside the Premises Outside the Premises
<input type="checkbox"/>	Money and Securities		Inside the Premises Outside the Premises
<input type="checkbox"/>	Coverage Extensions - Optional Higher Limits Accounts Receivable Valuable Papers and Records Newly Acquired or Constructed Property		
<input type="checkbox"/>	Additional Coverages - Optional Higher Limits Forgery and Alteration Business Income From Dependent Properties Business Income - Extended Number of Days for Ordinary Payroll Expenses Extended Business Income - Extended Number of Days		Extended No. of Days Extended No. of Days
<input checked="" type="checkbox"/>	Other (specify) - See Businessowners Optional Coverages Schedule		

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.

ABP DS 02 06 06

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Insured Copy

LIABILITY AND MEDICAL PAYMENTS

Except For Damage To Premises Rented To You, each paid claim for the following liability coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to Paragraph D.4 of the Businessowners Liability Coverage Form or Section II-Liability in the Businessowners Coverage Form and any attached endorsements.

	Limits of Insurance	
Liability and Medical Expenses / General Aggregate	\$ 2,000,000 /	\$ 4,000,000
Medical Expenses	\$ 5,000	Per person
Products / Completed Operations / Aggregate	\$ 4,000,000	
Damage To Premises Rented To You	\$ 50,000	Any one fire or explosion
Tenants Liability		
Damage To Premises Rented To You (In Excess of \$50,000)	\$ 200,000	
Self-storage Facilities		
Customer Goods Legal Liability	Per occurrence	
Sale and Disposal Liability		
Motels		
Liability For Guests' Property (Subject to Base Property Deductible)	Per guest	
	Per occurrence	
Liability For Guests' Property in Safe Deposit Boxes	Per occurrence	

ANNUAL PREMIUM AUDITS:
 Policy Subject to Premium Audit: Liability Exposure Base: \$ 1,141,202 (Sales or Payroll)

FORMS AND ENDORSEMENTS See Schedule of Forms and Endorsements

BLANKET INSURANCE:

Blanket #	Type of Property	Limit of Insurance

Minimum Premium:	\$400.00
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PREMIUM: Premium for this Businessowners Policy	\$5,131.00
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BUSINESSOWNERS POLICY DECLARATIONS
Middlesex Mutual Assurance Company

Policy Period From: 04-01-2009 To: 04-01-2010 12:01 A.M. Standard Time

Named Insured: CINQUE TERRE INC DBA

Effective Date: 04-01-2009
 12:01A.M. Standard Time

Agent Name: COASTAL INSURANCE GROUP

Agent Number: 00697

DESCRIBED PREMISES: See Schedule of Locations

Coverage is applicable only if an "X" is shown in the boxes below and / or a limit of insurance is shown.

POLICY COVERAGES: Limits of Insurance

Loc. No.	Bldg. No.	Coverage	Blanket #, if applicable	Limits of Insurance
002	001	Building Actual Cash Value – Building Option Automatic Increase – Building Limit Business Personal Property	%	\$ 118,320

MORTGAGE HOLDER NAME AND ADDRESS: See Schedule of Mortgagees

DEDUCTIBLES:

Property Ded: \$ 1,000	Optional Coverage / Glass Ded: \$ 500
Property Damage Liab Ded:	Earthquake: %

OPTIONAL COVERAGES: Limits of Insurance

<input type="checkbox"/>	Outdoor Signs	Per occurrence
<input type="checkbox"/>	Burglary and Robbery (Named Perils Only)	Inside the Premises Outside the Premises
<input type="checkbox"/>	Money and Securities	Inside the Premises Outside the Premises
<input type="checkbox"/>	Coverage Extensions – Optional Higher Limits Accounts Receivable Valuable Papers and Records Newly Acquired or Constructed Property	INCLUDED
<input type="checkbox"/>	Additional Coverages – Optional Higher Limits Forgery and Alteration Business Income From Dependent Properties Business Income – Extended Number of Days for Ordinary Payroll Expenses Extended Business Income – Extended Number of Days	Extended No. Days Extended No. Days
X	Other (Specify) – See Businessowners Optional Coverages Schedule	

LIABILITY AND MEDICAL PAYMENTS

Except For Damage To Premises Rented To You, each paid claim for the following liability coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to Paragraph D.4 of the Businessowners Liability Coverage Form or Section II-Liability in the Businessowners Coverage Form and any attached endorsements.

Damage To Premises Rented To You (In Excess of \$50,000)	\$ 200,000
Self-storage Facilities Customer Goods Legal Liability Sale and Disposal Liability	Per occurrence
Motels Liability For Guests' Property (Subject to Base Property Deductible)	Per guest Per occurrence
Liability For Guests' Property in Safe Deposit Boxes	Per occurrence

ANNUAL PREMIUM AUDITS:

Policy is Subject to Premium Audit: Liability Exposure Base: \$ 877,155 (Sales or Payroll)

FORMS AND ENDORSEMENTS See Schedule of Forms and Endorsements

ABP DS 03 06 06

This document is part of your policy. Please keep it with your other documents.

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Insured Copy



Billing Number: 180009658
 Policy Number: CB 0100033406 00

BUSINESSOWNERS POLICY DECLARATIONS
Middlesex Mutual Assurance Company

213 Court Street

Policy Period From: 04-01-2009 To: 04-01-2010 12:01 A.M. Standard Time

Effective Date: 04-01-2009
 12:01A.M. Standard Time

Insured Name and Address
 CINQUE TERRE INC DBA

Agent Name COASTAL INSURANCE GROUP Agent Number: 00697

OPTIONAL COVERAGES - OTHER

Loc. No.	Bldg. No.	Coverage	Limit of Insurance
001	001	ADDITIONAL INSURED (3)	INCL.
001	001	HIRED EXCESS	IF ANY
001	001	NON-OWNED AUTO	IF ANY
002	001	ADDITIONAL INSURED (3)	INCL.
002	001	HIRED EXCESS	IF ANY
002	001	NON-OWNED AUTO	IF ANY

This document is part of your policy. Please keep it with your other documents.

ABP DS 04 06 06

Insured Copy

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - DESIGNATED PERSON
OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE*

Name Of Person Or Organization:

VIGNOLA LLC
10 DANA STREET
PORTLAND ME 04101

*Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.

The following is added to Paragraph C. **Who Is An Insured** in **Section II - Liability** :

4. Any person or organization shown in the Schedule is also an insured, but only with respect to liability arising out of your ongoing operations or premises owned by or rented to you.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES
OR CONTRACTORS**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE*

<p>Name Of Person Or Organization: BIBEAU & COMPANY INC 340 FORE STREET PORTLAND ME 04101</p>
<p>*Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.</p>

The following is added to Paragraph C. **Who Is An Insured** in **Section II - Liability**:

4. Any person or organization shown in the Schedule is also an insured, but only with respect to liability arising out of your ongoing operations performed for that insured.