

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

Please Read Application And Notes, If Any, Attached

PERMIT ISSUED
Permit Number: 070200
APR 13 2007
CITY OF PORTLAND

This is to certify that 551 CONGRESS STREET
has permission to Outdoor seating 6 Tables & 10 Chairs

AT 551 CONGRESS ST 037 C016001

provided that the person or persons who accept 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 service is 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

Thomas M. Mackley 4/12/07
Director - Building & 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

Permit No: 07-0200	Issue Date:	CBL: 037 C016001
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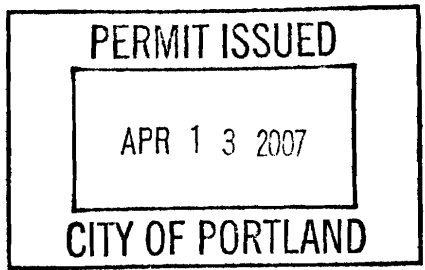
Location of Construction: 551 CONGRESS ST	Owner Name: 551 CONGRESS STREET LLC	Owner Address: PO BOX 6799	Phone:
Business Name: The White Heart	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name Mary Hodge	Phone: 603-677-2752	Permit Type: Outdoor Seating	Zone: <b>B-3</b>

Past Use: Commercial - Restaurant -The White Heart	Proposed Use: Restaurant -The White Heart- <sup>2A</sup> Outdoor seating <del>10</del> Tables & <del>20</del> Chairs <i>6 Tables 3 2 chairs</i>	Permit Fee: \$75.00	Cost of Work: \$75.00	CEO District: 1
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <b>A2</b> Type: <b>5B</b> <b>IBC 2003</b>	

Proposed Project Description: Outdoor seating <del>10</del> Tables & 20 Chairs <i>6 Tables 3 2 chairs (No sidewalk sign included)</i>	Signature:	Signature: <i>Jm 4/12/07</i>
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: Idobson	Date Applied For: 02/22/2007	<b>Zoning Approval</b>	
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<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>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"/>	<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	<b>Historic Preservation</b> <input checked="" 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: <i>3/30/07</i>	Date:	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, Maine - Building or Use Permit**

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

<b>Permit No:</b> 07-0200	<b>Date Applied For:</b> 02/22/2007	<b>CBL:</b> 037 C016001
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<b>Location of Construction:</b> 551 CONGRESS ST	<b>Owner Name:</b> 551 CONGRESS STREET LLC	<b>Owner Address:</b> PO BOX 6799	<b>Phone:</b>
<b>Business Name:</b> The White Heart	<b>Contractor Name:</b>	<b>Contractor Address:</b>	<b>Phone:</b>
<b>Lessee/Buyer's Name:</b> Mary Hodge	<b>Phone:</b> 603-677-2752	<b>Permit Type:</b> Outdoor Seating	

<b>Proposed Use:</b> Restaurant -The White Heart- Outdoor seating 6 Tables & 24 Chairs	<b>Proposed Project Description:</b> Outdoor seating 6 Tables & 24 Chairs
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 03/30/2007

**Note:** **Ok to Issue:**

- 1) Separate permits shall be required for any new signage. The sandwich board sign shown on the latest submittal is not part of this approval and shall be required to be permitted separately.
- 2) This permit is being approved on the basis of revised plans submitted on 3/30/07. Any deviations shall require a separate approval before starting that work.
- 3) All outdoor seating is subject to adjustment at any time from the City's traffic engineer who ensures that the City sidewalk is open and cleared for pedestrian use.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Tom Markley      **Approval Date:**

**Note:** **Ok to Issue:**

- 1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
- 2) The tables and chairs must not block any means to egress the building

**Comments:**

2/27/2007-mes: bringing to site plan review for approvals from the Traffic Engineer.

3/1/2007-mes: Jim C. Doesn't like the seats along Oak St and thinks that only 2 rows along Congress Street would be permitted - see e-mail - I tried to contact Mary Hodge, but her phone was not taking any messages

3/5/2007-mes: I spoke with Mary Hodge - she agreed. She will come in tomorrow or the next day to revise the submitted changes. She may contact Jim Carmody in Summer to show him what more table would look like and try to get a further approval.

3/30/2007-mes: Mary Hodges brought in a new plan showing 2 rows of three tables each - each table with 4 chairs, along Congress Street. No tables are shown along Oak St. She also tried to show a sandwich board sign on the street which would be a separate permit and is not permitted under this application.



# Outdoor Seating 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 Construction: <u>551 Congress St. PORTLAND ME 04101</u>		
Total Square Footage of Proposed Structure		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot#	Owner: <u>TOM MOULTON &amp; KERRY ANDERSON</u>	Telephone: <u>828-1900</u> <u>603-677-2753</u>
Lessee/Buyer's Name (If Applicable) <u>MARY HODGE</u>	Owner's/Purchaser/Lessee Address <u>551 CONGRESS ST. PORTLAND ME 04101</u>	Cost Of Work: \$ _____ Fee: \$80.00
Current use: <u>Cocktail lounge/Restaurant</u> Business name: <u>THE WHITE HEART</u> If the location is currently vacant, what was prior use: _____ Approximately how long has it been vacant: _____ Proposed use: _____ Project description: <u>Outside Seating</u> How many chairs? <u>20</u> How many tables? <u>10</u> Please contact the City Clerk's Office @ 874-8557 before you commence any serving of food or alcohol outside.		
Contractor's name: _____ Address & telephone: _____ Who should we contact when the permit is ready: <u>MARY HODGE</u> Mailing address: <u>11 High St. Meredith, NH 03253</u> Phone: <u>603-677-2752</u>		

*see revised plans received 3/30/07*

DEPT. OF BUILDING INSPECTION  
 CITY OF PORTLAND, ME  
 FEB 22 2007  
 RECEIVED

Please submit all of the information outlined in the Outdoor Seating 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: <u>Mary Hodge</u>	Date: <u>2-22-07</u>
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This is not a permit; you may not commence ANY work until the permit is issued.



# Outdoor Seating/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 \$80.00. The permit is good for one year and covers the time period April 15<sup>th</sup> thru September 30<sup>th</sup> of that same year. **The permit must be renewed each year prior to commencing the activity.**

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

## Additional requirements include:

- The tables and chairs need to be placed on the sidewalk in such a manner as to allow the free and safe passage of pedestrian traffic. If the placement of the tables and chairs creates a public safety hazard, the municipality may require them to be removed or relocated to a more suitable location.
- The sidewalk area where the tables and chairs are located must be kept neat and free from litter and debris.
- You are required to produce and maintain public liability insurance coverage in an amount of not less than three hundred thousand (\$400,000) combine single limit for bodily injury, death and property damage. If the tables and chairs are on City property, the City will need to be named as additional insured.
- No food shall be prepared outside.
- If alcohol is to be served, you will need to notify the City's Business Licensing Office in room 203 of City Hall or call 874-8557. Additionally, State law requires that any outdoor area serving alcohol be segregated from the rest of the public.
- If the seating area is located on City Property, the owner of the establishment will need to sign the following indemnifying statement.

## 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 the stated location: 551 Congress Street; in Portland, Maine, by the owner of the establishment being: Mary + Anthony Hodge, doing business as: The White Heart, hereby, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the City of Portland, 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 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:

Mary Hodge  
Establishment owner

Date: 2-22-07



# COMMERCIAL INSURANCE APPLICATION

## APPLICANT INFORMATION SECTION

CSR RR

DATE (MM/DD/YYYY)

02/20/2007

AGENCY <b>Turner Barker Insurance One India Street Portland ME 04101 Roberta Rumpf</b>	CARRIER <b>E A Kelley Companies</b>	NAIC CODE:	UNDERWRITER	UNDERWRITER OFF:
PHONE (A/C, No, Ext): 207-773-8156	POLICIES OR PROGRAM REQUESTED		POLICY NUMBER <b>SF05535252</b>	
FAX (A/C, No): 207-773-6647	INDICATE SECTIONS ATTACHED		EQUIPMENT FLOATER	GARAGE AND DEALERS
E-MAIL ADDRESS:	<input checked="" type="checkbox"/> PROPERTY	INSTALLATION/BUILDERS RISK	<input type="checkbox"/>	VEHICLE SCHEDULE
CODE:	<input type="checkbox"/> GLASS AND SIGN	ELECTRONIC DATA PROC	<input type="checkbox"/>	BOILER & MACHINERY
SUB CODE:	<input type="checkbox"/> ACCOUNTS RECEIVABLE/ VALUABLE PAPERS	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	<input type="checkbox"/>	WORKERS COMPENSATION
AGENCY CUSTOMER ID: WHITEH1	<input type="checkbox"/> CRIME/MISCELLANEOUS CRIME	BUSINESS AUTO	<input type="checkbox"/>	UMBRELLA
	<input type="checkbox"/> TRANSPORTATION/ MOTOR TRUCK CARGO	TRUCKERS/MOTOR CARRIER	<input type="checkbox"/>	

STATUS OF TRANSACTION		PACKAGE POLICY INFORMATION			
<input type="checkbox"/> QUOTE	<input type="checkbox"/> ISSUE POLICY	ENTER THIS INFORMATION WHEN COMMON DATES AND TERMS APPLY TO SEVERAL LINES, OR FOR MONOLINE POLICIES.			
<input type="checkbox"/> BOUND (Give Date and/or Attach Copy):	<input type="checkbox"/> RENEW	PROPOSED EFF DATE	PROPOSED EXP DATE	BILLING PLAN	PAYMENT PLAN
CHANGE DATE	TIME			DIRECT BILL	AUDIT
<input type="checkbox"/> CANCEL	AM	02/21/07	02/21/08	<input checked="" type="checkbox"/> AGENCY BILL	
	PM				

APPLICANT INFORMATION		MAILING ADDRESS INCL ZIP+4 (of First Named Insured)	
NAME (First Named Insured & Other Named Insureds) <b>The White Heart Delta Partners LLC d/b/a</b>		<b>Anthony &amp; Mary Hodge 11 High Street Meredith NH 03253</b>	
FEIN OR SOC SEC # (of First Named Insured):		WEBSITE ADDRESS(ES):	
PHONE (A/C, No, Ext):			
E-MAIL ADDRESS(ES): <b>mary@thewitheheart.com</b>	INDIVIDUAL <input type="checkbox"/>	CORPORATION <input type="checkbox"/>	DATE BUS STARTED
	PARTNERSHIP <input type="checkbox"/>	JOINT VENTURE <input type="checkbox"/>	
	SUBCHAPTER "S" CORPORATION <input checked="" type="checkbox"/>	LLC <input type="checkbox"/>	
	NOT FOR PROFIT ORG <input type="checkbox"/>	CR BUREAU NAME	ID NUMBER
	NO. OF MEMBERS AND MANAGERS		
INSPECTION CONTACT <b>Mary Hodge</b>		ACCOUNTING RECORDS CONTACT <b>Same</b>	
PHONE (A/C, No, Ext): <b>602-549-4633</b>	E-MAIL ADDRESS:	PHONE (A/C, No, Ext):	E-MAIL ADDRESS:

LOC #	BLD #	STREET, CITY, COUNTY, STATE, ZIP+4	CITY LIMITS	INTEREST	YR BUILT	# EMPLOYEES	ANNUAL REVENUES	PART OCCUPIED
1	1	551 Congress Street Portland ME 04101	<input type="checkbox"/> INSIDE <input type="checkbox"/> OUTSIDE	<input type="checkbox"/> OWNER <input checked="" type="checkbox"/> TENANT	1910			
			<input type="checkbox"/> INSIDE <input type="checkbox"/> OUTSIDE	<input type="checkbox"/> OWNER <input type="checkbox"/> TENANT				

NATURE OF BUSINESS/DESCRIPTION OF OPERATIONS BY PREMISE(S)	
1	1 Restaurant/Tavern

GENERAL INFORMATION		YES	NO	EXPLAIN ALL "YES" RESPONSES	YES	NO
EXPLAIN ALL "YES" RESPONSES						
1a. IS THE APPLICANT A SUBSIDIARY OF ANOTHER ENTITY?					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1b. DOES THE APPLICANT HAVE ANY SUBSIDIARIES?				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
2. IS A FORMAL SAFETY PROGRAM IN OPERATION?				<input checked="" type="checkbox"/>		
3. ANY EXPOSURE TO FLAMMABLES, EXPLOSIVES, CHEMICALS?				<input checked="" type="checkbox"/>		
4. ANY CATASTROPHE EXPOSURE?				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
5. ANY OTHER INSURANCE WITH THIS COMPANY OR BEING SUBMITTED?				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
6. ANY POLICY OR COVERAGE DECLINED, CANCELLED OR NON-RENEWED DURING THE PRIOR 3 YEARS? (Not applicable in MO)				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
7. ANY PAST LOSSES OR CLAIMS RELATING TO SEXUAL ABUSE OR MOLESTATION ALLEGATIONS, DISCRIMINATION OR NEGLIGENT HIRING?						
8. DURING THE LAST FIVE YEARS (TEN IN RI), HAS ANY APPLICANT BEEN CONVICTED OF ANY DEGREE OF THE CRIME OF ARSON? (In RI, this question must be answered by any applicant for property insurance. Failure to disclose the existence of an arson conviction is a misdemeanor punishable by a sentence of up to one year of imprisonment).						
9. ANY UNCORRECTED FIRE CODE VIOLATIONS?						<input checked="" type="checkbox"/>
10. ANY BANKRUPTCIES, TAX OR CREDIT LIENS AGAINST THE APPLICANT IN THE PAST 5 YEARS?						<input checked="" type="checkbox"/>
11. HAS BUSINESS BEEN PLACED IN A TRUST? IF YES, NAME OF TRUST:				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

REMARKS/PROCESSING INSTRUCTIONS (Attach additional sheets if more space is required)

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR ANOTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO CRIMINAL AND [NY: SUBSTANTIAL] CIVIL PENALTIES. (Not applicable in CO, HI, NE, OH, OK, OR, or VT; in DC, LA, ME, TN and VA, insurance benefits may also be denied)

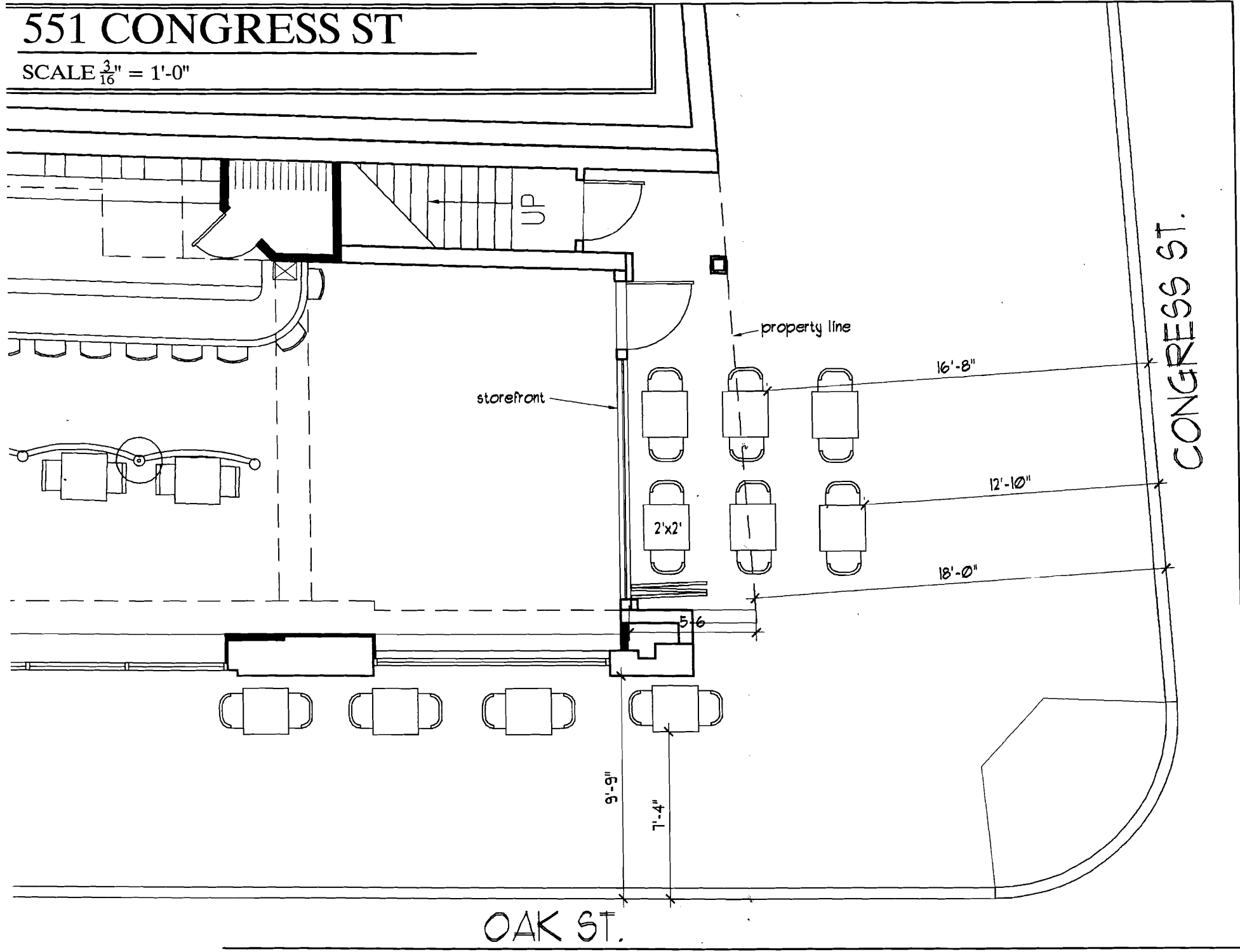
THE UNDERSIGNED IS AN AUTHORIZED REPRESENTATIVE OF THE APPLICANT AND CERTIFIES THAT REASONABLE ENQUIRY HAS BEEN MADE TO OBTAIN THE ANSWERS TO QUESTIONS ON THIS APPLICATION. HE/SHE CERTIFIES THAT THE ANSWERS ARE TRUE, CORRECT AND COMPLETE TO THE BEST OF HIS/HER KNOWLEDGE.

APPLICANT'S SIGNATURE <i>Mary N. Hodge</i>	DATE 2-20-07	PRODUCER'S SIGNATURE Roberta Rumpf	NATIONAL PRODUCER NUMBER
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Rec'd 11/7/05

551 CONGRESS ST

SCALE  $\frac{3}{16}'' = 1'-0''$



**From:** Marge Schmuckal  
**To:** James Carmody  
**Date:** 2/28/2007 2:54:01 PM  
**Subject:** 551 Congress Street

Jim,

I did a quick drive by 551 Congress St. to look at the sidewalk where they are proposing outside dining. I noticed a couple things.

1. Along Congress Street, there are no tree wells and no signage. It is clean as shown on the drawings.
2. Along Oak Street, there is a parking sign that limits parking along Oak Street and the corner. The Oak St. side looks mighty narrow.
3. Looking back at the drawing showing the Congress Street side: There appears to be less than two feet between tables (based on the 2'x2' tables given). There also appears to be less than 1' between the chairs that have not been pulled out. Their drawing may be pretty, but I'm not sure it is practical. Maybe only two rows of tables would be allowable.

Give me the results of your inspection.

I also have a call in to the City Clerk's office regarding the roping off of the area. They will be getting back to me.

Marge



**From:** James Carmody  
**To:** Schmuckal, Marge  
**Date:** 3/1/2007 2:37:11 PM  
**Subject:** 551 Congress St

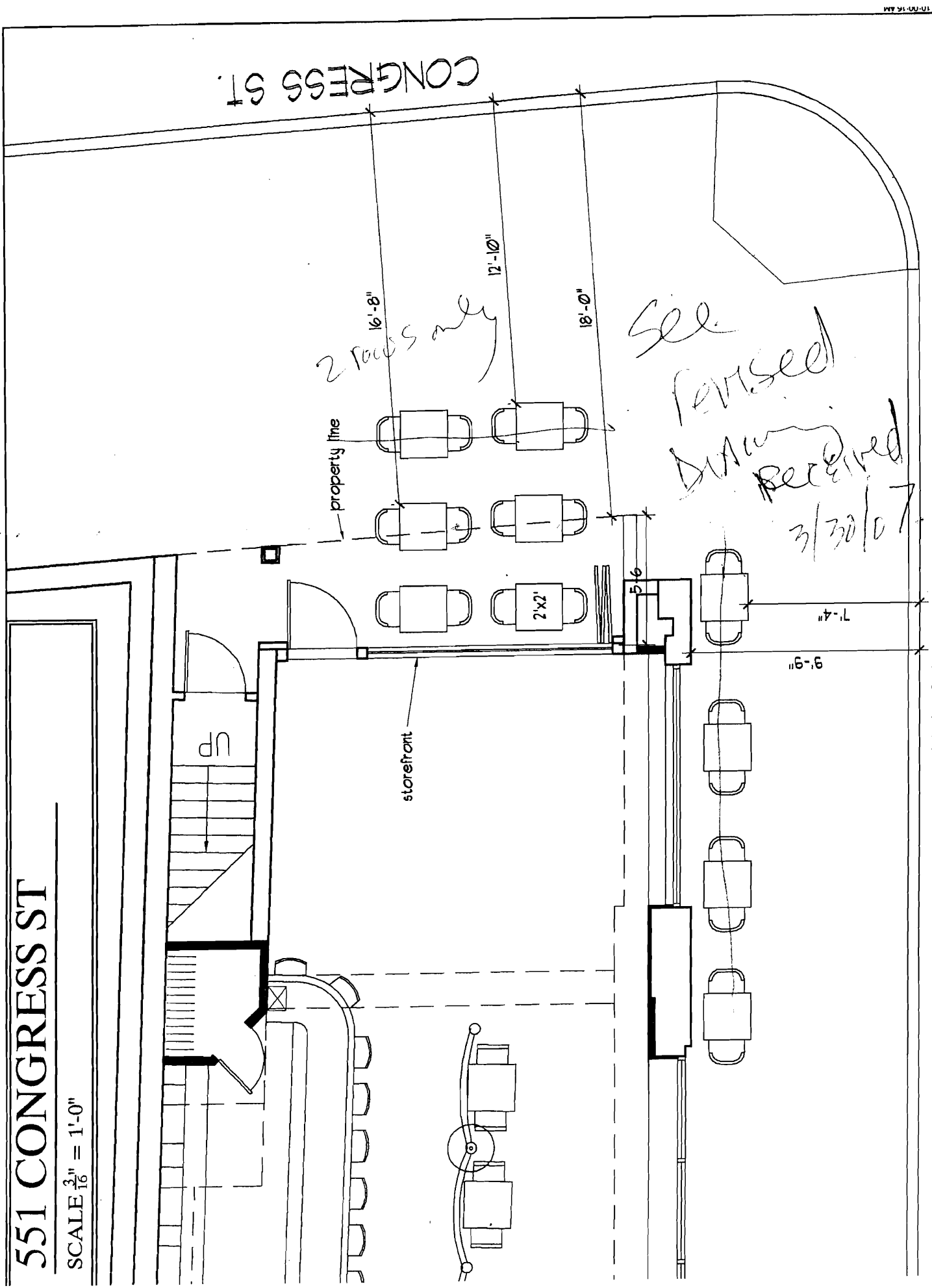
Hi Marge:

Surveyed this location. My first thoughts are: no tables on Oak St, the clearance for pedestrian use is sub-minimal. If a rope is needed to separate the tables from the public area, there is no clearance. Along Congress St I will support two rows of tables from the building face; the third row will encroach on the path defined by the crosswalk boundaries. Again the rope separation is an issue.

James Carmody, P. E.  
City Transportation Engineer  
City of Portland  
207-874-8894  
JPC@portlandmaine.gov

Rec'd 11/7/05

11/7/2005 10:00:15 AM



CONGRESS ST.

OAK ST.

551 CONGRESS ST

SCALE  $\frac{3}{16}$ " = 1'-0"

2 faces only

See revised drawing received 3/30/07

storefront

2x2'

5'-6"

7'-4"

6'-9"

property line

OUTDOOR Seating Permit

~~SANDWICH BOARD~~

sign is not part of the original permit application

permit # 07-0200

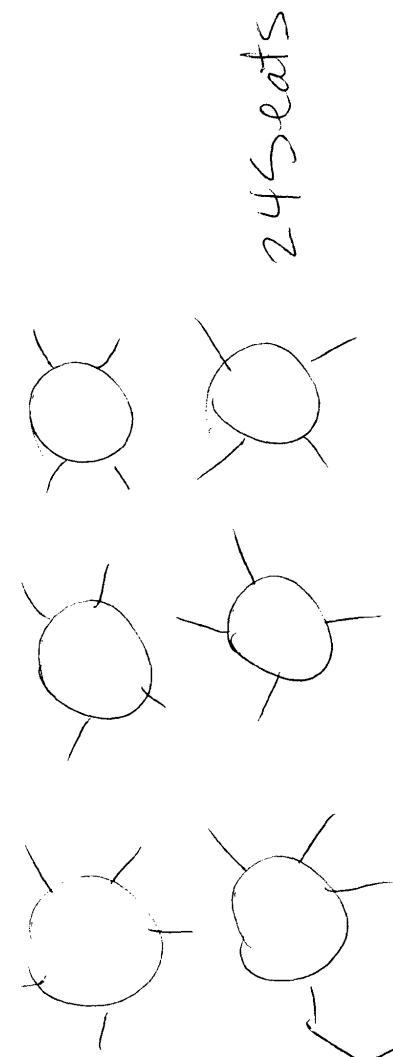
51 Congress St.

The White Heart

828-1900

Many Hodge

Door



SIDEWALK

Street

~~SANDWICH BOARD~~

not part of this application

A  
OX  
Oh

DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME

MAR 30 2007

RECEIVED