

**From:** Elizabeth Boynton  
**To:** Linda Cohen  
**Date:** 6/20/2008 10:57:42 AM  
**Subject:** Council Records

Attached is a Council Order that is apparently missing from the vault records. It was #116, passed on 3/7/01 in the afternoon. The only amendment was to change the reference to the Zoning Map to be the December 2000 map. Passed 5-0. It references the service of food and alcohol at the tent site on Great Diamond Island. I suggest you put this into your records.

**CC:** Alexandra MURPHY; Marge Schmuckal; Penny Littell

**AMENDMENT TO THE CONDITIONS AND RESTRICTIONS  
OF THE 1985 CONDITIONAL REZONING OF FORT MCKINLEY  
“Lot 44 – The Tent Site”**

1. Except as otherwise provided herein, the conditions and restrictions imposed on the development of Fort McKinley, and as approved by the Portland City Council on July 15, 1985, shall remain in force and effect.
2. The designated Residential Lot 44, described more particularly on Exhibit A and depicted on Exhibit B (hereinafter the “tent site”), presently zoned IR-1, shall be rezoned IR-3. In addition to being subject to the conditions and restrictions of the 1985 conditional rezoning, referenced in paragraph one (1), the tent site shall be subject to the following restrictions and limitations:
  - a. The sole use of this parcel, at any one time, shall be either a residential use or the seasonal operation (May 15 through Columbus Day) of an outdoor tent site servicing private functions such as weddings, receptions, theater productions, which use may include the preparation and service of food and alcohol, the performance of music or theater productions or other functions of like kind, provided all necessary federal, state and local permits, including but not limited to a food service license, a liquor license and a special entertainment license are obtained.
  - b. The erection of a temporary, overhead tent to provide protection from the elements, tables and chairs, and related food service equipment, shall be permitted on the tent site. A wooden gazebo that is used for wedding ceremonies is also on the site. Structures for residential use (dwelling unit, garage) otherwise permitted by zoning shall also be allowed. However, no other structure of a temporary or permanent nature may be erected on the site.
  - c. The tent and related equipment located on the site shall not be located within the 75 feet of the high-water mark of any shoreland zone boundary and the uses on this lot shall otherwise comply with all federal, state and local laws and ordinances, including all environmental laws and ordinances.
  - d. No other commercial or other activity, other than as specifically set forth above, shall be permitted within the boundaries of this lot.
  - e. Except as noted in paragraph b. above, no permanent structures shall be erected on this lot and the scenic beauty and natural condition of the lot shall remain.

- f. This conditional rezoning shall inure to the benefit of the property owners and its successors and to the City of Portland, who shall be authorized to enforce its provisions.
- g. The 1985 Conditional Rezoning and this Amendment shall be referenced in any transfer of the property, whether by deed or otherwise. This amendment shall be recorded by the Applicant in the Cumberland County Registry of Deeds (with Book and Page supplied to the City) within 30 days of its enactment by the Portland City Council.

- 3. The Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development shall be amended by adopting the map change amendments included as Exhibit B.
- 4. All Recreation Open Space identified in the Conditional Rezoning referenced in paragraph one (1) shall remain recreation open space in perpetuity.
- 5. It is a further condition of this Amendment to the Conditional Rezoning that no later than January 1, 2001, an application for modification and/or amendment to the Board of Environmental Protection's Site Location of Development Order (so as to bring the tent site into compliance with said Order) be submitted to the DEP (with a copy to the City). The DEP shall act on such application no later than July 15, 2001. If, by July 15, 2001, the tent site identified in paragraph one (1) is not in full compliance with all federal, state, and local laws, this Amendment shall become null and void.
- 6. McKinley Partners Limited Partnership, its successor or assign, shall implement by the effective date of this Amendment the recommendations of Olver Associates, Inc. contained within its June 2000 Wastewater Treatment Infrastructure Evaluation, and the recommendations identified Portland Public Works Engineer, Anthony Lombardo, in a memo dated August 15, 2000, namely:
  - a. Three sand filter beds shall be in place to treat wastewater loadings to be generated by the Diamond Cove development; and
  - b. The sewer system shall be reviewed, in detail, to locate the potential sources of inflow and infiltration. This shall be accomplished through detailed manhole inspections and, where needed, videos of the pipe system. The results shall be presented to the City of Portland Public Works Department. All inflow identified shall be removed from the system; and

A reserve account payment, in an amount to be determined by DEP, per year shall be maintained to cover expenditures associated with the maintenance of the sewer system; and

Deleted: March 1958

c. The present flow measurement system shall be reviewed and appropriately calibrated. The results shall be provided to the City of Portland Public Works Department.

7. Site Plan Review of the Site shall be applied for and approved by the City prior to the building or relocating of any structures on site and prior to any commercial activity on this lot in the year 2001.

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