

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING INSPECTION

PERMIT

Permit Number: 080549

PERMIT ISSUED

CITY OF PORTLAND

This is to certify that DIAMONDS EDGE LLC

has permission to Temporary Tent for Wedding June 22, 2008 - June 22, 2008

AT 55 COVE SIDE DR L 083F A044001

provided that the person or persons in charge of 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 written permission procured before this building or part thereof is opened or service closed-in. 4
OUR NOTICES REQUIRED

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

OTHER REQUIRED APPROVALS

Fire Dept. Wesley Cross
Health Dept. _____
Appeal Board _____
Other _____
Department Name

6/9/08 Cheryl A.
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: 08-0549	Issue Date: 5/4/08	CBL: 083F A044001
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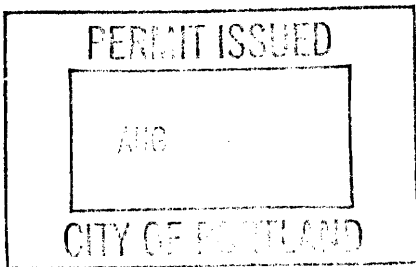
Location of Construction: 55 COVE SIDE DR, C D I.	Owner Name: DIAMONDS EDGE LLC	Owner Address: PO BOX 7472	Phone: 207-766-5850
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Tents	Zone: IR3

Past Use: Commercial - Restaurant/Diamonds Edge	Proposed Use: Commercial - Restaurant/Diamonds Edge - Temporary Tent for Wedding June 22, 2008 - June 22, 2008	Permit Fee: \$30.00	Cost of Work: \$0.00	CEO District: 1
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See Conditions</i>	INSPECTION: Use Group: <i>Tent</i> <i>NFPA IBC-2007</i>	

Proposed Project Description: Temporary Tent for Wedding June 22, 2008 - June 22, 2008	Signature: <i>Greg Cross</i>	Signature: <i>CLM 4/9/08</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: lmd	Date Applied For: 05/21/2008	Zoning Approval
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>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..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Maj <input type="checkbox"/> Minor <input checked="" type="checkbox"/> MM <input type="checkbox"/></p> <p>Date: <i>5/30/08</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>	<p>Historic Preservation</p> <p><input type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p>Date: _____</p>
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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

Permit No: 08-0549	Date Applied For: 05/21/2008	CBL: 083F A044001
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Location of Construction: 55 COVE SIDE DR, Great Diamond	Owner Name: DIAMONDS EDGE LLC	Owner Address: PO BOX 7472	Phone: 207-766-5850
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Tents	

Proposed Use: Commercial - Restaurant/Diamonds Edge - Temporary Tent for Wedding June 22, 2008 - June 22, 2008	Proposed Project Description: Temporary Tent for Wedding June 22, 2008 - June 22, 2008
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Marge Schmuckal	Approval Date: 05/30/2008
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) Separate licenses are required for food and liquor services through the City Clerk's office. 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.			
Dept: Building	Status: Approved with Conditions	Reviewer: Chris Hanson	Approval Date:
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) This permit DOES NOT authorize any construction activities. The tent/stage must be removed at the end of the event. 2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.			
Dept: Fire	Status: Approved with Conditions	Reviewer: Capt Greg Cass	Approval Date: 06/05/2008
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) Tents shall have an approved fire resistant rating, Maintain 10' between stake lines, No smoking or open flame within 10', Provide at least 1 10 lb. ABC extinguisher.			

Comments:
5/30/2008-mes: Over the last several days there has been a huge search of City Clerk records with the help of legal and my efforts to find when the City Council approved the use of this land for a tent and food and liquor service associated with the Diamond Edge Restaurant. On March 7, 2001, in the afternoon meeting which was recorded on VHS tape, it was confirmed that the IR-1 zone was changed to IR-3 and allowed for a tent site in association with the Diamond Edge restaurant.



Tent/Canopy or Temporary Event Staging 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/Park of Installation:		
Diamond's Edge Restaurant, Lot 44 Tent Site, Diamond Cove, Great Diamond Island		
Date of Set up/Event	Date of Breakdown/End of Event	
June 22, 2008	June 22, 2008	
Tax Assessor's Chart, Block & Lot	Property Owner:	Telephone:
Chart # Block# Lot#	Diamonds Edge LLC	207-766-5850
083F - A - 044 - 001	PO Box 7472, Portland, ME 04112	
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone:	Fee: \$30.00
Mica Wedding	Diamond's Edge Restaurant Lot 44 Tent Site, Great Diamond Island 207-766-5850	
<p>The permit fee and the following items must be completed and submitted along with this application in order to receive a permit.</p> <ol style="list-style-type: none"> 1. Certificate of Flammability 2. Letter of approval from property owner. If the City is owner, attach a completed copy of Application to Use City Parks & Public space from Parks & Recreation (756-8275). 3. Company name of installer (contact info). 4. Plot Plan showing the following: Tent/Canopy or temporary event staging locations, including dimensions, exits and entrances of proposed and existing, parking and existing building locations. If this is temporary staging, you will need to include product information. (Applicant may call Parks & Recreation for maps of Portland's Parks @756-8275). 5. If the City is the property owner, Certificate of Insurance listing the City as additional insured. Minimum amount of coverage is \$400,000.00 		
<p>Who should we contact when permit is ready: Jackie Bell</p> <p>Address: Diamond's Edge Restaurant, Great Diamond Island Telephone: 207-766-5070</p>		
<p>Please submit all of the information outlined in the Tent/Canopy and Event Staging Permit Application as one package. Failure to do so will result in the automatic denial of your permit.</p>		

MAY 21 2008

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 provision of the codes applicable to this permit.

Signature of applicant:

John Howard

Date:

05/21/08

106515

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

DIAMOND'S EDGE

R E S T A U R A N T & M A R I N A

on Great Diamond Island, Maine

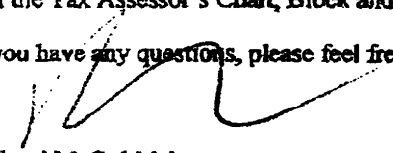
April 29, 2008

Temporary Event Permit Applications
Planning and Development Department
Inspections Division
Room 315 City Hall
389 Congress Street
Portland, ME 04101

Dear Staff:

This will serve to inform you that I give permission to Diamond's Edge Restaurant to use Lot 44 at Diamond Cove on Great Diamond Island for restaurant functions and to have a tent for such events placed on the lot during the period May 1, 2008 through October 31, 2008. Diamond's Edge LLC is the owner of record for this lot and the Tax Assessor's Chart, Block and Lot number is 083F - A - 044 - 001.

If you have any questions, please feel free to contact me directly.



Richard McGoldrick
President
Diamond's Edge LLC

Diamond Cove Restaurant and Marina, PO Box 7472, Portland, ME 04112
Phone: 207-766-5850 Email: info@diamondsedge.com

Certificate of Flame Resistance



REGISTERED
FABRIC
NUMBER

31.02

Issued by

TOPTEC, INC.
1905 N.E. Main Street
Simpsonville, SC 29681

Date Manufactured

10/21/98

*This is to certify that the materials described
are inherently flame retardant.*

Name MAINE BAY CANVAS

Address 53 INDUSTRIAL WAY

City PORTLAND

State ME

Zip 04103

Certification is hereby made that:

The articles described are flame-retardant, approved and registered by the State Fire Marshal and that the fabric is in conformance with the laws of the State of California and the Rules and Regulations of the State Fire Marshal. Fabric has been tested and passes NFPA701-96, CPAI84, ULC109, MVSS302.

Method of Application: _____

Description of item certified: EPIC END 40x40 WHITE

The Flame Retardant Process Used WILL NOT Be Removed By Washing.

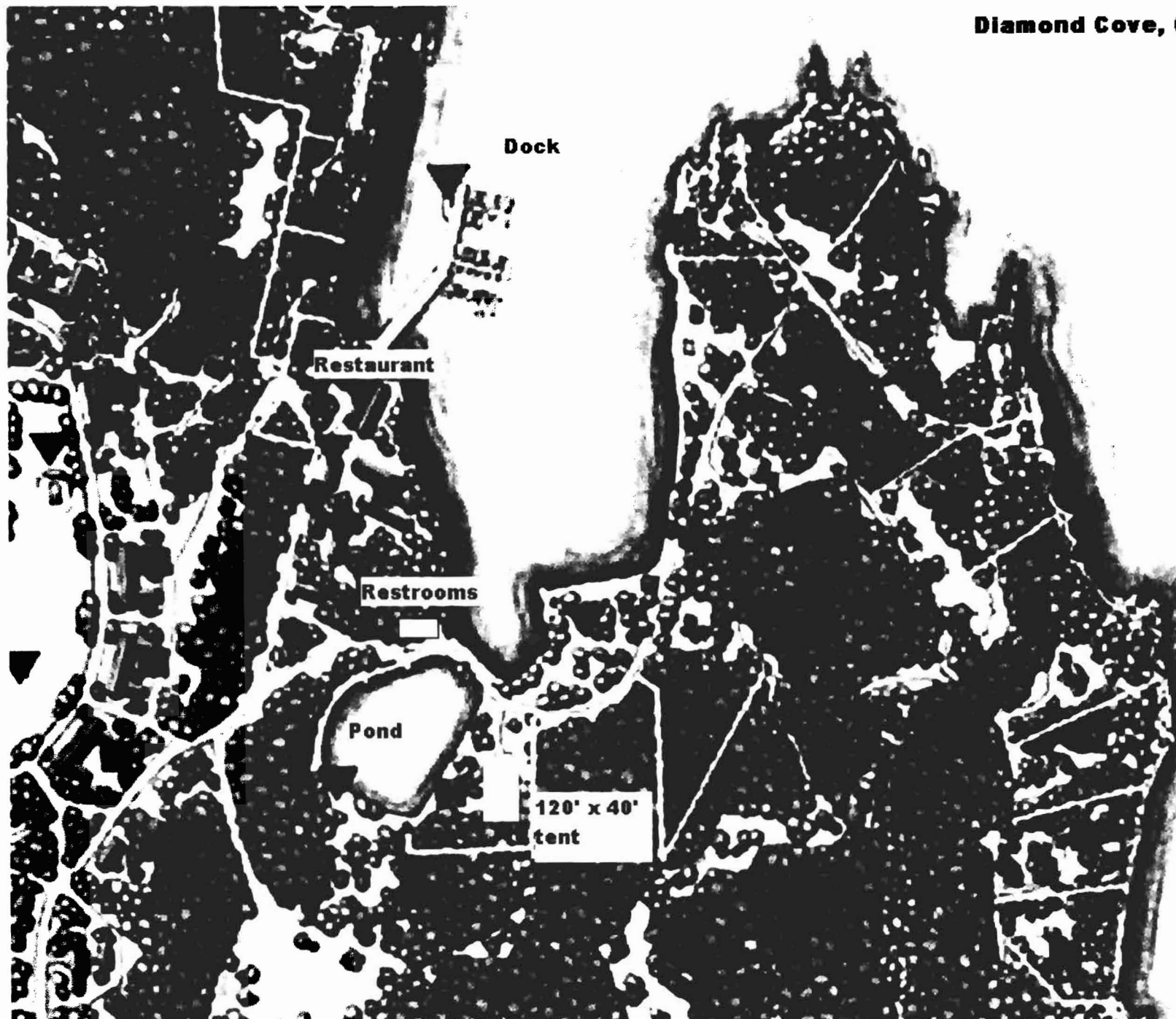
TOPTEC, INC.

Name of Production Superintendent

MODEL TEM4040200

SERIAL # 983242DG

Diamond Cove, Great Diamond Island



- A: Diamond's Edge Restaurant
- B: General Store
- C. Main Pier & Ferry Dock
- D. Security & Fire Headquarters
- O: Fresh Water Pond

Lot 44: Tent Site

Tent is set up in mid-May and removed in mid-October by Maine Bay Canvas. It has two electrical power stations, water on site, a portable dance floor and can accommodate up to 300 people.

Restrooms are located in a permanent wood structured building at the top of the causeway between the ocean and fresh water pond.

lot # 44 - confirmed happened by the Council in the afternoon meeting on 3/7/01

From: Elizabeth Boynton
To: Alex Jaegerman ; Alexandra MURPHY; Gary Hutcheson; Linda Cohen; Marge Schmuckal; Pat Finnigan; Penny Littell
Date: 5/29/2008 4:00:28 PM
Subject: Re: I am pretty confident (not 100% though) that this is what was passed by the Council in Order 116
Zone change from IR-1 to IR-3

Marge, right on both counts. In terms of what I found, it was on our computer system, dated 2-14-01. there should be a Planning Board report around that date (either before or after) that addressed this issue. We still need to find 116 and 117 if we can.

>>> Marge Schmuckal 05/29 3:52 PM >>>

I just want to confirm that two things:

1. That the 5-7-01 Alexandra typed in was supposed to be 3/7/01 ??
2. That Elizabeth entered a typo and that 3/7/08 and should be read as 3/7/01.

If that was the actual date of the VHS that you reviewed, then I think zoning and legal are ok for the Monday night meeting.

Thanks for all the forensic leg work in tracking this down.

Marge

>>> Alexandra MURPHY 5/29/2008 3:29:53 PM >>>

To catch everyone up, there were no minutes, in paper form or on the computer, for the 5-7-01 afternoon (4pm) meeting. Linda and I went up to the 4th floor vault and there was no order or back up for orders 116 or 117 in the year 2000 or 2001. We did find, however, a VHS tape. I watched the first half and Elizabeth the second (her findings are below).

So am I to assume that the zoning is ok for outdoor dining serving alcohol and Diamond's Edge "should not" have a problem on Monday night?

>>> Elizabeth Boynton 05/29 3:23 PM >>>

I am pretty confident (not 100% though) that this is what was passed by the Council in Order 116 on 3/7/08. If the Planning Board minutes say this is what they recommended, then I think the only change was to amend it to reference the December 2000 zoning map. It does reference service of food and alcohol.

SHEET 83B-B

SHEET

Commercial properties owned
by Diamond's Edge LLC

Seven residential units
In bldgs. 30 and 56

CASCO BAY

DIAMOND COVE

LOT
44
Subject
Property

Commercial properties owned
by Yoursamine LLC

OPEN SPACE
RECREATION AREA

Lot presently owned
by petitioner

OPEN SPACE
RECREATION

OPEN SPACE
RECREATION AREA

Lot presently owned
by petitioner

All Open Space Recreation Area
is part of Common Property,
Diamond Cove

CASCO BAY

ELM COVE

OPEN SPACE
RECREATION
AREA

EAST SIDE DRIVE

68
53,838
BATTERY
CARPENTER

67
64,319

56
139,023
BATTERY
MELNOR

63
90,808

BATTERY
KANEY

61
217,314

57
41,238

BATTERY
MONEYCUTT

YOUTH WAY

PHASE I
SIDE DRIVE

COVE

47

POND

DIAMOND
COVE

AVENUE

340

320

310

290

300

350

360

SKETCH PLAN

Diamond Cove Phase II
LOT 44
Great Diamond Island, Portland, Maine

Prepared For:
McKinley Partners Limited Partnership
Diamond Cove, Great Diamond Island
Portland, Maine 04109

1"=50'

NORTH

Pond

Gazebo

PROP IR-1
PROP IR-3

40 x 120
Canopy

Treeline

Gravel Drive

Gravel Drive

COVE
SIDE DRIVE

Lot 44

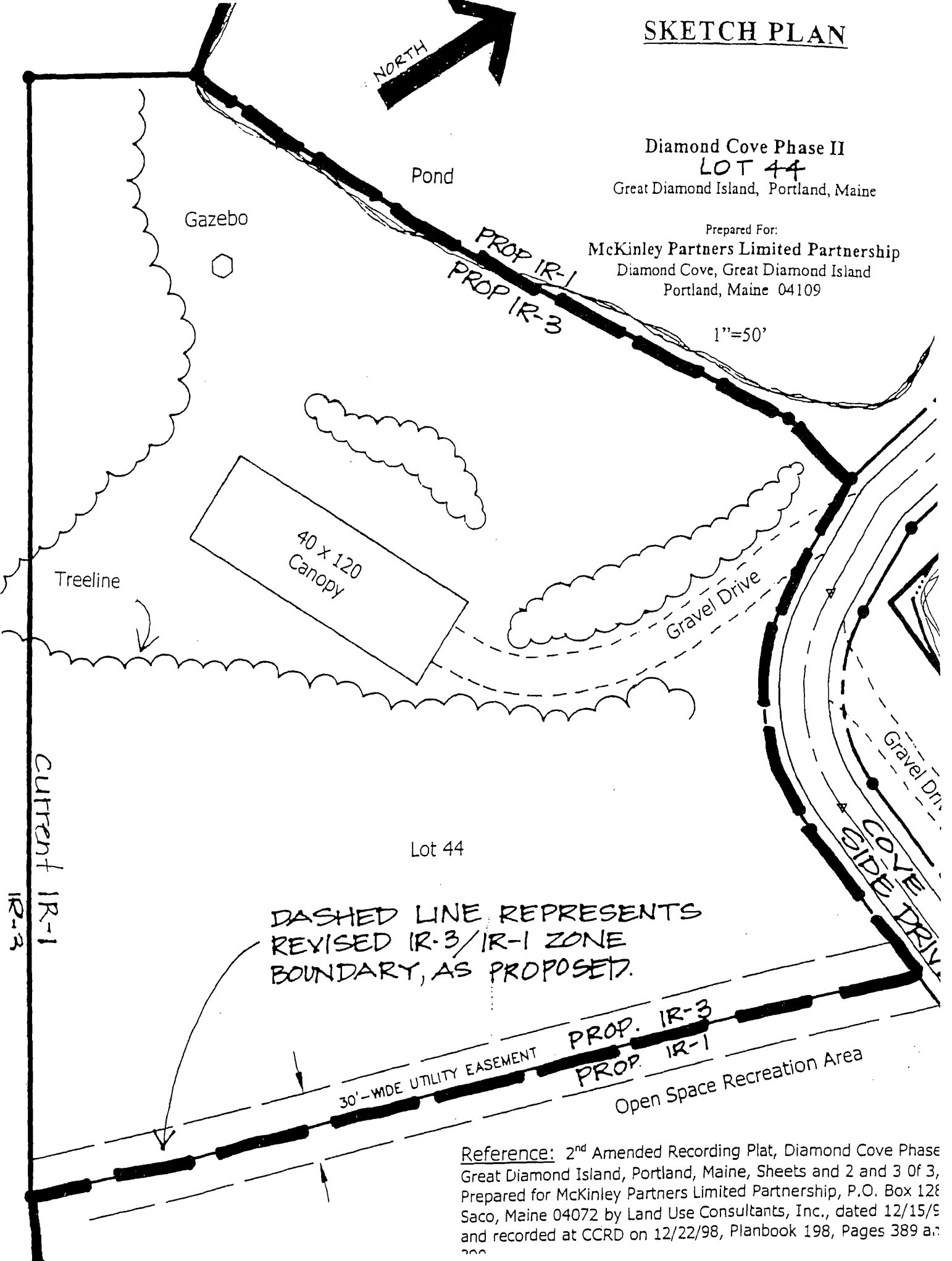
DASHED LINE REPRESENTS
REVISED IR-3/IR-1 ZONE
BOUNDARY, AS PROPOSED.

30'-WIDE UTILITY EASEMENT

PROP. IR-3
PROP. IR-1

Open Space Recreation Area

Reference: 2nd Amended Recording Plat, Diamond Cove Phase
Great Diamond Island, Portland, Maine, Sheets 2 and 3 of 3,
Prepared for McKinley Partners Limited Partnership, P.O. Box 128
Saco, Maine 04072 by Land Use Consultants, Inc., dated 12/15/98
and recorded at CCRD on 12/22/98, Planbook 198, Pages 389 a:



Zone change confirmed

No zone change on this set?

REVISED IR-1/IR-3 ZONE BOUNDARY, AS PROPOSED.

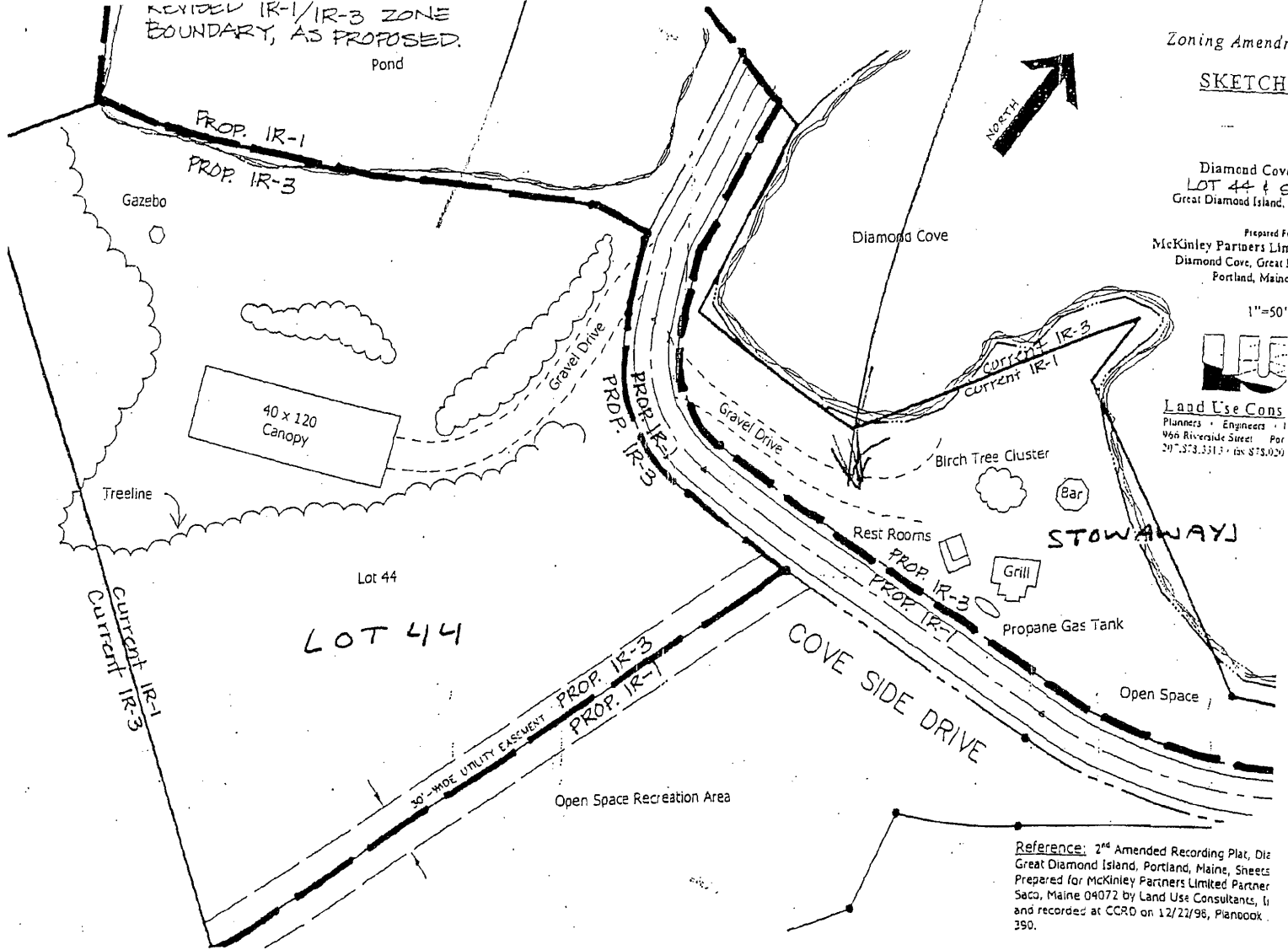
Zoning Amend
SKETCH

Diamond Cove
LOT 44 & S
Great Diamond Island.

Prepared For
McKinley Partners Lim
Diamond Cove, Great I
Portland, Maine

1"=50'

Land Use Cons
Planners & Engineers
966 Riverside Street Por
207.373.3513 fax 273.029



Reference: 2nd Amended Recording Plat, Die
Great Diamond Island, Portland, Maine, Sheets
Prepared for McKinley Partners Limited Partner
Saco, Maine 04072 by Land Use Consultants, ll
and recorded at CCRD on 12/22/98, Planbook
390.

**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 March 1958, 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

- 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.

O:\OFFICE\PENNY\CONTRACT\rezone\tentsite3/ Created on 02/14/01 12:11
PL:dlc