

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING DEPARTMENT

PERMIT

Please Read Application And Notes, If Any, Attached

Permit Number: 090440

PERMIT ISSUED

This is to certify that TOMAKS LLC / Miss Portland has permission to Outside Dining - 10 Chairs & 3 Tables on private property - 12 Chairs & 3 Tables on City Property - 0 sq ft city property AT 140 MARGINAL WAY CH 442 A006001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine 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 lath or other work is used-in. 2 HOOR NOTICE IS 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

[Handwritten Signature]
6/9/09
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

CLOSED 6/16/09 SM18

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

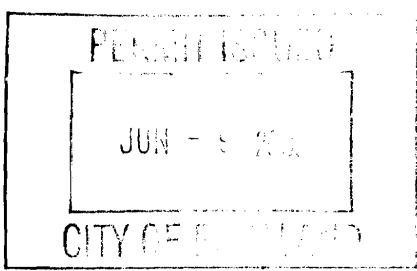
Permit No: 09-0440	Issue Date:	CBL: 442 A006001
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Location of Construction: 140 MARGINAL WAY	Owner Name: TOMAKS LLC	Owner Address: 116 ARMOUR RD	Phone:
Business Name:	Contractor Name: Miss Portland Diner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	Zone: B-7

Past Use: Commercial "Miss Portland Diner"	Proposed Use: Commercial " Miss Portland Diner" - Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 91 sq ft city property	Permit Fee: \$262.00	Cost of Work: \$262.00	CEO District: 1
Proposed Project Description: Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 91 sq ft city property		FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied Signature: <i>[Signature]</i>	INSPECTION: Use Group: <i>U</i> Type: <i>Outdoor Seating</i> Signature: <i>[Signature]</i>	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input checked="" type="checkbox"/> Denied Signature: Date:		

Permit Taken By: Ldobson	Date Applied For: 05/08/2009	Zoning Approval
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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 checked="" type="checkbox"/> Site Plan <i>also need city license to use city property</i> #09-9960001 Maj <input type="checkbox"/> Minor <input type="checkbox"/> MMT <input checked="" type="checkbox"/> Date: <i>5/15/09</i>	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 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>9</i>
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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

6-17-09

Permit for Brink Sidewalk indicates 9'3" x 13'3"

1 foot of which is in side owner Property line -

City property being removed out side dining = 8'3" x 13'3"

$$= 8.25 \times 13.25 = 109.3 \text{ SQ FT}$$

Sidewalk brink installed as indicated -
CLOSE SMT

Letter in permit application indicates Tom Manning Agrees
to 120 SQ FT.

Permit for Brink indicated 9'3" x 13'3"

Private property per owner 8'3" x 13'3"

owner agreed to pay full 123 SQ FT.
on letter to Mayor

6-18-09

Rebill for 109.3 SQ FT per Tammy Menden

SMT

SMT

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- A pre-construction meeting must take place in accordance with the letter dated May 29, 2009 from Alex Jaegerman referencing project id # 09-99600001.
- The outdoor seating may NOT be used until a final inspection has been conducted.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

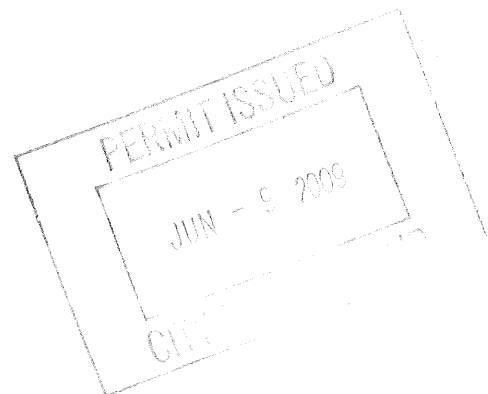
CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.

Tom Murray
Signature of Applicant/Designee

Date

S. J. Del
Signature of Inspections Official

6.15.09
Date



City of Portland



Check Req. **ADVANCE**

Voucher # _____

Date Paid: _____

\$28.00

Pay To: Tomak, LLC

Address 116 Armour Rd.

Mahwah, N.J. 07430

Vendor Number: 299 (required)

Department Approval: *[Signature]*

Date: 06/19/09

Budget Approval: _____

Date: _____

FUND	DEPT/DIV	ACCT	ELEMENT	OBJECT	PROJECT	AMOUNT
100	2402	326	03	00		\$28.00

sign permit refund, over charged

Limited to 30
characters in
H.T.E.

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

INVOICE FOR PERMIT FEES

Application No: 9-0440	Applicant: TOMAKS LLC
Project Name: Outside Dining - 10 Chairs & 3 Tab	Location: 140 MARGINAL WAY
CBL: 442 A006001	Development Type:
Invoice Date: 05/08/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$326.00		\$80.00		\$246.00	On Receipt

Second Billing

Previous Balance **\$0.00**

Correct SQ #050112

Fee Description	Qty	Fee/Deposit Charge
Outside Seating Sidewalk <i>PS 110</i>	123	\$246.00
Outside Seating	1	\$80.00
		<u>\$326.00</u>

218
~~220~~

JPG

Total Current Fees:	+	\$326.00
Total Current Payments:	-	\$80.00
Amount Due Now:		\$246.00

Detach and remit with payment

Bill to: TOMAKS LLC
 116 ARMOUR RD
 MAHWAH, NJ 07430

CBL 442 A006001
Application No: 9-0440
Invoice Date: 05/08/2009
Invoice No: 34489
Total Amt Due: \$246.00
Payment Amount:

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

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE FOR PERMIT FEES

Application No: 9-0440	Applicant: TOMAKS LLC
Project Name: Outside Dining - 10 Chairs & 3 Tab	Location: 140 MARGINAL WAY
CBL: 442 A006001	Development Type:
Invoice Date: 05/08/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$326.00		\$80.00		\$246.00	On Receipt

Second Billing

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Outside Seating Sidewalk	123	\$246.00
Outside Seating	1	\$80.00
		<u>\$326.00</u>
	Total Current Fees:	+ \$326.00
	Total Current Payments:	- \$80.00
	Amount Due Now:	\$246.00

 Detach and remit with payment

Bill to: TOMAKS LLC
 116 ARMOUR RD
 MAHWAH, NJ 07430

CBL 442 A006001
Application No: 9-0440
Invoice Date: 05/08/2009
Invoice No: 34489
Total Amt Due: \$246.00
Payment Amount:

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



442-A-6
090440
Sch
wood
5/13/09
9:00

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.

<input checked="" type="checkbox"/> New Application for Outside Dining			<input checked="" type="checkbox"/> AMENDED APPLICATION FOR OUTSIDE DINING		
<input type="checkbox"/> Renewal Application for Outside Dining					
City Clerk signature for liquor license approval: _____			or Pending Council Date: 6-1-09 AM		
Location/Address of Outdoor Seating: _____					
Total Square Footage of Proposed Seating Area ¹			Square Footage of Lot		
200 SQ FT (140 SQ FT WHICH IS MY PROPERTY)			6,000 SQ FT		
Tax Assessor's Chart, Block & Lot		Phone#:	Owner:		
Chart#	Block#	Lot#			
442	A	006	917 951 4109		
Applicant *must be owner or Lessee		Lessee/Buyer's Name:		Annual Fee: \$80	
Name: TOM MANNING		(If Applicable)		Total Sq. Ft.	
Address: 116 ARMOUR RD				Sq. Ft. Fee: \$	
City, State & Zip: MAHAN, N.J.				Total Fee: \$	
Current use: N/A					
Business name: MISS PORTLAND DINER					
Seating area dimensions: 22' x 12' TOTAL (PRIVATE PROP 14x12 - CITY OWNED 8x12)					
How many chairs? _____		How many tables? _____			
<input checked="" type="checkbox"/> Yes Alcohol is served.		10 CHAIRS ON PRIVATE PROP - 12 CHAIRS ON CITY PROPERTY			
<input type="checkbox"/> No Alcohol being served.		3 TABLES ON PRIVATE PROP - 3 TABLES ON CITY PROPERTY			
Who should we contact for the pre-inspection: TOM MANNING					
Mailing address: 116 ARMOUR RD			Phone: 701 684-1087		
MAHAN, N.J.			cell 917-951-4109		

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.

Signature of Applicant:

Date: 5/8/09

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

Tammie M.

LICENSE AGREEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), hereby GRANTS to Tomaks, LLC, a limited liability company with a place of business in Portland, Maine and mailing address c/o Thomas Manning at 116 Armour Drive, Mahwah, NJ 07430, (hereinafter the "Licensee") a revocable license to occupy portions on or over land owned by the City on Marginal Way in Portland, Cumberland County, Maine, which land abuts the property of Licensee at 140 Marginal Way, Portland, Maine, for the purpose of allowing encroachment of the "proposed brick sidewalk" to be constructed by Licensee on the City's property as identified and shown in more detail on Exhibits A and B attached hereto and made a part hereof. The license granted in this agreement is subject to the following conditions:

1. Tomaks, LLC, its successors and assigns agree to defend and indemnify the City, its officers, agents, and employees from any and all claims which arise out of its use, or the use of others, of the City's property encroached upon as described above.
2. Licensee shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit, (or any amount noted in the Maine Tort Claims Act, as may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this license.
3. This license is assignable to any subsequent owners of the buildings located on the land described on the approved site plan for Miss Portland Diner, Portland, Maine and depicted on Exhibit A attached hereto.
4. This license may be revoked upon thirty (30) days written notice by the City in the event that: 1) the proposed sidewalk shown on the attached plan (Exhibits A and B) fails to be constructed substantially in accordance with such plans or any amendments thereto; 2) the buildings or sidewalk as shown on such plans (Exhibits A and B) or any amendments thereto are destroyed, removed or otherwise thereafter cease to exist on the site at 138 Marginal Way for a period of one year or more; and/or 3) the Narrow Gauge Railroad chooses to expand in, on or near the Licensee's property as shown on Exhibits A and B.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this 27th day of May, 2009.

JUN - 4 2009

CITY OF PORTLAND

By: [Signature], Acting Mgr
Joseph E. Gray, Jr.
City Manager

By: Tom Manning

Print: TOM MANNING

Its: MANAGER/OWNER

STATE OF MAINE
CUMBERLAND, ss.

May 19, 2009

PERSONALLY APPEARED the above named Joseph E. Gray, Jr., City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

[Signature]

Notary Public/Attorney at Law

Print name:

My commission expires:

THERESA L. BOURGOIN
MY COMMISSION EXPIRES
OCTOBER 26, 2014

STATE OF MAINE
CUMBERLAND, ss.

May 19, 2009

PERSONALLY APPEARED the above named Tom Manning as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Tomaks LLC.

Before me,

[Signature]

Notary Public/Attorney at Law

Print name: Stephen Fuzesi, Jr.

My commission expires:

STEPHEN FUZESI JR.
Notary Public, State of New York
No. 02FU5032241
Qualified in New York County
Commission Expires August 22, 2010

PAVED DRIVE
(BY OTHERS)

MISS PORTLAND D

FIN. FL. EL.

Blumberg No. 5119

EXHIBIT

NEW CURBING
(BY OTHERS)

BITUM. SIDEWALK
(BY OTHERS)

10.75

11.25

11

11.96

BRICK SIDEWALK
(BY OTHERS)

NEW
BRICK
SIDEWALK

CONC.
PATIO
EL = 11.96

MISS PORTLAND DINER CA

FIN. FL. EL. = 13.75

11.5

10.5

11.0

11.1

11

ADDITIONAL
PROPOSED
BRICK SIDEWALK
(9'-3" x 13'-3")

123 sq FT

*City Prop -
8'-3" x 13'-3"*

NEW BRICK SIDEWALK

10.75

Q. PAL

NEW OR RELOCATED
GRANITE CURB

9.9

Q. PAL

9.8

10.5

10.1

9.6

10

9.4

9.3

10.4

9.9

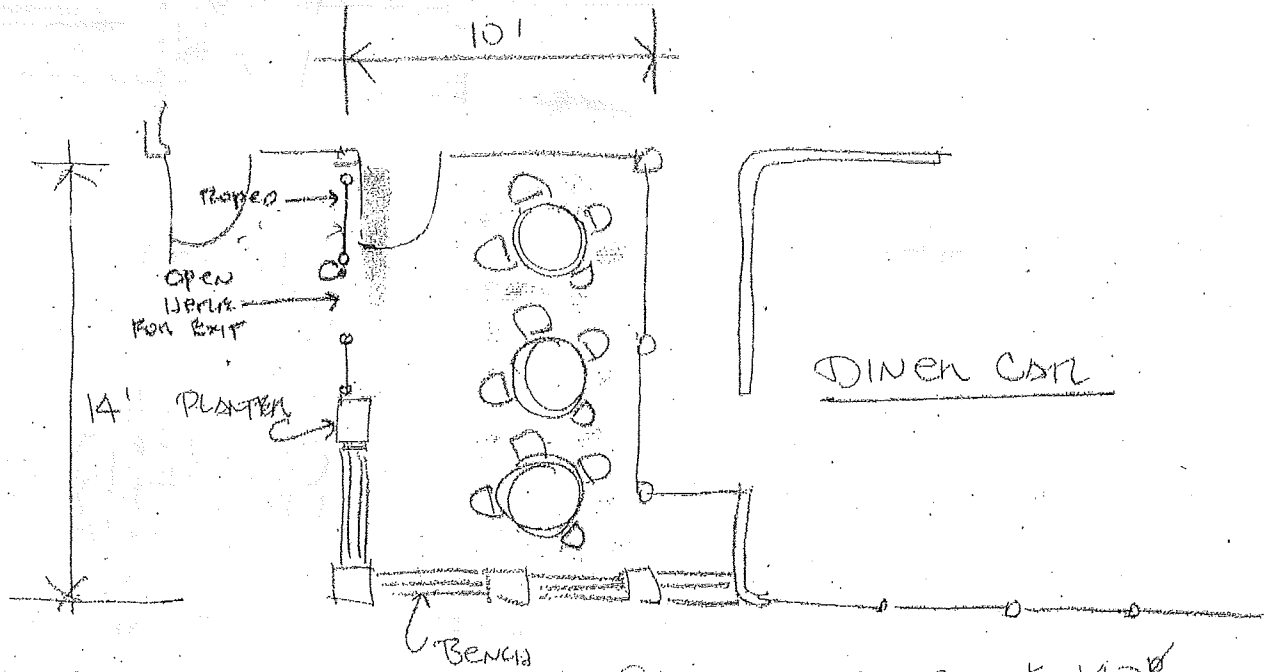
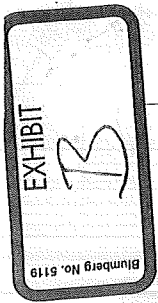
PAVED DRIVE
(BY OTHERS)

SAW CUT PAYEMENT LINE

(D)

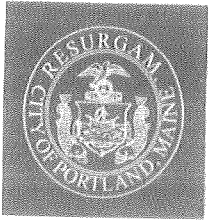
ACTOR TO BE RESPONSIBLE
STALLING A CROSSWALK ACROSS
MARGINAL WAY ON THE EAST SIDE OF
MUT STREET INCLUDING TIPDOWNS

MARGINAL



our own system @ MISS PORTLAND ± 140

$$1/4" = 1' \text{ } \odot$$

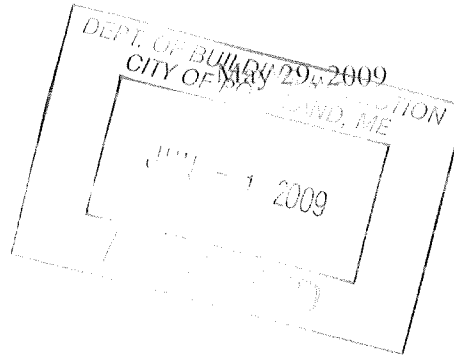


PORTLAND MAINE

Strengthening a Remarkable City Building a Community for Life www.portlandmaine.com

Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director



Mr. Thomas Manning
Tomaks, LLC.
116 Armour Road
Mahwah, NJ 07430

Project Name: Outside Patio; 140 Marginal Way; Miss Portland Diner
Project ID: 09-99600001
Project Address: 140 Marginal Way CBL: 442 - A-006-001

Planner: Rick Knowland

Dear Tom:

On May 29, 2009, the Portland Planning Authority approved the amended site plan for an outside patio as shown on the approved plan dated April 28, 2009 with the following conditions:

1. That construction activities within the street right-of-way shall be completed by a contractor licensed by the City; that an excavation permit is required and that all materials and workmanship shall meet City standards. Applicant is responsible for all costs and materials associated with this project.
2. Approval is subject to City approval of your plan to use the site for the intended use and to install improvements within the street right-of-way.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit an amended site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or

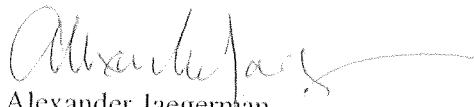
alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the original approval date or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Rick Knowland at (207) 874-8725.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. (applicable staff memo's)
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Rick Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guerton, Inspections Division
Lisa Danforth, Inspections Division
Lammie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

May 8, 2009

To: Rick Knowland

From: David Margolis-Pineo

Re: Public Services Review Comments – Miss Portland Diner Sidewalk

Public Services has review the topographic& Landscaping Plan by SJR Engineering, Inc revised on 4-28-09 showing the additional brick sidewalk area and has no issues with expanding the brick sidewalk into the street R-O-W for the purpose of outdoor dining.

It is understood the work shall be completed by a contractor licensed by the City, that an excavation permit is required and that all materials and workmanship meet City standards. It is also understood that the applicant is responsible for supplying and installing the proposed sidewalk addition.

City of Portland, Maine - Building or Use Permit

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

Permit No: 09-0440	Date Applied For: 05/08/2009	CBL: 442 A006001
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Location of Construction: 140 MARGINAL WAY	Owner Name: TOMAKS LLC	Owner Address: 116 ARMOUR RD	Phone:
Business Name:	Contractor Name: Miss Portland Diner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Outdoor Seating	

Proposed Use: Commercial " Miss Portland Diner" - Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 91 sq ft city property	Proposed Project Description: Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 91 sq ft city property
--	--

Dept: Zoning	Status: Approved	Reviewer: Marge Schmuckal	Approval Date: 05/15/2009
Note:			Ok to Issue: <input checked="" type="checkbox"/>
Dept: Building	Status: Approved with Conditions	Reviewer: Tammy Munson	Approval Date: 06/09/2009
Note:			Ok to Issue: <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> 1) All work is to be done in accordance with the letter dated May 29, 2009 from Alex Jaegerman (referencing 09-99600001), and the license agreement with the City of Portland executed May 27, 2009. 2) The outside dining permit is approved for the area delineated at the inspection and stated on the permit, and must be kept on site. THIS PERMIT MUST BE RENEWED ANNUALY 3) This permit approves outside seating only. Any alcohol or entertainment in this space requires licensing approvals from the City Clerk. 4) The tables and chairs must not block any means of egress of any building, even during storage. 			

Comments:
5/14/2009-Ldobson: CITY COUNCIL DATE 6/01/2009
5/15/2009-mes: This also requires Planning to sign off prior to issuing building permit
6/1/2009-mes: I received a letter from planning from Rick Knowland - but no notice that the performance guarantee has been paid. - Check with Rick for permit issuance

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

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CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.

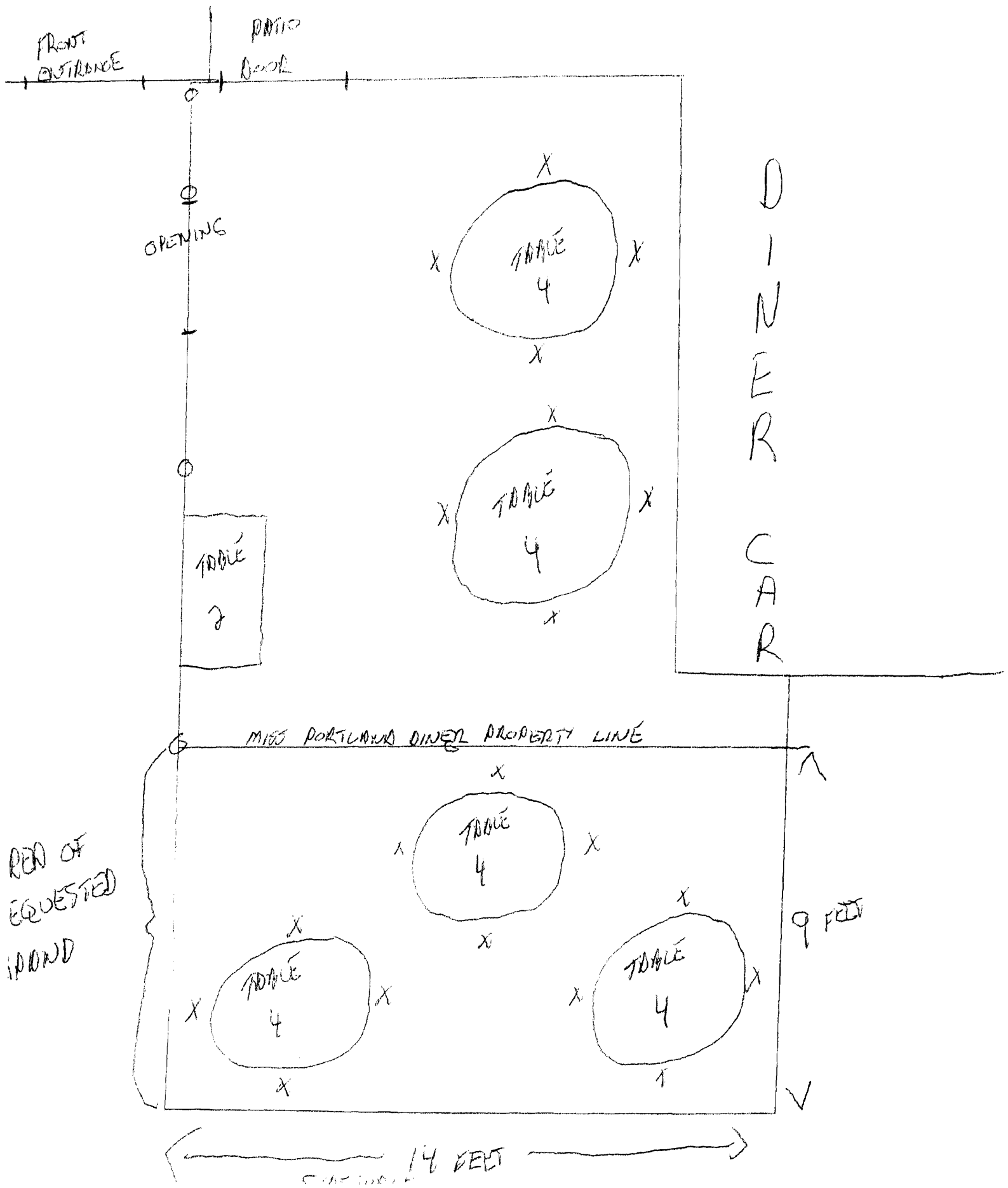
Signature of Applicant/Designee

Date

Signature of Inspections Official

Date

NEW DINING ROOM





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 liter 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: Thomas Manning Date: 5/7/09
 Printed name THOMAS MANNING
 Establishment MISS PORTLAND DINER
 Location 140 MORELAND WAY
PORTLAND, ME

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/08/2009

PRODUCER (207)797-4900 FAX (207)874-4069
Coastal Insurance Group LLC
558 Brighton Avenue
Portland, ME 04102
R. Christopher Maloney

INSURED **TOMAKS, LLC DBA MISS PORTLAND**
C/O THOMAS MANNING
116 AMOUR ROAD
MAHWAH, NJ 07430

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.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Charter Oak Fire Ins Co	25615
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	INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	6807103M016	10/15/2008	10/15/2009	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN AUTO ONLY: EA ACC	\$
						AGG	\$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				<input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
						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

CERTIFICATE HOLDER	CANCELLATION
City of Portland as additional insured 389 Congress Street Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
	AUTHORIZED REPRESENTATIVE R. Christopher Maloney

This outside dining request is allowable in the B-7 Zone. However the Manager's Office/City Council must approve the use on City property before a building permit can be issued.

Marge Schmuckal
Zoning Administrator

Comments Submitted

5/13/09

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 09-99600001 Application Date: 5/11/09

Project Name: MISS PORTLAND DINER

Address: 140 Marginal Way CBL: 442 - A-006-001

Project Description: Outdoor Seating Area Expansion; 140 Marginal Way; Miss Portland Diner

Zoning: B7

Other Reviews Required:

Review Type: ADMINISTRATIVE AMENDED SITE PLAN

Tom Manning
116 Armour Road

Mahwah Nj 07430

MAY 13 2009

Distribution List:

<input checked="" type="checkbox"/> Planner	Rick Knowland	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input checked="" type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input checked="" type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input checked="" type="checkbox"/> Inspections	Tammy Munson	<input checked="" type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input checked="" type="checkbox"/> Parking	John Peverada	<input checked="" type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> City Engineer	D Margolis Pineo	<input type="checkbox"/> Outside Agency	
<input checked="" type="checkbox"/> DRC Coordinator	Phil DiPierro		

Preliminary Comments needed by: Wednesday, May 20th

Final Comments needed by:



DEVELOPMENT REVIEW APPLICATION PORTLAND, MAINE

Department of Planning and Urban Development, Planning Division and Planning Board

PROJECT NAME: MISS PORTLAND DINER

PROPOSED DEVELOPMENT ADDRESS:

140 MARGINAL WAY PORTLAND, ME

PROJECT DESCRIPTION:

EXPAND OUTDOOR SEATING AREA TO INCLUDE
120 SQ FT OF CITY OWNED LAND

CHART/BLOCK/LOT: 442/A/006

CONTACT INFORMATION:

APPLICANT

Name: TOM MANNING

Address: 116 ARMOUR RD

MAHWAH NJ

Zip Code: 07430

Work #: 212 445-4133

Home #: 201 684 1087

Fax #: 212 445-5134

E-mail: TOMAKSLUC@HOTMAIL.COM

PROPERTY OWNER

Name: TOMAKSLUC

Address: 116 ARMOUR RD

MAHWAH NJ

Zip Code: 07430

Work #: 917 951 4109

Home #: _____

Fax #: _____

E-mail: _____

BILLING ADDRESS

Name: TOM MANNING

Address: 116 ARMOUR RD

MAHWAH N.J. 07430

Zip: 07430

Work #: 201 684 1087

Home #: 201 684 1087

Fax #: _____

E-mail: TOMAKSLUC@HOTMAIL.COM

RECEIVED

MAY 11 2009

City of Portland
Planning Division

(As applicable, see other side to include additional contact information)

(As applicable, include additional contact information)

AGENT/REPRESENTATIVE

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Home #: _____
Fax #: _____
E-mail: _____

ENGINEER

Name: JSR ENGINEERING
Address: 71 MAYFLOWER RD
AUGUSTA, ME
Zip Code: 04330
Work #: 207 622 1676
Home #: _____
Fax #: _____
E-mail: _____

ARCHITECT

Name: DAVID BLOYD
Address: 48 UNION WHARF
PORTLAND ME
Zip Code: 04101
Work #: 207 777-6033
Home #: _____
Fax #: _____
E-mail: _____

ARCHETYPE PA.

CONSULTANT

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Home #: _____
Fax #: _____
E-mail: _____

SURVEYOR

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Home #: _____
Fax #: _____
E-mail: _____

ATTORNEY

Name: NATHAN SMITH
Address: 100 EXCHANGE ST
PORTLAND ME
Zip Code: 04101
Work #: 207 778-7735
Home #: _____
Fax #: _____
E-mail: _____

PROJECT DATA:

To complete the application, the following data items must be answered if applicable.

Total Site Area _____ sq. ft.
 Proposed Total Disturbed Area of the Site _____ sq. ft.
 (If the proposed disturbance is greater than one acre, then the applicant shall apply for a
**Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with
 the City of Portland.)**

Impervious Surface Area

Proposed Total Paved Area _____ sq. ft.
 Existing Total Impervious Area _____ sq. ft.
 Proposed Total Impervious Area _____ sq. ft.
 * Proposed Impervious Net Change _____ sq. ft.

Building Area

Existing Building Footprint _____ sq. ft.
 Proposed Building Footprint _____ sq. ft.
 Proposed Building Footprint Net change NO CHANGE sq. ft.
 Existing Total Building Area _____ sq. ft.
 Proposed Total Building Area _____ sq. ft.
 Proposed Building Area Net Change _____ sq. ft.
 New Building NO (yes or no)

Zoning

Existing _____
 Proposed B7

Land Use

Existing _____
 Proposed RESTAURANT
 OUTDOOR SEATING

Residential, if applicable

Proposed Number of Affordable Housing Units _____
 Proposed Number of Residential Units to be Demolished _____
 Existing Number of Residential Units _____
 Proposed Number of Residential Units _____
 Subdivision, Proposed Number of Lots _____

Parking Spaces

Existing Number of Parking Spaces _____
 Proposed Number of Parking Spaces _____
 Number of Handicapped Parking Spaces _____
 Proposed Total Parking Spaces _____

Bicycle Parking Spaces

Existing Number of Bicycle Parking Spaces _____
 Proposed Number of Bicycle Parking Spaces _____
 Total Bicycle Parking Spaces _____

* Estimated Cost of Project 2500

Please check all reviews that apply to the proposed development

Design Review	_____	Stormwater Quality	_____
Flood Plain Review	_____	Traffic Movement	_____
Historic Preservation	_____	Zoning Variance	_____
Housing Replacement	_____	Historic District/Landmark	_____
14-403 Street Review	_____	Off Site Parking	_____
Shoreland	_____	Multi-Family Dwelling	_____
Site Location Act Local Review	_____	B-3 Pedestrian Activity Review	_____
Single Family Dwelling	_____	Change of Use	_____
2 Family Dwelling	_____		

APPLICATION FEE:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input checked="" type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$_____ + (applicable Major site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION

X Submittals shall include seven (7) packets with folded plans containing the following materials:

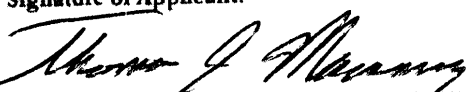
- ✓ 1. Seven (7) full size site plans that must be folded.
- ✓ 2. Application.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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 Planning Authority and Code Enforcement'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.

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant:</p> 	<p>Date:</p> <p>5/8/09</p>
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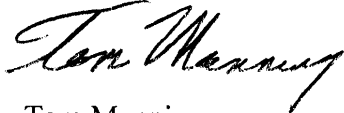
Mayor Jill C. Duson
Members of the City Council
389 Congress Street
Portland, Me 04101

Dear Mayor and Members of the City Council:

The Miss Portland Diner currently has a food, beer and wine license for indoor and outdoor seating on private property at 140 Marginal Way. I would like to ask the council's consideration of allowing me to expand my outside patio area to include a small piece of City owned property. This property, a small grassed area abutting my patio, measures 120 square feet. If approved, I would install sidewalk bricks in the grassed in area. My current privately owned patio measures 140 square feet. The additional 120 square feet of City owned property would bring my outdoor seating area to 260 square feet.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Manning". The signature is written in a cursive style with a large, sweeping "T" and "M".

Tom Manning

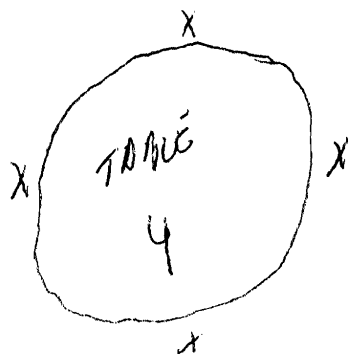
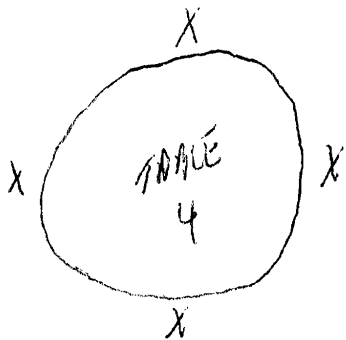
NEW DINING ROOM

FRONT
ENTRANCE

PATIO
DOOR

OPENING

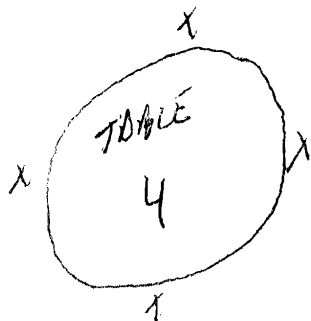
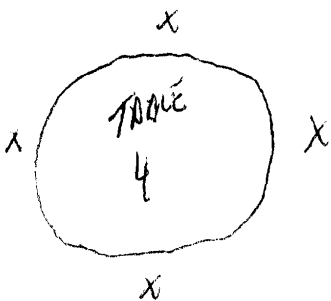
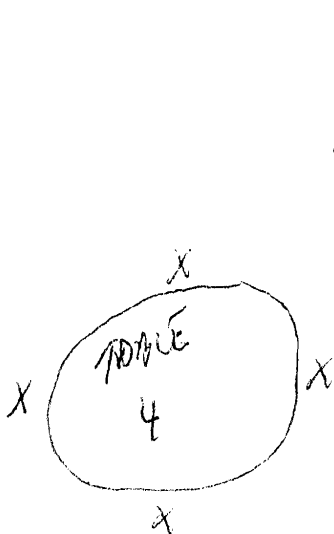
TABLE
2



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MISS PORTLAND DINER PROPERTY LINE

AREA OF
REQUESTED
POND



9 FEET

14 FEET
DIMENSION

Applicant: Miss Portland

Date: 5/12/09

Address: 140 Marginal Way

C-B-L: 442-A-006

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - B-7

Interior or corner lot -

Proposed Use/Work - outdoor seating Area Expansion

Needs City license to be a City property

Sevage Disposal -

Lot Street Frontage -

Front Yard -

Rear Yard -

Side Yard -

Projections -

Width of Lot -

Height -

Lot Area -

Lot Coverage/ Impervious Surface -

Area per Family -

Off-street Parking -

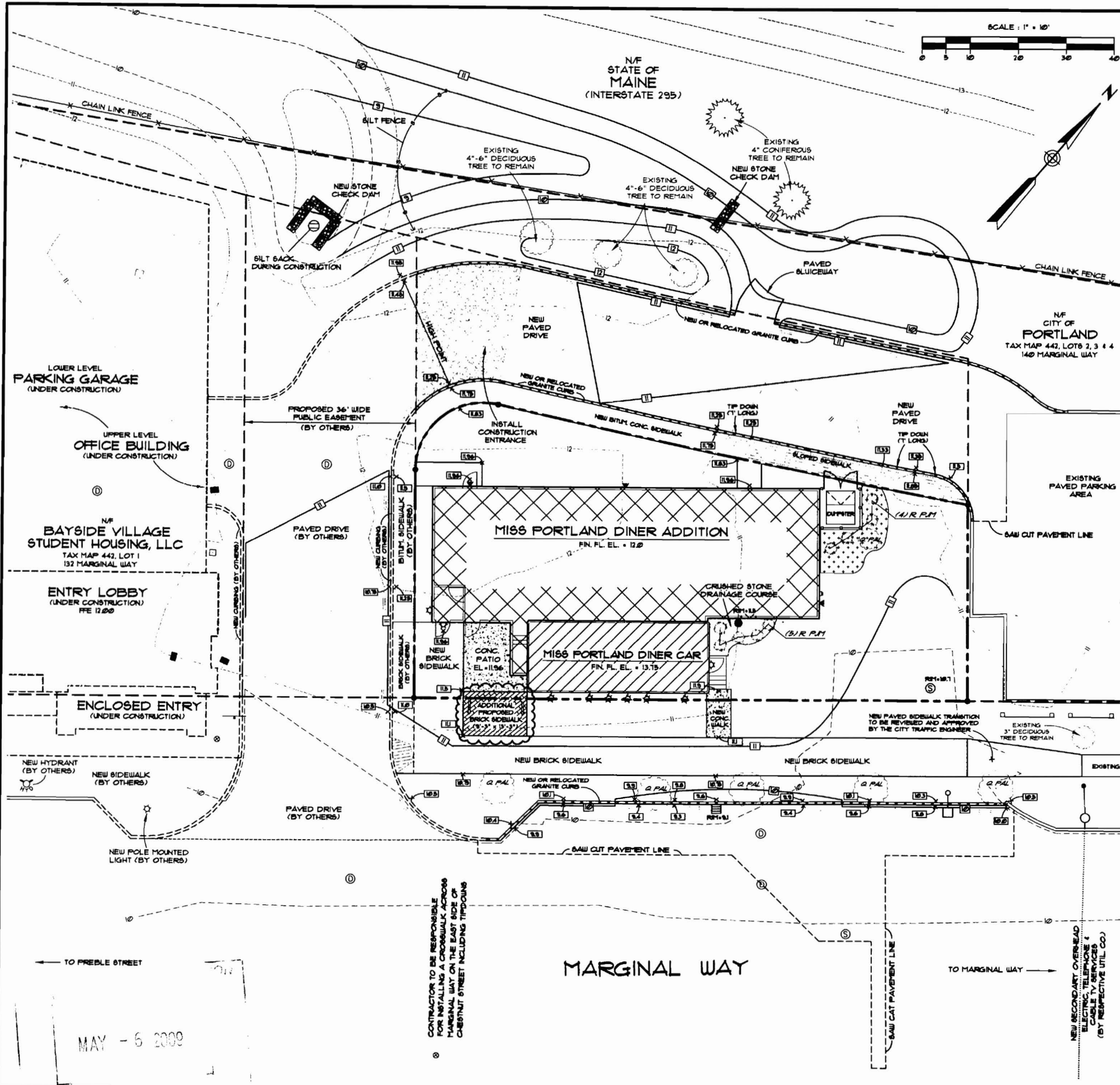
Loading Bays -

Site Plan - 09-9960001 Amended site plan review (Admin)

Shoreland Zoning/ Stream Protection - N/A

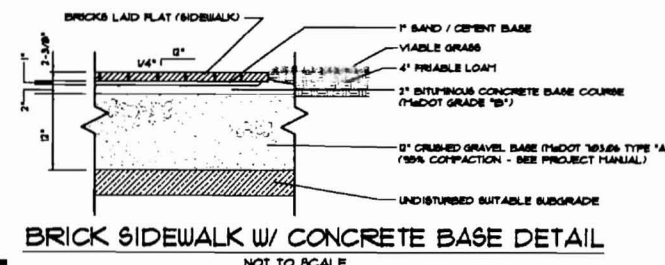
Flood Plains - Panel 2 zone

Needs an EASEMENT



NOTES

- SEE SHEET 1 FOR SITE NOTES.
- TEMPORARY BENCHMARK - PK NAIL IN UTILITY POLE 93 ON THE NORTHWEST SIDE OF MARGINAL WAY, ELEVATION = 109.2.
- LANDSCAPING SHALL MEET THE "ARBORESCULE SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003, OR LATEST EDITION. NOTE: THE SITE PLAN SPECIFIES THE EROSION CONTROL DEVICE TO BE EMPLOYED (SILT FENCE, MAY BALE ETC.) AS WELL AS THEIR LOCATIONS. OTHER DEVICES MAY BE APPLICABLE DEPENDING ON SITE CONSTRUCTION TECHNIQUES.
- ALL PERIMETER EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
- THE LIGHT POLE IS TO BE HOLOPHANE ESPLANADE SERIES WITH SILVER-METALLIC ALUMINUM (F26-4H) BRACKET AND FIXTURE. THE LIGHT FIXTURE IS TO BE SUPPLIED BY CENTRAL MAINE POWER. THE CONTRACTOR IS RESPONSIBLE FOR PURCHASING AND INSTALLING THE LIGHT BASE, LIGHT POLE AND BRACKET INCLUDING THE WIRING AND DECORATIVE BASE. CONTRACTOR SHALL COORDINATE INSTALLATION OF LIGHT FIXTURE WITH CMP.
- WORK WITHIN THE ROW SUCH AS UTILITIES, CURBS, SIDEWALK, AND DRIVEWAY CONSTRUCTION SHALL REQUIRE A STREET OPENING PERMIT FROM THE CITY OF PORTLAND. ONLY EXCAVATORS LICENSED BY THE CITY OF PORTLAND ARE ELIGIBLE.
- THE DEVELOPMENT REVIEW COORDINATOR MUST BE NOTIFIED 5 WORKING DAYS PRIOR TO DATE REQUIRED FOR FINAL SITE INSPECTION. ALL SITE IMPROVEMENTS MUST BE COMPLETED AND APPROVED BY THE DEVELOPMENT REVIEW COORDINATOR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- CONTRACTOR SHALL FINISH AND PLACE 3" LOAM IN ALL SHRUB BEDS, 36" LOAM IN ALL TREE PITS, AND 6" UNDER ALL TURF AREAS. THE CONTRACTOR SHALL COORDINATE SUBGRADE PREPARATION WITH THE GENERAL CONTRACTOR PRIOR TO PLANTING LOAM.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- ALL SHRUB BEDS AND TREE PITS SHALL BE MULCHED WITH 4" CLEAN SHREDDED BLACK BARK MULCH.
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER, ARCHITECT (AND MUNICIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
- NUMBERS INDICATED ON PLAN PLANTING SOIL MIXTURE FOR GROUND COVER AND PERENNIAL BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS SPHAGNUM PEAT MOSS AND ONE PART HORTICULTURAL PERLITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-NOTTED OR DEHYDRATED HUIRE OR COMPOST. ROTOTILL BEDS TO A DEPTH OF 8".
- THE CLOSEST PUBLIC FIRE HYDRANT IS LOCATED AT 121 MARGINAL WAY. IT IS LABELLED ON CITY RECORDS AS HYDRANT 140 WITH A PRESSURE RATING OF 32 PSI.
- THE CONTRACTOR SHALL CONSULT WITH THE CITY ARBORIST PRIOR TO CONSTRUCTION TO DETERMINE IF ANY OF THE EXISTING TREES ALONG MARGINAL WAY CAN BE TRANSPLANTED.



LEGEND

- IRON ROD TO BE SET
- - - BOUNDARY LINE (SUBJECT PARCEL)
- - - BOUNDARY LINE (OTHER)
- EXISTING SEWER MANHOLE
- PROPOSED SEWER MANHOLE
- EXISTING DRAINAGE MANHOLE
- PROPOSED DRAINAGE MANHOLE
- - - EXISTING CONTOUR
- - - PROPOSED CONTOUR
- x [] PROPOSED SPOT GRADE
- N/F NOW OR FORMERLY
- ☼ NEW WALL MOUNTED LIGHT (3 TYPES)
- ☼ NEW POLE MOUNTED LIGHT (2 TYPES)
- ▨ EXISTING BUILDING
- ▨ PROPOSED BUILDING
- ▨ EXISTING PAVEMENT
- ▨ PROPOSED PAVEMENT
- DIRECTION OF PROPOSED DRAINAGE FLOW

LANDSCAPING LEGEND

SYMBOL	KEY	BOTANICAL NAME (COMMON NAME)	SIZE
○	(3/4) R.P.M.	RHODODENDRON 'P.M. COMPACTA' (COMPACT P.M. RHODODENDRON)	18"-24"
○	(1/2) Q.PAL.	QUERCUS PALUSTRIS (PIN OAK)	1 1/2"-3" CAL.
○		NEW PLANTING BED W/ 4" SHREDDED BLACK BARK MULCH	

MAY - 6 2009

5/6/09



PLANT	DATE	REVISIONS PER REVIEW COMMENTS
1	4-28-09	SHOW ADDITIONAL BRICK SIDEWALK AREA
2	5-12-09	REVISE PER DRIVEWAY 24" WIDE
3	6-10-09	ADD DRAINAGE FLOW ARROWS, LANDSCAPING QUANTITIES
4	7-21-09	REVISE PER CITY REVIEW
5	8-19-09	REVISE LANDSCAPING LIGHT POLES PER ARCH. REVIEW
6	9-14-09	SUBMITTED TO ARCHITECT FOR REVIEW
REV:	BY:	DATE:

SJR ENGINEERING, INC.
 21 MATYLOUER ROAD
 AUGUSTA, MAINE 04330
 (207) 622-1676 tel & fax
 steve@sjaeng.com

TOPOGRAPHIC & LANDSCAPING PLAN
 MISS PORTLAND DINER
 MARGINAL WAY - PORTLAND, MAINE

PREPARED FOR
TOMYAKS, LLC
 16 ANTOUR DRIVE, HANNAH, NJ 07430

DATE	PROJECT
DEC. 2001	SJR *
DRAWN BY	SCALE
PLANT	1" = 10'

SHEET 2