

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

PERMIT ISSUED

Please Read Application And Notes, If Any, Attached

This is to certify that TOMAKS LLC / Miss Portland Beer
has permission to Outside Dining - 10 Chairs & 3 Tables on private prop. 12 Chairs & 3 Tables on City Prop 123 sq ft city property
AT 140 MARGINAL WAY City of Portland
CL 442 A006001 Permit Number 100639 July - 6 2010

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 raised-in. 2 HOUSING 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]
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: 10-0639	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" RE-NEW	Proposed Use: Commercial " Miss Portland Diner" - Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 123 sq ft city property	Permit Fee: \$232.00	Cost of Work: \$232.00	CEO District: 1
		FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <i>N/A</i>	INSPECTION: Use Group: <i>Outdoor Seating</i> Type: <i>Outdoor Seating</i>	

Proposed Project Description: Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 123 sq ft city property	Signature: <i>[Signature]</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: Idobson	Date Applied For: 06/07/2010	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> <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"/> MIM <input type="checkbox"/> Date: <i>[Signature]</i>	<p>Zoning Appeal</p> <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:	<p>Historic Preservation</p> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
	<p>PERMIT ISSUED</p> <p>JUL - 6 2010</p> <p>City of Portland</p>		

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

Department of Building Inspections

Original Receipt

6:7 2010

Received from

Tomas

Location of Work

140 Marginal Lane Portland

Cost of Construction \$ _____

Building Fee: _____

Permit Fee \$ _____

Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 232

Building (11)

Plumbing (15)

Electrical (12)

Site Plan (12)

Other _____

CBL: 442-A-6

Check #: 1723

Total Collected \$ 232

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: S.P.

WHITE - Applicant's Copy

YELLOW - Office Copy

PINK - Permit Copy

City of Portland, Maine - Building or Use Permit

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

Permit No: 10-0639	Date Applied For: 06/07/2010	CBL: 442 A006001
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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 123 sq ft city property	Proposed Project Description: Outside Dining - 10 Chairs & 3 Tables on private prop - 12 Chairs & 3 Tables on City Prop 123 sq ft city property
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Dept: Zoning	Status: Approved	Reviewer: Marge Schmuckal	Approval Date: 07/01/2010
Note:			Ok to Issue: <input checked="" type="checkbox"/>
Dept: Building	Status: Approved with Conditions	Reviewer: Tammy Munson	Approval Date: 07/06/2010
Note:			Ok to Issue: <input checked="" type="checkbox"/>
1) 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 ANNUALLY 2) The tables and chairs must not block any means of egress of any building, even during storage. 3) This permit approves outside seating only. Any alcohol or entertainment in this space requires licensing approvals from the City Clerk.			

Comments: 7/1/2010-mes: gave back to Lannie
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PERMIT ISSUED

JUL - 6 2010

City of Portland



CITY CLERK

Outdoor Dining Permit Application 21

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 type="checkbox"/> New Application for Outside Dining			<input checked="" type="checkbox"/> Renewal Application for Outside Dining		
City Clerk signature for liquor license approval: <u>OK DM 5.28.10</u> or Pending Council Date _____			Location/Address of Outdoor Seating: <u>140 MARGINAL WY PORTLAND, ME</u>		
Total Square Footage of Proposed Seating Area ¹ <u>(9 FT X 14 FT = 126 SQ. FT) CITY PROPERTY</u>			Square Footage of Lot <u>6,000 SQ. FT</u>		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>442-A-006-001</u>		Phone#: <u>917 951 4109</u>		Owner: <u>TOM MANNING</u>	
Applicant *must be owner or Lessee Name: <u>TOM MANNING</u> Address: <u>116 ARMOUR RD</u> City, State & Zip: <u>MAHWAH, N.J</u> <u>07430</u>		Lessee/Buyer's Name: (If Applicable)		Annual Fee: <u>\$80</u> Total Sq. Ft. Sq. Ft. Fee: \$ Total Fee: \$	
Current use: <u>OUTDOOR DINING ONLY IN SPRING + SUMMER</u>					
Business name: <u>TOMALS LLC DBA: MISS PORTLAND DINER</u>					
Seating area dimensions: <u>ON CITY PROPERTY 9 FT X 14 FT = 126 SQ FT</u>					
How many chairs? <u>16</u> How many tables? <u>4</u>					
<input checked="" type="checkbox"/> Yes Alcohol is served.					
<input type="checkbox"/> No Alcohol being served.					
Who should we contact for the pre-inspection: <u>TOM MANNING</u>					
Mailing address: <u>116 ARMOUR RD MAHWAH, N.J</u> Phone: <u>917 951 4109</u>					

442-A-6
106059

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: 5/26/2010

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.

PAVED DRIVE
(BY OTHERS)

MISS PORTLAND D

FIN. FL. EL.



NEW CURBING
(BY OTHERS)
BITUM. SIDEWALK
(BY OTHERS)

10.75
11.25

BRICK SIDEWALK
(BY OTHERS)

NEW
BRICK
SIDEWALK

CONC.
PATIO
EL. = 11.96

MISS PORTLAND DINER CA

FIN. FL. EL. = 13.75

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

123 SQ FT

SMK

NEW BRICK SIDEWALK

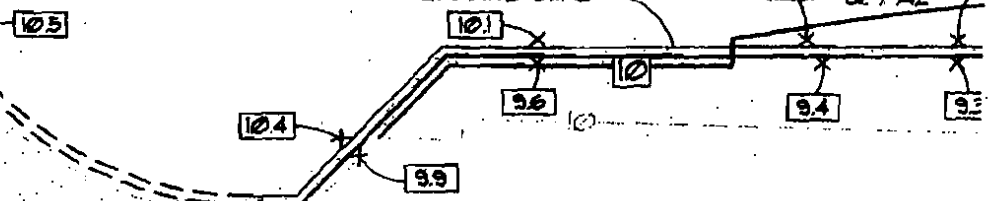
*City Prop -
9'-3" x 13'-3"
Collect SMK*

PAVED DRIVE
(BY OTHERS)

Q PAL

NEW OR RELOCATED
GRANITE CURB

Q PAL



SAW CUT PAVEMENT LINE

Ⓚ

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

MARGINAL



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).

ALL DRAWINGS ON FILE WITH CITY

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.

INCLUDED

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: *Tom Manning* Date: 5/25/01
 Printed name TOM MANNING
 Establishment MISS PORTLAND RIVER
 Location 140 MARSHALL WAY
PORTLAND, ME 04101

ACORD**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

05/08/2009

PRODUCER (207)797-4900 FAX (207)874-4060

Coastal Insurance Group LLC

558 Brighton Avenue

Portland, ME 04102

E. Christopher Maloney

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 #

INSURED TOMAKS, LLC DBA MISS PORTLAND

INSURER A: Charter Oak Fire Ins Co

25615

C/O THOMAS MANNING

INSURER B:

116 AMOUR ROAD

INSURER C:

MAHWAH, NJ 07430

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/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		GENERAL LIABILITY	6807103N016	10/15/2009	10/15/2010	EACH OCCURRENCE \$ 1,000,000
		COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 5,000
		<input checked="" type="checkbox"/>				PERSONAL & ADV INJURY \$ 1,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE \$ 2,000,000
		<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
		ANY AUTO				BODILY INJURY (Per person) \$
		ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
		SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
		HIRED AUTOS				
		NON-OWNED AUTOS				
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
		ANY AUTO				OTHER THAN EA ACC \$
						AUTO ONLY: AGG \$
		EXCESS / UMBRELLA LIABILITY				EACH OCCURRENCE \$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
						\$
		DEDUCTIBLE				\$
		RETENTION \$				\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/>				E.L. EACH ACCIDENT \$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
		OTHER				E.L. DISEASE - POLICY LIMIT \$

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 DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

E. Christopher Maloney

ACORD 25 (2009/01)

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PAVED DRIVE
(BY OTHERS)

MISS PORTLAND D

FIN. FL. EL.

EXHIBIT

NEW CURBING
(BY OTHERS)

BITUM. SIDEWALK
(BY OTHERS)

10.75

11.25

11

BRICK SIDEWALK
(BY OTHERS)

NEW
BRICK
SIDEWALK

11.96

CONC.
PATIO
EL. = 11.96

MISS PORTLAND DINER CA

FIN. FL. EL. = 13.75

11.5

10.5

11.0

11.1

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

123 sq FT

NEW BRICK SIDEWALK

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

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(BY OTHERS)

10.75

Q. PAL

NEW OR RELOCATED
GRANITE CURB

9.9

Q. PAL

9.2

10.5

10.1

10.4

9.6

10

9.4

9.3

9.9

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