

**City of Portland, Maine - Building or Use Permit Application**

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

**PERMIT ISSUED**

Permit No: 03-0032  
 CBL: 030 A001001  
 Date: FEB 10 2003  
 Phone: 831-0169  
 Zone: WCZ

Location of Construction: ALA  
 86 Commercial St 24 Custom House  
 Business Name: Wharf  
 Lessee/Buyer's Name: \_\_\_\_\_  
 Owner Name: \_\_\_\_\_  
 Proprietors Of Custom House  
 Contractor Name: Joyce, Al  
 Phone: \_\_\_\_\_  
 Permit Type: \_\_\_\_\_  
 Alterations - Commercial

Past Use: \_\_\_\_\_  
 Porthole Restaurant  
 Proposed Use: \_\_\_\_\_  
 Restaurant  
 Permit Fee: \$58.00  
 Cost of Work: \$5,000.00  
 CEO District: 1

Proposed Project Description:  
 Renovations to Floor/ Widen Opening in Dining Area/Replace Drywall/Replace Windows  
 Signature: [Signature]  
 PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)  
 FIRE DEPT:  Approved  Denied  
 INSPECTION:  Approved  Denied  
 Use Group: A-3 Type: SB  
 Date: 2/7/03  
 Signature: [Signature]  
 Action:  Approved  Approved w/Conditions  Denied  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Taken By: gad  
 Date Applied For: 01/15/2003  
**Zoning Approval**

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  
 Shoreland  Variance  
 Wetland  Miscellaneous  
 Flood Zone  Conditional Use  
 Subdivision  Interpretation  
 Site Plan  Approved  
 Major  Minor  MM  Denied  
 Date: 2/6/03

Historic Preservation  
 Not in District or Landmark  
 Does Not Require Review  
 Requires Review  
 Approved  
 Approved w/Conditions  
 Denied  
 Date: \_\_\_\_\_

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT \_\_\_\_\_ ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE \_\_\_\_\_ DATE \_\_\_\_\_ PHONE \_\_\_\_\_

**From:** Gary Wood  
**To:** mainelegal@aol.com  
**Date:** 8/20/2008 11:36:11 AM  
**Subject:** Re: Keithley

Penny , Chris and I just met.

The punch list for both Boone's and the Porthole /comedy connection is in our opinion not possible to do between now and the 23rd.

Chris will talk with you directly or show you the Life Safety plan and issues if you call him asap at either 874-8696 or 650-4426(C) to make an appointment to come over. There are also major structural issues under Boone's that may have been addressed but not to our knowledge.

The problem here was created by Oliver double booking his facilities.

We will accommodate one of those functions by allowing him to set up a tent if he gets a permit application for that tent into Inspections ( Chris if he's here) and returns a completed application(he picked up the form yesterday) for a single event catering license to Alexandra asap.

We will not issue a C of O to use the Boone's space in the absence of verified completion of the punch list.

We gave Oliver a big break last New Year's Eve to use Boone's but that was the last one

The space has to be made safe before we address the use issue unless Oliver decides it is more prudent to address the use issue first, which may make a lot of financial sense but it isn't going to happen before the 23rd.

good luck

>>> <mainelegal@aol.com> 08/19 3:44 PM >>>

Dear Penny Joe & Gary

I am writing about Oliver Keithley. I don't know if there's anything you can do on this but I hope there is.

Last year, Oliver got a liquor permit for Harbor's Edge, the old Boones. Arthur Rowe had inspected it and specified a few changes, had written on his inspection report that no occupancy permit was needed. Keithley started accepting reservations, including wedding reservations.

Later, the structural issues made reopening impossible on that timeframe.

Now, Oliver has managed to cancel or move every event that was booked except a wedding that has a meal scheduled this weekend. He is trying to develop some makeshift plan to use a tent or a portion of the deck and the Porthole, but the optimal place would be a one time use of Harbor Edge. Marge Shmuckel ruled last Friday that the area is not grandfathered for this use which will be subject to a Board of Appeals review to be promptly filed.

I have told Oliver to prepare a catering permit application as he seems to think he will need this for some reason.

In any event, if there is a way to allow this to happen the bride involved will undoubtedly have fond thoughts of all involved forever.

Please let me know.

Jim Cloutier

Get the MapQuest Toolbar. Directions, Traffic, Gas Prices & More!

**CC:** Chris Hanson; Joe Gray ; Penny Littell

21 August 2008

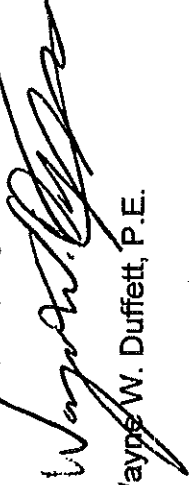
Mr. Ken Macgowan  
18 Custom House Wharf  
Portland, ME 04101

Re: East Side Bents 13-23

Dear Ken:

I have examined east side bents 13-23 and find them to be adequate for use by the public at licensed capacity. (605) Clarify.

Very truly yours,  
TEC ASSOCIATES



Wayne W. Duffett, P.E.

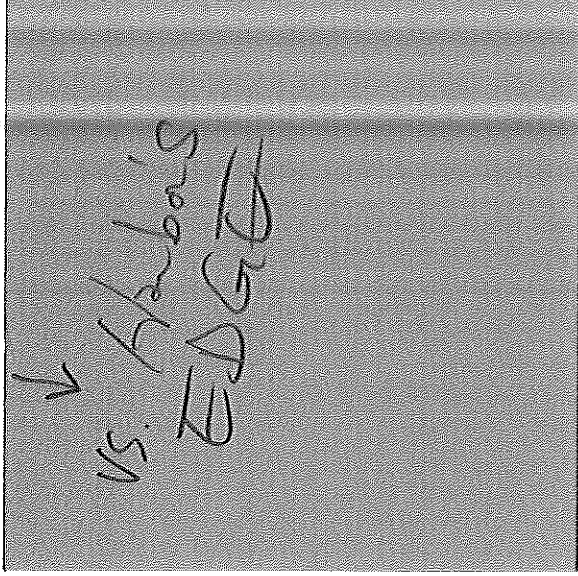
TIMELINE FOR BOONE'S/COMEDY CONNECTION/PORHOLE RESTAURANT

Prior to July 1996 - 'Comedy Connection' does not exist at Custom House Wharf. 'Restaurants, Inc. (Thomas D. Stratis, Paul T. Stratis) d/b/a Boone's Restaurant' liquor license includes a 'Room B', otherwise known as 'Harborside Lounge' in the space later to be occupied by 'Comedy Connection'.

July 1996-May 2000 - 'Boone's Restaurant' liquor license includes 'Comedy Connection/Function Room' as part of licensed area.

May 15, 2000 - New Owner/Applicant Cogee Management & Entertainment, Inc. (Oliver Keithly, III) d/b/a Porthole Restaurant (formerly owned by Galco Enterprises, Inc./Don Hunnewell) receives City Council approval to amend 'Porthole Restaurant' liquor license to include 'Comedy Connection/Function Room' (8-0 - Councilor Geraghty out of room).

June 14, 2000 - 'Boone's Restaurant' applies for liquor license renewal. Application does not include 'Comedy Connection/Function Room' on application as being part of licensed premises.



vs. Harbors  
EDG

		WCZ		LCI:		C	
App Type	Permit No	App Date	Iss Date	Status	PastUse	Propo	
Electrical Permit Residential	20024023	01/07/2002		Closed			
Plumbing	20018019	11/27/2001	11/27/2001	Open			
Plumbing	20018025	11/27/2001	11/27/2001	Open			
Building Permit	011076	08/31/2001	09/18/2001	Open	Commercial / Vacant Space; Prior use was a seafood processing & storage.	Commercial / I building projec marine facility. Site Plan # 19;	
Building Permit	010678	06/12/2001		Pending			
Building Permit	010638	06/01/2001	06/12/2001	Open	Commercial: Formerly Seafood Processing and Storage.	Marine & Acee wharf compon- of new pilings Components. (767_6068	
Building Permit	010635	06/01/2001	06/12/2001	Open	Right Of Way	Same: Break-I existing concre to Drive 10 Ne New Concrete	
Building Permit	010582	05/24/2001		Open	Commercial: SeaFood Processing; Vacant for 1 year.	Demolition of f	
Building Permit	000598	06/01/2000	06/05/2000	Open			

This data is provided by the Assessor's Office and is current as of

Dec. 4, 2007

Fees \$150.00

CBL 030 A001001

Acct No 4232

Property Address

86 COMMERCIAL ST

WCZ

LCI:

C

Owner Name 1

PROPRIETORS OF CUSTOM HOUSE

Property Type

COMMERCIAL Dist#: 1

Name 2

WHARF ATTN G E MACGOWAN JR

Description

30-A-1-2 COMMERCIAL ST

Mailing Address

5 EASTERN PROMENADE

Census Tract

86-116 R CUSTOM HSE

City, State, Zip

PORTLAND ME 04101

Census Tract

51890 SF 146186 SF

Prop Info	Inspections	Site Plans	Permits	Complaints	Food/Water Cmpl.	Documents	Letters	Property Mgmt

App Type	Permit No	App Date	Iss Date	Status	PastUse	Prop
Building Permit	071347	10/26/2007		Pending		
Plumbing	20078287	10/22/2007	10/22/2007	Open		
Electrical Permit Residential	20064778	08/28/2006	08/28/2006	Open		
Building Permit	060748	05/17/2006	07/10/2006	Open	Commercial existing restaurant	Commercial e; restaurant -ref upgrade windc bathrooms and walls and extra NO INTENDE CHANGE two relocation, on overhangrepai install floor-EL
Building Permit	060044	01/10/2006	01/20/2006	Open	Commercial/ Restaurant (Boone's)	
Electrical Permit Residential	20044585	06/08/2004	06/08/2004	Closed		
Building Permit	030032	01/15/2003	02/10/2003	Open	Porthole Restaurant - also called 24 Custom House Wharf	Restaurant
Electrical Permit Residential	20025013	12/06/2002	12/06/2002	Closed		
Building Permit	021343	12/05/2002		Denied	Commercial	Commercial / building projec 011076; refit s accomodate o

New	Scheduling
View Complaint	Close
View Inspection	Print Inv.
View Site Plan	View Permit

Fees	Taxes	Notes
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Used Use
<p>           Existing            place and            walls, doors,            and install new            exterior doors            .D USE            entry way door            e entry            r/replace piles,            door, Shimmining         </p>
<p>           Amendment to            that permit #            second floor to            office space.         </p>

**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.

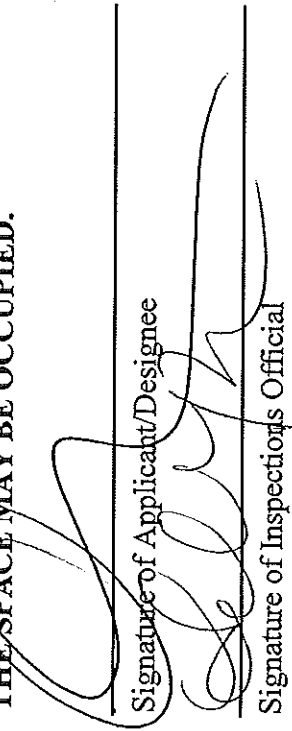
  X   Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling

  X   Final inspection required at completion of work.

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.**

**CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.**

  
\_\_\_\_\_  
Signature of Applicant/Designee

2-11-08

Date

2/11/08

Date

Signature of Inspector's Official



Y OF PORTLAND, MAINE  
BOARD OF APPEALS



Secretary  
PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
CHRISTOPHER DHAN

November 7, 1988

20 Custom House Walk


Mr. Russell Honeywell  
The Porthole Restaurant  
20 Custom House Walk  
Portland, Maine 04101

Dear Mr. Honeywell:

This is in reference to your application for a building permit to authorize your Porthole Restaurant to expand into an area formerly occupied by the Casco Bay Lines in the W-1 Waterfront Zone. We are unable to issue this permit for alterations because it would represent an expansion of a nonconforming use which requires approval of the Board of Appeals.

If you wish to apply for an Interpretation Appeal, the enclosed forms should be used in making such an application to the Board of Appeals for consideration of your request. The enclosed forms outline the method for applying for an Interpretation Appeal. If you wish to be included on the agenda for the December 1st meeting of the Board of Appeals, please have the material in this office on or before 12 noon, November 14th.

Sincerely,

  
Warren J. Turner  
Zoning Enforcement Inspector

/e:

Enclosure: Interpretation Appeal Forms

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director of Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffaen, Chief of Inspection Services  
Arthur Rowe, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel

CITY OF PORTLAND, MAINE  
389 CONGRESS STREET  
PORTLAND, MAINE 04101  
(207) 775-5451



DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF  
INSPECTION SERVICES DIVISION

20 Custom House Wharf

The Port Hole Restaurant  
20 Custom House Wharf  
Portland, Maine 04101

Dear Mr. Hunnewell:

This is in reply to your inquiry concerning possible expansion of your restaurant on Custom House Wharf into the area now occupied by the Casco Bay Lines which would enable your restaurant to have access to the rest rooms and space now being used by the transportation district soon to be vacated by their relocation to the Maine State Pier for the new Ferry Terminal location.

I have been advised by the Associate Corporation Counsel, Mr. Charles A. Lane, that your proposed expansion would be viewed as an increase in a nonconforming use pursuant to Section 14-382 of the City Zoning Ordinance, (Portland Land Use Code). Because of this, you would be required to seek a variance to permit the increase under Section 14-473 (c) of the City Zoning Ordinance.

Sincerely,

*Harren J. Turner*

Harren J. Turner  
Zoning Enforcement Inspector

Enclosures: Variance Application Forme

cc: Herrill S. Salzer, Chairman, Board of Public Development  
Joseph E. Gray, Jr., Director, Planning & Development  
Charles A. Lane, Associate Corporation Counsel  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief, Inspection Services  
Arthur Rowe, Code Enforcement Officer

RE: Custom House Wharf

O. R. MacGowan, Jr.  
5 Eastern Promenade  
Portland, ME 04101

Dear Mr. MacGowan,

On April 9, 1993 I was informed that you had told the structural engineer that he did not have to do the analysis for the rest of the wharf. In my letter to you dated March 25, 1993, it was my intent and understanding that you would have the entire wharf inspected and have repairs made. It is still the City's requirement that a complete structural analysis be made of the entire wharf and necessary repairs made; not just the section that received damage.

If you have any questions regarding this matter, please call this office.

Sincerely,



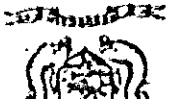
P. Samuel Haffner  
Chief of Inspection Services

/s/

Col. Joseph E. Gray, Jr., Director of Planning and Urban Development  
Lt. Gaylon Hedougal, Pace Prevention Bureau

389 Congress Street • Portland, Maine 04101 • (207) 874-8704

CITY OF PORTLAND, MAINE  
ZONING BOARD OF APPEALS



JOHN C. KNOX  
Secretary

PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERMAIL  
MICHAEL E. WESTFORD  
CHRISTOPHER DINIAY

20 Custom House Mart

November 17, 1988

Mr. Russell Hummwell  
The Portland Restaurant  
20 Custom House Mart  
Portland, Maine 04101

receipt of your application for an intervention appeal is acknowledged. If granted by the Board of Appeals, your restaurant may be expanded into the area formerly occupied by the Casco Bay Lines. A restaurant use is permitted in the R-1 Waterfront Zone, but the waterfront referendum which was approved by the voters on May 5, 1987 stipulates that only marine related uses be permitted within the R-1 Waterfront Zone.

This appeal is scheduled for consideration by the Board of Appeals at its regular meeting scheduled for Thursday evening, December 1, 1988, at 7 P.M. in Room 209, City Hall, Portland, Maine. Your interpretation appeal is being requested because you wish to expand your restaurant into the area formerly occupied by the Casco Bay Lines. Restaurants are permitted in the rest room facilities by State Law. Restaurant uses were permitted in the R-1 Waterfront Zone prior to the approval of the waterfront referendum. The Board of Appeals may reverse the action by the Building Inspector if the Board finds that said action is based on an erroneous interpretation of the City Zoning Ordinance.

Sincerely,

*Merrill S. Seltzer*

Warren T. Turner  
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Holmes, Chief, Inspection Services  
Arthur Howe, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel

871-8300  
309 CONGRESS STREET • PORTLAND, MAINE 04101 • TELEPHONE (207) 778-8431

MERRILL S. SELTZER  
 Chairman  
 JOHN C. KHOU  
 Secretary  
 PETER F. MORELLI  
 THOMAS F. JEWELL  
 DAVID L. SILVERMAN  
 MICHAEL E. WESTORT  
 CHRISTOPHER DIMAN

20 Custom House Wharf



CITY OF PORTLAND, MAINE  
 ZONING BOARD OF APPEALS

April 7, 1989

Mr. Russell Hummwell  
 The Portole Restaurant  
 20 Custom House Wharf  
 Portland, Maine 04101

Dear Mr. Hummwell:

At the meeting of the Board of Appeals on Thursday evening, April 6, 1989, the board voted by a vote of six in favor to one opposed to grant your miscellaneous appeal for permission to expand your restaurant at the above address in the W-1 Waterfront Zone. Such expansion as approved by the Board of Appeals is shown on the approved floor plan which was signed by the Chairman of the Board of Appeals and dated April 6, 1989. The Board found that health and safety problems, not necessarily technical violations exist and that relief should be limited to the plan provided in Exhibit A of the application, as outlined thereon. Section 14-382.

Sincerely,

*William D. Dixon*

William D. Dixon  
 Zoning Enforcement Officer

Enclosure: Copy of Board's Decision

Joseph E. Gray, Jr., Director, Planning & Urban Development  
 P. Samuel Haffes, Chief, Inspection Services  
 Bruce M. Reed, Attorney, P. O. Box 1092, Kennebunkport, Maine 04046  
 Arthur Addato, Code Enforcement Officer  
 Charles A. Lane, Associate Corporation Counsel

PORTLAND, MAINE 04101  
(207) 874-8300

P. SAMUEL HOFFSES, CHIEF  
INSPECTION SERVICES DIVISION

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

April 7, 1989

Mr. Russell Honeywell (Porthole Rest.)  
20 Gascum House Wharf  
Portland, ME 04101

Re: 20 Gascum House Wharf

Dear Sir:

Your application to make interior renovations has been reviewed and a permit is herewith issued subject to the following requirements:

1. This permit is being issued with the understanding that the maximum seating at Exhibit A at the zoning Board of Appeal meeting.

April 6, 1989 signed by Chairman of the Board and Corporation Counsel.

If you have any questions regarding this requirement, please do not hesitate to contact this office.

Sincerely,

P. Samuel Hoffses  
Chief, Inspection Services

PSH/tmc



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

Permit No: 950764	Owner: Boone's Restaurant Phone: 774-5725 - Thomas	Lease/Buyer's Name: Boone's Restaurant Phone:	Business Name:
Permit Issued: JUL 26 1995 CITY OF PORTLAND	Location of Construction: 6 Custom House Wharf Owner Address: RXX P.O. Box 7630 Portland, ME 04112	Contractor Name:	Contractor Address:
PERMIT ISSUED	Contractor Name:	Contractor Address:	Contractor Phone:
PERMIT ISSUED	Contractor Name:	Contractor Address:	Contractor Phone:
PERMIT ISSUED	Contractor Name:	Contractor Address:	Contractor Phone:
PERMIT ISSUED	Contractor Name:	Contractor Address:	Contractor Phone:

Proposed Project Description: Restaurant	Proposed Use: Restaurant	Past Use: Restaurant
Expand outside dining	Same	Same
Signature: [Signature]	Signature: [Signature]	Signature: [Signature]
Action: <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	Action: <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	Action: <input checked="" type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied
Signature: [Signature]	Signature: [Signature]	Signature: [Signature]
Use Group: Type	Use Group: Type	Use Group: Type
INSPECTION: 4	INSPECTION: 4	INSPECTION: 4
FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied
COST OF WORK: \$	COST OF WORK: \$	COST OF WORK: \$
PERMIT FEE: \$ 25.00	PERMIT FEE: \$ 25.00	PERMIT FEE: \$ 25.00

Permit No By: Mary Greck	Date Applied For: 24 July 1995
1. This permit application doesn't 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.	

**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 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 provisions of the code(s) applicable to such permit.

Signature of Applicant: [Signature]	Address:
DATE: 26 July 1995	PHONE:
PHONE:	CEO DISTRICT: 7

Date: 7/26/95

Approved  
 Approved with Conditions  
 Denied

Action:

Requires Review  
 Does Not Require Review  
 Not in District or Landmark  
 Historic Preservation

Variance  
 Miscellaneous  
 Conditional Use  
 Interpretation  
 Approved  
 Denied

Zoning Appeal

Site Plan map  
 minor  
 mm

Special Zone or Review:

Zoning Approval: [Signature] 7/24/95

Zone: CBL

**From:** Penny Littell  
**To:** Amanda Berube; Chris Hanson; Gregory Cass; Jeanie Bourke; Marge Schmuckal;  
Michael Collins ; Suzanne Hunt; William Needelman  
**Date:** 10/24/2007 10:55:25 AM  
**Subject:** McGowen/Kelley

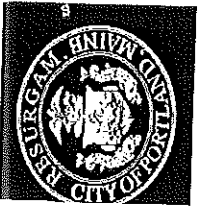
The state and others have been looking into various and sundry issues re: Custom House Wharf. I think given the history of this site and the uses thereon, it would be extremely beneficial to meet to review the history and discuss recent issues.

Please bring all documentation you have in your file regarding these properties.

The meeting is scheduled for this **Friday morning at 9:30 in the legal department.** It is very important to be there so please try to rearrange any conflicts.

**CC:** Lee Urban





# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life - [www.portlandmaine.gov](http://www.portlandmaine.gov)*

*Lee Urban- Director of Planning and Development  
Michael J. Nugent- Inspections Division Director*

April 6, 2006

The Proprietors of Custom House Wharf  
Attn Ken McGowan  
5 Eastern Promenade  
Portland, ME 04101

Re: Custom House Wharf, (030 A001)

Dear Ken,

Thank you for accompanying Captain Cass, PFD, John Bisesti, C.E.O. and myself on an inspection of occupied portions of the east side of Custom House Wharf on 3/21/2006.

At that inspection, we found that the uninhabited portions on the easterly side of Custom House Wharf beyond 42 are in extreme disrepair. Your representation that these would be restored to a habitable state in the summer of 2006 is encouraging. This office looks forward to your permit submissions. The structure must remain vacant and secured until permitted restoration occurs. I would like to discuss a specific timetable for these repairs at your earliest possible convenience.

The second floor of the Custom House Seafood Co. at 42 Custom House Wharf has many large holes in the floor sheathing and the stairs leading to the space are in need of repair. Based on that, and pursuant to Section 115 of the City Building Code (2003 IBC), this space cannot be used until repairs occur pursuant to valid building permits. The Tenants will also receive this notification.

Please contact me at 874-8730 to discuss this matter.

Sincerely,

Michael J. Nugent  
Inspections Division Director

DRAFT 6/21/00

030-A-001

## Port Hole Restaurant Expansion Sequence of Events

### Wharf Deck Repair

- April 14 Ken Macgowen, owner, applies for building permit for wharf deck repair
- April 16 Building and zoning review, approved, no expansion of deck
- April 19 Building permit issued
- April 20 -25 Inspections of work in progress, Sam Hoffses and Lt. MacDougall

### Business License

- April 20 Oliver Keithly, owner of Port Hole, applies for new business license for Class XI FSE, Restaurant, Lounge, Entertainment w/Dance and outside seating
- April 21 City Clerks Office forwards application to Fire Department and Inspections
- April 25 Fire Department approval, sign-off
- April \_\_\_ Inspections Office verbal approval to Clerks Office
- May 15 City Council Approves, Class XI FSE, Restaurant, Lounge, Entertainment w/ Dance - Covers both the Port Hole and Comedy Connection

### Interior Pass-thru

- May 4 Oliver Keithly applies for building permit for interior pass-thru Comedy Connection to Port Hole.
- May 5 Building review, approved Sam Hoffses
- May 16 Zoning review of interior pass-thru, approved Marge Schmuckal
- May 16 Permit issued for pass-thru

### Outside Dining Permit

- April 13 Oliver Keithly met with marge Schmuckal at City Hall to discuss what's allowed for outside dining.
- June 1 Oliver Keithly applies for outside dining permit, 3,500sf. (no bar or entertainment)
- June 2 Building, Zoning, Fire Department review and approval
- June 5 Permit issued
- June 16 Inspections Office orders Port Hole to stop functions on expanded outside function area.

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

Oliver Keithly  
c/o The Porthole Restaurant  
20 Custom House Wharf  
Portland, ME 04101

June 26, 2000

RE: 20 Custom House Wharf - 30-A-001 - WCZ zone

Dear Oliver,

This letter is in response to a recent inspection that I made of your establishment on Friday, June 16, 2000. I observed the alterations that were done at this location, some which had not been permitted by our office. I have since researched our present and past files for further documentation of the past use of this property.

Originally, back on Thursday April 13, 2000 we had our first meeting at City Hall per your request. You were asking a lot of questions at that time and wanted to know what the Zoning Ordinances allowed. I explained that you were located in a very restrictive zone for your type of business. Your inside restaurant and bar business is a legal nonconforming use within the WCZ zone. You, for example, wanted to expand to the second floor, which I again told you would not be allowed because it would be considered an expansion. You also asked about the outside deck area. You had mentioned to me that during the winter the fishermen always stored their nets and traps out there. I told you that you could not displace a marine use or restrict the fishermen from using that area. You told me that traditionally the Porthole restaurant always had outdoor seating in that area during the summer. You further stated that during the summer the fishermen did not normally store anything there because they were more actively fishing. You went on to say that they would always have a place to store their gear in that area during the months that they needed to do so.

Recently on Monday June 19, 2000 we again met along with Mr. Don Hunnewell, the previous owner of the Porthole. We went over some of these same issues. You were showing me photographs of picnic tables that were allegedly "always" put out in the area of the dock which was of concern to me.

After our meeting on June 19th, I started a more intense research into our microfiche files. I discovered that there had been an appeal on April 6, 1989 at which the Zoning Board of Appeals granted an appeal for the Porthole to expand their use into the old Casco Bay Lines so that they could use the restroom facilities and upgrade the kitchen and preparation facilities. This approval was based upon an approved plan which we still have on file. The outlined area **does not** include an expansion on to the exterior deck which was a boat access and waiting area for the Casco Bay Lines. That area did not traditionally have picnic tables for the Porthole takeover.

Oliver, I realize that you are a recent owner of this establishment and may not have been aware of some of these past issues. However, I used the information that you had related to me in order to make my determination in issuing a permit for seasonal outside dining. It was not a permit to allow the construction of an approximate 15

foot outside bar, nor an exterior platform for musical entertainment. It was not a permit to allow the expansion of your restaurant out into the deck area. The bar area and the entertainment platform also shall be removed within 10 days of the date of this letter.

At this time I am revoking the seasonal outside dining permit for the expanded deck use. I have attached section 108.6 of the City's adopted 1999 BOCA National Building Code for your reference. If you can provide independently verifiable evidence, particularly in the form of documents or pictures that such a use did take place on a seasonal basis in this outside area, then I will be glad to reconsider your application.

As I mentioned to you at our June 19th meeting that there is new signage for the Comedy Connection on the second floor along the street side of this building. No permits have been applied for nor issued for this signage. It shall be removed within 10 days of the date of this letter. Any new signage requires permit approval prior to installation.

You have the right to appeal my decision. You have 30 days from the date of this letter in which to file for an appeal. You may either apply for an interpretation appeal or for a use variance appeal. I believe that either appeal would be very difficult to obtain from the Zoning Board of Appeals. I have included the appropriate appeal information that you would need. If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,



Marge Schmuckal  
Zoning Administrator

cc: Robert Ganley, Portland City Manager  
Cheryl Leeman, Portland City Mayor  
Portland City Councilors  
Joseph Gray, Jr., Dir. Planning & Urban Development  
Mark Adelson, Housing & Neighborhood Services  
Mike Nugent, Housing & Neighborhood Services  
Gary Wood, Corporation Counsel  
Penny Littell, Corporation Counsel  
David Lourie, 189 Spurwink Avenue, Cape Elizabeth, Maine 04107  
File

Adopted  
1st Town Meeting  
1990

Eff. date  
19 Feb. 2000

IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE

1. That *Section 6-16 of the Portland City Code* is hereby amended to read as follows:

Sec. 6-16. Adoption of BOCA National Building Code.

There is hereby adopted for the purpose of regulating the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, the following certain code recommended by the Building Officials and Code Administrators International, Inc., the BOCA National Building Code 1996 1999 edition, and the whole thereof, except for such portions as are deleted, modified or amended in this article.

2. That *Section 6-18 of the Portland City Code* is hereby repealed in its entirety and new Section 6-18 is hereby enacted, said new section to read as follows:

Sec. 6-18. Amendments.

The BOCA National Building Code is amended as follows:

Section 108.6, Revocation of permits, is amended by adding the following sentence at the end thereof:

"In addition, such permit or approval may be revoked by the building official if the issuance thereof was based on a mistake of law"

Section 110, Demolition of structures, is hereby amended by adding the following subsections:

110.4 Dust prevention: The person to whom a permit is issued shall dampen or cause to be dampened all debris resulting from the demolition operation to the extent necessary to prevent dust therefrom circulating in the surrounding area.

110.5 Expiration of permit: A permit to demolish or remove a structure shall expire thirty (30) days after the date of its issuance, provided that for good cause the building official may extend the permit for periods of not more than fifteen (15) days.

110.6 Removal and disposal of asbestos: Before a permit to demolish or remove a structure is issued, the health officer shall inspect the premises for the presence of friable asbestos material. For the purposes of this subsection, friable asbestos material means any material that contains more than one (1) percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure. No permit shall be issued until the applicant has removed and disposed of all such material as may be present in

**108.4 Signature to permit:** The code official's signature shall be attached to every permit, or the code official shall authorize a subordinate to affix such signature thereto.

**108.5 Approved construction documents:** The code official shall stamp or endorse in *writing* both sets of *construction documents* "Approved," and one set of the approved *construction documents* shall be retained by the code official and the other set shall be kept at the building site, open to inspection of the code official or an authorized representative at all reasonable times.

**108.6 Revocation of permit:** The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

**108.7 Approval of part:** The code official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with all of the pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**108.8 Posting of permit:** A true copy of the building permit shall be kept on the site of operations, open to public inspection during the entire time of prosecution of the work and until the completion of the same.

**108.9 Notice of start:** At least 24-hour notice of start of work under a building permit shall be given to the code official.

#### SECTION 109.0 TEMPORARY STRUCTURES

**109.1 General:** Pursuant to a variance granted by the board of appeals under the provisions of Section 121.0, the code official shall issue a permit for temporary construction as approved by the board of appeals. Such permits shall be limited as to time of service, but such temporary construction shall not be permitted for more than one year.

**109.2 Special approval:** All temporary construction shall conform to the structural strength, fire safety, *means of egress*, light, *ventilation* and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

**109.3 Termination of approval:** The code official is hereby authorized to terminate such special approval and to order the demolition of any such construction at his discretion, or as directed by a decision of the board of appeals.

#### SECTION 110.0 DEMOLITION OF STRUCTURES

**110.1 Service connections:** Before a structure is demolished or removed, the *owner* or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections

and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

**110.2 Notice to adjoining owners:** Only when *written* notice has been given by the applicant to the *owners* of adjoining *lots* and to the *owners* of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

**110.3 Lot regulation:** Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the *lot*, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of Chapter 33.

#### SECTION 111.0 CONDITIONS OF PERMIT

**111.1 Payment of fees:** A permit shall not be issued until the fees prescribed in Section 112.0 have been paid.

**111.2 Compliance with code:** The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.

**111.3 Compliance with permit:** All work shall conform to the approved application and the approved *construction documents* for which the permit has been issued and any approved amendments to the approved application or the approved *construction documents*.

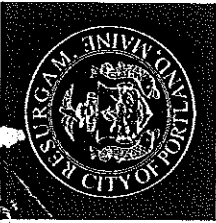
**111.4 Compliance with site plan:** All new work shall be located strictly in accordance with the approved site plan.

#### SECTION 112.0 FEES

**112.1 General:** A permit to begin work for new construction, *alteration*, removal, demolition or other building operation shall not be issued until the fees prescribed in this section shall have been paid to the department of building inspection or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.

**112.2 Special fees:** The payment of the fee for the construction, *alteration*, removal or demolition for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of *signs* and display structures, marquees or other *appurtenant structures*, or fees of inspections, certificates of occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building inspection.

**112.3 New construction and alterations:** The fees for plan examination, building permit and inspections shall be as prescribed in Section 112.3.1 and the code official is authorized to establish by *approved rules* a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in Chapters 1, 3 and 6.



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Corporation Counsel**  
Gary C. Wood

November 1, 2007

Oliver Keithly  
Cogee Entertainment, Inc.  
96 Crestview Drive  
South Portland, Maine 04106

**Associate Counsel**  
Elizabeth L. Boynton  
Penny Littlel  
James R. Adolf  
Mary E. Costigan

Re: Custom House Wharf Businesses: Porthole, Comedy Connection, Proposed Banquet Facility

Dear Mr. Keithly:

This letter is in follow-up to the City's review of your operations on Custom House Wharf. This review was initiated following contact from the State Fire Marshall's Office and subsequent discussions with the State Bureau of Liquor Enforcement.

On Friday, October 26, 2007 the City placed a posting against occupancy one of your leased spaces on Custom House Wharf, namely that space formerly occupied by Boone's Restaurant. The week before you were verbally informed by the City's Fire Department representative, Greg Cass, that no further functions or activities should be booked for that space unless all appropriate permits have been obtained. This continues to be the case.

The City briefly met with you on Friday afternoon and informed you that there are a good number of outstanding issues which you must address before you may be permitted to use the referenced space. There is a threshold issue of whether you will be able to use the space as presently proposed.

This letter is an initial attempt by the City to outline various issues you must resolve for the City and the several applications you must submit. To the extent we are able, staff will work with you toward achieving a fully permitted space on Custom House Wharf.

#### Zoning Submissions

As you know the Waterfront Central Zone controls allowable uses on Custom House Wharf. The former Boone's Restaurant space, over which you presumably hold a lease, has not been in operation for two years or more. You are proposing to use the facility formerly occupied by Boone's as a Banquet Facility. You are advertising this space on

the internet as a banquet facility as opposed to a restaurant. You indicated to staff that functions in the space will be catered by the Porthole Restaurant. Event organizers may also bring in outside caterers. This activity appears to constitute a change of use and an application for the same must be filed with, and approved by, the City. To date, we have no such application. I attach a change of use application hereto as Attachment 1 for your review and submission. In addition, please provide the City with the following information:

1. Your lease agreement with the owners of the property, with a diagram of the space formerly occupied by Boone's Restaurant.
2. Documentation of when Boone's Restaurant ceased its operation.
3. A detailed explanation of the proposed use of that space.
4. A detailed diagram of the space formerly occupied by Boone's Restaurant and before and after recent renovations.
5. Explain how the new use meets the requirements of the WCZ.
6. Describe the uses on the upper floors of what was formerly Boone's Restaurant and who has control over that space.
7. Provide the City with a detailed diagram of any internal or external seating you propose for this space and provide an explanation of why you believe such seating should be approved. This is especially true for outside seating in this area.

#### Building Inspections

Past work has been done on a portion of the pier in the vicinity of the former Boone's Restaurant. In follow-up to that work an engineering report from TRC Engineering indicates that no occupancy of the former Boone's Restaurant space should be allowed without additional work being done to the "open pier outside the building." The City will need to better understand the state of the existing pier infrastructure prior to allowing any occupancy of this space.

1. Please provide, or have your landlord provide, a Statement of Special Inspection from a licensed engineer which details the work done within the last two years to the pier infrastructure (with accompanying construction documents) and the present condition of the pier servicing your leased premises (i.e the Porthole Restaurant, the Comedy Connection and the proposed Banquet facility and the other uses presently located above these uses).
2. Provide a cost figure for the overall interior construction which has taken place inside the space formerly occupied by Boone' Restaurant since you became lessee.
3. A full inspection of the building will need to be scheduled with both Building Inspections and Fire to determine compliance with codes.

#### Food Service

In response to an application for an expanded food service license to expand the Porthole's ability to service the space formerly occupied by Boone's Restaurant, which was filed on July 16, 2007, City staff a conducted an inspection of the Porthole. Please note the City has not approved the expanded FSA. A number of violations were

*After Life Safety Plan  
was been submitted.*



discovered during that inspection. Attached is a list of those violation. See Attachment 2

1. Provide the City with a plan of action detailing how the code violations discovered are to be addressed and the time frame within which they will be remedied.
2. No kitchen presently exists in the former Boone's Restaurant space. There is no equipment to keep cold food cold and hot food hot in that space. *No permit for kitchen*

In addition, statement were made by you to the City that the Porthole will be catering events occurring at the proposed banquet facility. The Porthole does not have a catering license. Attached as Attachment 3 is a catering license application you will need to file with the City for such services.

Further, the City understands that the State has not signed off on a liquor license for this additional space (or for any other license, such as entertainment).

1. Provide the City with copies of all licenses submitted to the State for the space formerly occupied by Boone's restaurant.

#### Fire Issues

The Fire Department has identified several significant Life Safety issues it discovered on the pier and within your leased space that raises concerns about the safety of the building space as well as the pier upon which it sits. While the City understands that you do not own the building and you are a lessee, it does not have a copy of your lease in order to identify who has responsibility over what issues.

1. Please provide a copy of your lease of the areas presently situated on Custom house Wharf so that we are better able to understand the space over which you have control, the person with rights and responsibilities for ongoing maintenance and repair of various building and infrastructure matters.
2. The City will need a full Life Safety Analysis (which must include internal and external seating proposals; 1<sup>st</sup> and 2<sup>nd</sup> floor levels of the buildings, etc.; a convergence point analysis) from a licensed professional which the City can then review and approve. The Life Safety analysis must encompass the entire pier and all buildings thereon in order for the City to effectively determine compliance with the various regulations governing occupancy load, means of egress, etc. While the City appreciates some areas are not within your control, they are within the control of your landlord and must be provided to the City prior to the issuance of further permits.
3. Provide a full set of construction plans for all fire protection systems, both existing and proposed.
4. Provide copies of any applications or other information submitted to the Maine State Fire Marshall for your uses on the pier.  
State Fire Marshall for your uses on the pier.  
Only after we obtain this full analysis will the City be able to permit further uses on the pier. Your professional should be cautioned that at present no outside seating on the pier has been approved. The information available to the City is that outside seating was sought in 2000 through a contract zone but the rezoning to allow for this extended use

was never approved. Correspondence at that time, in fact, cautioned that no outside seating was permitted and none had been grandfathered.

On a final note, although the City has tried in this initial letter to be exhaustive regarding the issues that must be addressed, once the information/submissions have been reviewed by the City additional items of concern may come to light and may need additional work. Nonetheless, it was important to "get the ball moving" on this above items.

Thank you for your time and attention to this matter. We look forward to legitimizing the activities on Custom House Wharf to the extent they are permitted by zoning and all applicable land use and other codes and regulations.

Please schedule any submission appointments with Building Inspector Chris Hanson who will be shepherding you through the process and will ensure all proper documentation is submitted.

Sincerely,



Penny Littell

Cc: Pat Finnegan  
Greg Cass  
Jeanie Bourke  
Chris Hanson ✓  
Marge Schmuckal  
Gary Wood  
Suzanne Hunt

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This data is provided by the Assessor's Office and is current as of

Oct. 6, 2007

Fees \$150.00

CBL 030 A001001 Acct No 4232 Property Address 86 COMMERCIAL ST Vi#  
 PROPRIETORS OF CUSTOM HOUSE Property Type COMMERCIAL Dist#: 1  
 Name 1 WHARF ATTN G E MACGOWAN JR Description 30-A-1-2 COMMERCIAL ST Vi#  
 Name 2 Mailing Address 5 EASTERN PROMENADE Census Tract 3.00 86-116 R CUSTOM HSE Vi#  
 City, State, Zip PORTLAND ME 04101 51890 SF 146186 SF Vi

WCZ LCI: C

Prop Info	Inspections	Site Plans	Permits	Complaints	Food/Water Cmpl.	Documents	Letters	Property Mgmt
-----------	-------------	------------	---------	------------	------------------	-----------	---------	---------------

App Type	Permit No	App Date	Iss Date	Status	Past Use	Propi
Plumbing	20078287	10/22/2007	10/22/2007	Open		
Electrical Permit Residential	20064778	08/28/2006	08/28/2006	Open		
Building Permit	060748	05/17/2006	07/10/2006	Open	Commercial existing restaurant	Commercial e: restaurant -ref upgrade windc bathrooms and walls and L&D
Building Permit	060044	01/10/2006	01/20/2006	Open	Commercial/ Restaurant (Boone's)	NO INTENDE CHANGE two relocation , on overhangrepai install floor--EI
Electrical Permit Residential	20044585	06/08/2004	06/08/2004	Closed		
Building Permit	030032	01/15/2003	02/10/2003	Open	Porthole Restaurant - also called 24 Custom House Wharf	Restaurant
Electrical Permit Residential	20025013	12/06/2002	12/06/2002	Closed		
Building Permit	021343	12/05/2002		Denied	Commercial	Commercial / building projec 011076; refit s accomodate o
Electrical Permit Residential	20024023	01/07/2002		Closed		

		WCZ		LCI		C	
App Type	Permit No	App Date	Iss Date	Status	PastUse	Prop	
Plumbing	20018019	11/27/2001	11/27/2001	Open			
Plumbing	20018025	11/27/2001	11/27/2001	Open			
Building Permit	011076	08/31/2001	09/18/2001	Open	Commercial / Vacant Space; Prior use was a seafood processing & storage.	Commercial / building projec marine facility. Site Plan # 19:	
Building Permit	010678	06/12/2001		Pending			
Building Permit	010638	06/01/2001	06/12/2001	Open	Commercial: Formerly Seafood Processing and Storage.	Marine & Acce wharf compon of new pilings Components. 76Z-6068	
Building Permit	010635	06/01/2001	06/12/2001	Open	Right Of Way	Same: Break-I existing concr to Drive 10 Ne New Concrete	
Building Permit	010582	05/24/2001		Open	Commercial: SeaFood Processing; Vacant for 1 year.	Demolition of I	

This data is provided by the Assessor's Office and is current as of **Oct. 6, 2007** Fees **\$158.00**

CBL 030 A001001 Acct.No 4232 Property Address 86 COMMERCIAL ST  
 PROPRIETORS OF CUSTOM HOUSE Property Type COMMERCIAL Dist#: 1  
 Name 2 WHARF ATTN G E MACGOWAN JR Description 30-A-1-2 COMMERCIAL ST  
 Mailing Address 5 EASTERN PROMENADE Census 86-116 R CUSTOM HSE  
 City, State, Zip PORTLAND ME 04101 Tract 3.00 WHARF  
 51890 SF 146186 SF

Prop Info	Inspections	Site Plans	Permits	Complaints	Food/Water Cmpl.	Documents	Letters	Property Mgmt
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Date/Time	Staff/Contact	Street	Parcel ID	AppI ID	AppI Type	Type
10/25/07	Chris Hanson	86 COMMERCIAL ST	030 A001001	60748	Prmt	Close-in/Elec./Plmb./Fi
8:30 AM			Plumbing inspection of			
10/25/07	Michael Collins	86 COMMERCIAL ST	030 A001001	60748	Prmt	Close-in/Elec./Plmb./Fi
8:30 AM			Plumbing inspection of			
10/25/07	Mike Menario	86 COMMERCIAL ST	030 A001001	60748	Prmt	Close-in/Elec./Plmb./Fi
8:30 AM			Plumbing inspection of			
10/22/07	Michael Collins	86 COMMERCIAL ST	030 A001001	60748	Prmt	Certificate of Occupan
11:00 AM			Oliver will submit plan for sprinkler system and 2 hour separation of walls			
10/22/07	Chris Hanson	86 COMMERCIAL ST	030 A001001	60748	Prmt	Certificate of Occupan
11:00 AM			Oliver will submit plan for sprinkler system and 2 hour separation of walls			
10/17/07	Michael Collins	6 CUSTOM HSE WHF	030 A001001		Prmt	Food Service Inspectio
6:00 AM	BOONE'S		831-3521 Oliver. Pull all old permits and close as appropriate.			
10/17/07	Jon Rioux	6 CUSTOM HSE WHF	030 A001001		Prmt	Food Service Inspectio
6:00 AM	BOONE'S		831-3521 Oliver. Pull all old permits and close as appropriate.			
10/04/07	Jon Rioux	20 CUSTOM HSE WHF	030 A001001	0	Food	Food Service Inspectio
11:00 AM	PORT HOLE		check to see if peeling paint is gone and that new wall surface installed. T			
10/04/07	Suzanne Hunt	20 CUSTOM HSE WHF	030 A001001	0	Food	Food Service Inspectio
11:00 AM	PORT HOLE		check to see if peeling paint is gone and that new wall surface installed. T			
09/10/07	Chris Hanson	20 CUSTOM HSE WHF	030 A001001	0	Food	Food Service Inspectio
10:00 AM	PORT HOLE		meeting set with Oliver at Porthole at 10 a.m. . He understands that a tw			
09/10/07	Suzanne Hunt	20 CUSTOM HSE WHF	030 A001001	0	Food	Food Service Inspectio
10:00 AM	PORT HOLE		meeting set with Oliver at Porthole at 10 a.m. . He understands that a tw			
09/10/07	Michael Collins	20 CUSTOM HSE WHF	030 A001001	0	Food	Food Service Inspectio
10:00 AM	PORT HOLE		meeting set with Oliver at Porthole at 10 a.m. . He understands that a tw			
09/05/07	Suzanne Hunt	92 COMMERCIAL ST	030 A001001	0	Food	Food Service Inspectio
9:00 AM	GILBERT'S CHOWDER HOUSE					
09/05/07	Jon Rioux	92 COMMERCIAL ST	030 A001001	0	Food	Food Service Inspectio
9:00 AM	GILBERT'S CHOWDER HOUSE					

			WCZ	LCI:	C
08/22/07	Chris Hanson	86 COMMERCIAL ST	030 A001001	0	Complaint Inspection
			follow up on complaint re bige pumping from Cassablanca.		
08/22/07	Suzanne Hunt	86 COMMERCIAL ST	030 A001001	0	Complaint Inspection
			follow up on complaint re bige pumping from Cassablanca.		
08/21/07	Jon Rioux	20 CUSTOM HSE WHF	030 A001001	0	Food Food Service Inspectio
2:00 PM	PORT HOLE		2 p.m scheduled with oliver 831-3521	0	Food
08/21/07		0020 CUSTOM HOUSE	030 A001001	0	Fire
	PORTHOLE RESTAURANT				
08/21/07	Suzanne Hunt	20 CUSTOM HSE WHF	030 A001001	0	Food Food Service Inspectio
2:00 PM	PORT HOLE		2 p.m scheduled with oliver 831-3521	0	Food
08/16/07	Chris Hanson	86 COMMERCIAL ST	030 A001001	9872	Complaint Inspection
6:00 AM			DEP - Fred Galliant - Spoke w/ Tammy - inadequate Plumbing from Casat		
08/16/07	Suzanne Hunt	92 COMMERCIAL ST	030 A001001	0	Food Food Service Inspectio
	CASABLANCA				
08/16/07	Suzanne Hunt	86 COMMERCIAL ST	030 A001001	9872	Complaint Inspection
6:00 AM			DEP - Fred Galliant - Spoke w/ Tammy - inadequate Plumbing from Casat		
07/06/07	Suzanne Hunt	86 Commercial St	030 A001001	0	Food Food Service Inspectio
	PORT HOLE				
07/06/07	Suzanne Hunt	20 CUSTOM HSE WHF	030 A001001	0	Food Food Service Inspectio
	PORT HOLE				
07/04/07	Suzanne Hunt	20 CUSTOM HSE WHF	030 A001001	0	Food Food Service Inspectio
	PORT HOLE		small fire on extire of building , men's bathroom needs repair. Smh. Told c		
06/06/07		92 COMMERCIAL ST	030 A001001	0	Food Food Service Inspectio
	GILBERT'S CHOWDER HOUSE				
04/02/07	Suzanne Hunt	92 COMMERCIAL ST	030 A001001	0	Food Food Service Inspectio
	GILBERT'S CHOWDER HOUSE				
04/02/07	Arthur Rowe	92 COMMERCIAL ST	030 A001001	0	Food Food Service Inspectio
	GILBERT'S CHOWDER HOUSE				
01/10/07	Arthur Rowe	92 COMMERCIAL ST	030 A001001	0	Food Food Service Inspectio
1:30 PM	GILBERT'S CHOWDER HOUSE		with Anita Anderson		
12/27/06	Arthur Rowe	92 COMMERCIAL ST	030 A001001	8337	Food Food Service Inspectio
	GILBERT'S CHOWDER HOUSE		Bartender sneezed into hands then wiped it on a rag that was being used		
09/27/06	Arthur Rowe	92 COMMERCIAL ST	030 A001001	0	Food Food Service Inspectio
	CASABLANCA		10 am 632-4192 or 774-7220		
09/06/06	Michael Collins	86 COMMERCIAL ST	030 A001001	60748	Prmt Close-in/Elec./Plmb./Fi
3:00 PM	Ken McGowen		Close-in for the old Boones Rest.		

# CITY OF PORTLAND, MAINE PLANNING BOARD

Jaimey Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagege  
Erin Rodriguez  
Mark Malone  
Orlando E. Delogu

June 14, 2001

Mr. David A. Lourie  
189 Spurwink Avenue  
Cape Elizabeth, Maine 04107

RE: Porthole Contract Zone, Custom House Wharf  
CBL: 30-A-001

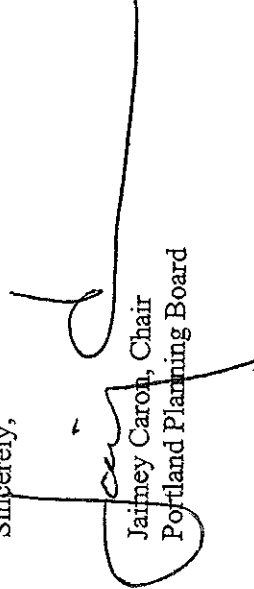
Dear Mr. Lourie:

On June 12, 2001, the Portland Planning Board voted 0-7 to recommend to the City Council a contract zone for a seasonal expansion of exterior seating for the Porthole Restaurant.

The negative recommendation is based on the submitted contract and the findings related to the Comprehensive Plan, the standards of the Waterfront Central Zone, Section 14-313.5 a, b, and c (no adverse impact on Marine Uses), and the standards of 14-315.3 a through i. (contract Rezoning), and as contained in Planning Report #14-01a, which is attached.

If there are any questions, please contact the Planning Staff.

Sincerely,

  
Jaimey Caron, Chair  
Portland Planning Board

cc: Alexander Jaegerman, Chief Planner  
William B. Needelman, Senior Planner  
P. Samuel Hoffes, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Inspection Department  
Lee Urban, Director of Economic Development  
Don Hall, Appraiser, Assessor's Office  
Susan Doughty, Assessor's Office  
Approval Letter File

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read  
Application And  
Notes, if Any,  
Attached

## BUILDING INSPECTION PERMIT

Permit Number: 030032

This is to certify that Proprietors Of Custom Hous  
has permission to Renovations to Floor/ Widen  
AT 86 Commercial St

...ycc, Al  
...ening in  
...ining A  
...Replace  
...ywall/Replace Windows  
... 030\_A001001

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 inspection must be given and written permission procured before this building or part thereof is closed or closed-in. HOUR 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. W. J. McJ  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_

Department Name

*William J. McJannet*  
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD



**City of Portland, Maine - Building or Use Permit**

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

Permit No: 03-0032	Date Applied For: 01/15/2003	CBL: 030 A001001
Owner Address: 5 Eastern Promenade ( ) 831-0169		
Contractor Address: Peaks Island (207) 233-1487		
Permit Type: Alterations - Commercial		

Location of Construction: 86 Commercial St	Owner Name: Proprietors Of Custom House
Business Name: Joyce, Al	Contractor Name: Peaks Island
Lessee/Buyer's Name:	Phone: (207) 233-1487

Proposed Use: Restaurant	Proposed Project Description: Renovations to Floor/ Widen Opening in Dining Area/Replace Drywall/Replace Windows
-----------------------------	---

<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 02/06/2003
<b>Note:</b> 86 Commercial St aka 24 Custom House Wharf	<b>Ok to Issue:</b> <input checked="" type="checkbox"/>		
<p>1) The proposed area is part of the clearly defined allowable restaurant area as outlined by the Zoning Board of Appeals on 4/6/89. Please be reminded that this restaurant use is a legal nonconforming use in the WCZ zone and SHALL NOT be increased beyond what was approved in 1969 by the ZBA.</p> <p>2) Separate permits shall be required for any new signage.</p> <p>3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.</p>			
<b>Dept:</b> Building	<b>Status:</b> Pending	<b>Reviewer:</b>	<b>Approval Date:</b> <input type="checkbox"/>
<b>Note:</b>			
<b>Dept:</b> Fire	<b>Status:</b> Approved	<b>Reviewer:</b> Lt. McDougall	<b>Approval Date:</b> 01/29/2003
<b>Note:</b>	<b>Ok to Issue:</b> <input checked="" type="checkbox"/>		

**City of Portland, Maine - Building or Use Permit**

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Permit No: 03-0032	Date Applied For: 01/15/2003	CBL: 030 A001001
Location of Construction: 86 Commercial St	Owner Name: Proprietors Of Custom House	Owner Address: 5 Eastern Promenade
Business Name:	Contractor Name: Joyce, AI	Contractor Address: Peaks Island
Lessee/Buyer's Name	Phone:	Phone: ( ) 831-0169
		Phone (207) 233-1487
		Permit Type: Alterations - Commercial

**Proposed Use:**  
Restaurant

**Proposed Project Description:**  
Renovations to Floor/ Widen Opening in Dining Area/Replace Drywall/Replace Windows

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 02/06/2003  
**Note:** 86 Commercial St aka 24 Custom House Wharf      **Ok to Issue:**

1) The proposed area is part of the clearly defined allowable restaurant area as outlined by the Zoning Board of Appeals on 4/6/89. Please be reminded that this restaurant use is a legal nonconforming use in the WCZ zone and SHALL NOT be increased beyond what was approved in 1969 by the ZBA.

2) Separate permits shall be required for any new signage.

3) 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:** Mike Nugent      **Approval Date:** 02/07/2003  
**Note:**      **Ok to Issue:**

1) No structural changes are authorized by this permit.

---

**Dept:** Fire      **Status:** Approved      **Reviewer:** Lt. McDougall      **Approval Date:** 01/29/2003  
**Note:**      **Ok to Issue:**

# BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 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.

**Pre-construction Meeting:** Must be scheduled with your inspection team upon receipt of this permit. Jay Reynolds, Development Review Coordinator at 874-8632 must also be contacted at this time, before any site work begins on any project other than single family additions or alterations.

**Footing/Building Location Inspection:** Prior to pouring concrete

**Re-Bar Schedule Inspection:** Prior to pouring concrete

**Foundation Inspection:** Prior to placing ANY backfill

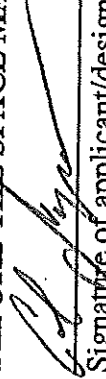
**Framing/Rough Plumbing/Electrical:** Prior to any insulating or drywalling

**Final/Certificate of Occupancy:** Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.


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.

CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

  
Signature of applicant/designee

Date 2/10/03

  
Signature of Inspections Official

Date

CBL: 030 A001 Building Permit #: 030032

03-0032


# All Purpose Building Permit Application

If you or the property owner owns real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

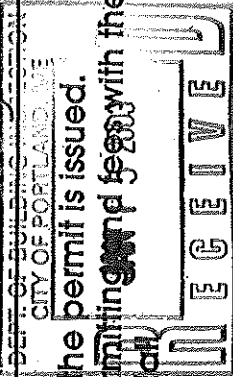
Location/Address of Construction: 16 Custom Home Wharf Portland, Me Count 86 Count St.		Square Footage of Lot	
Total Square Footage of Proposed Structure: 284 sq ft.			
Tax Assessor's Chart, Block & Lot Chart# 30 Block# A Lot# 1	Owner: Proprietors of Custom Home wharf Ken McGowan	Telephone: 831-0169	
Lessee/Buyer's Name (If Applicable) Cogee Entertainment	Applicant name, address & telephone: Oliver Kathy 96 Crestview Drive S. Portland ME	Cost Of Work: \$ 5,000	Fee: \$ 58.00
Current use: Storage			
If the location is currently vacant, what was prior use: NO			
Approximately how long has it been vacant: _____			
Proposed use: Dining Area			
Project description: Fix Floor, Dry wall Replace, Make opening wide, Replace windows			
Contractor's name, address & telephone: Al Joyce 233-1487 Peaks Island			
Who should we contact when the permit is ready: Oliver Kathy XX			
Mailing address: 16 Custom Home wharf Portland, Me 04101			
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: 207-831-3521 X			

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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: 1-15-2003

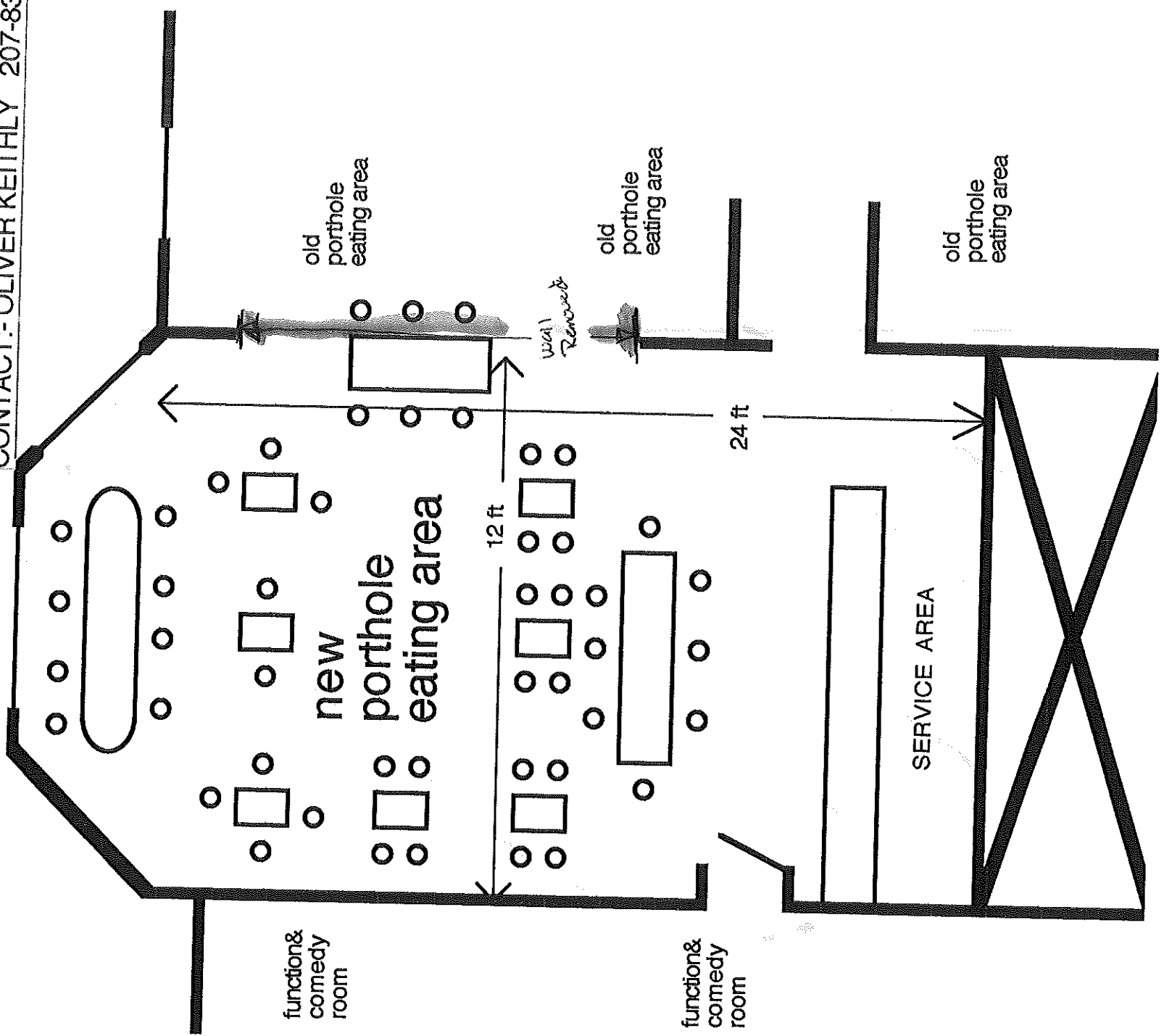
This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting fees with the Planning Department on the 4th floor of City Hall



**COGEE INC.  
IMPROVEMENT OF  
INTERIOR AREA**

16 CUSTOM HOUSE WHARF / 56 Commercial St.  
PORTLAND, MAINE 04101

CONTACT:- OLIVER KEITHLY 207-831-3521



TIMELINE FOR BOONE'S/COMEDY CONNECTION/PORHOLE RESTAURANT

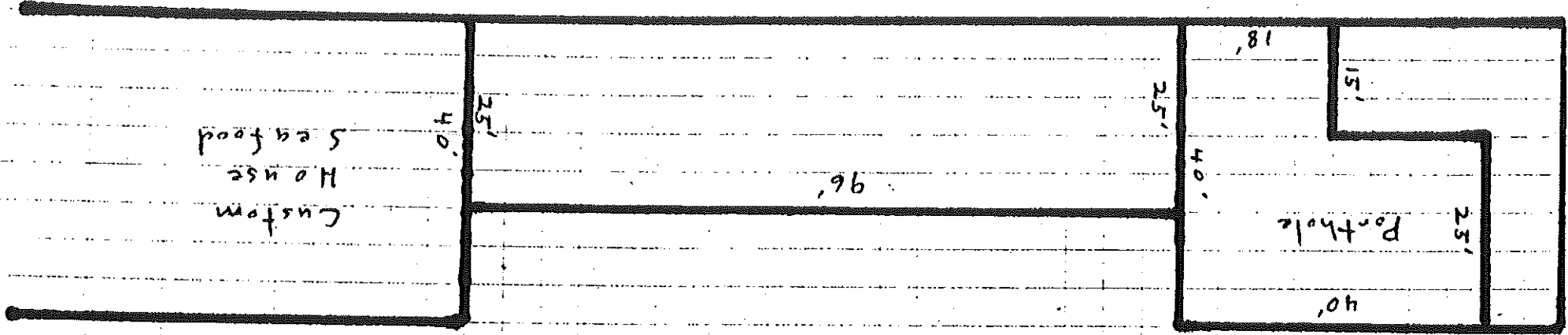
Prior to July 1996 - 'Comedy Connection' does not exist at Custom House Wharf. 'Restaurants, Inc. (Thomas D. Stratis, Paul T. Stratis) d/b/a Boone's Restaurant' liquor license includes a 'Room B', otherwise known as 'Harborside Lounge' in the space later to be occupied by 'Comedy Connection'.

July 1996-May 2000 - 'Boone's Restaurant' liquor license includes 'Comedy Connection/Function Room' as part of licensed area.

May 15, 2000 - New Owner/Applicant Cogee Management & Entertainment, Inc. (Oliver Keithly, III) d/b/a Porthole Restaurant (formerly owned by Galco Enterprises, Inc./Don Hunnewell) receives City Council approval to amend 'Porthole Restaurant' liquor license to include 'Comedy Connection/Function Room' (8-0 - Councilor Geraghty out of room).

June 14, 2000 - 'Boone's Restaurant' applies for liquor license renewal. Application does not include 'Comedy Connection/Function Room' on application as being part of licensed premises.

Piles + Crossbeam Replacements  
(as needed)



CITY OF PORTLAND, MAINE  
PLANNING BOARD

Jaimy Caron, Chair  
Deborah Krichels, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Erin Rodriguez  
Mark Malone  
Orlando E. DeLogu

June 14, 2001

Mr. David A. Lourie  
189 Spurwink Avenue  
Cape Elizabeth, Maine 04107

RE: Porthole Contract Zone, Custom House Wharf  
CBL: 30-A-001

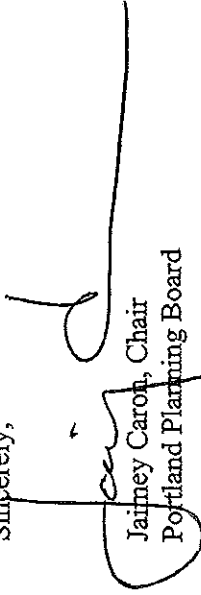
Dear Mr. Lourie:

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The negative recommendation is based on the submitted contract and the findings related to the Comprehensive Plan, the standards of the Waterfront Central Zone, Section 14-313.5 a, b, and c (no adverse impact on Marine Uses), and the standards of 14-315.3 a through i. (contract Rezoning), and as contained in Planning Report #14-01a, which is attached.

If there are any questions, please contact the Planning Staff.

Sincerely,



Jaimy Caron, Chair  
Portland Planning Board

cc: Alexander Jaegerman, Chief Planner  
William B. Needelman, Senior Planner  
P. Samuel Hoffses, Building Inspector  
Marge Schmuckal, Zoning Administrator  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
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Don Hall, Appraiser, Assessor's Office  
Susan Doughty, Assessor's Office  
Approval Letter File

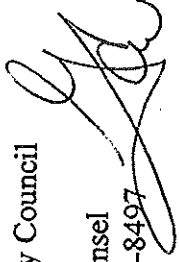


CC: Richard Knowland, Senior Planner  
Mike Nugent, Inspections Service Manager  
Marge Schmuckal, Zoning Administrator  
Tony Lombardo, Project Engineer  
Jay Reynolds, Development Review Coordinator  
Larry Ash, City Traffic engineer  
Nancy Knauber, Associate Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
✓ Inspections Department  
Lee Urban, Director of Economic Development  
Don Hall, Appraiser, Assessor's Office  
Susan Doughty, Assessor's Office  
Approval Letter

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Mayor Leeman and Portland City Council

**FROM:** Gary C. Wood, Corporation Counsel  
Telephone: 874-8480 Fax: 874-8497



**DATE:** June 21, 2000

**RE:** Porthole Restaurant

20 Custom House Wharf  
30-A-1

The City Manager asked me to update you on the City's position regarding Mr. MacGowen and his pier and Mr. Keithly and the expansion of the Porthole Restaurant. Yesterday we started the process necessary to revoke the entertainment permit and food service license held by Mr. Keithly for that portion of the Porthole that would be located on the new deck that Mr. MacGowen built on Union Wharf (behind the Porthole Restaurant). That new deck is outside the original footprint of the Porthole Restaurant. We are also referring this matter to the State Bureau of Liquor Enforcement in relation to the liquor license that the Porthole Restaurant has for its original facility. Here is why we are taking these steps:

- (1) Mr. Keithly owns and operates the Porthole. On April 13, 2000 he came in and talked to Marge Schmuckal to get a zoning opinion about what the Waterfront Central Zone would allow in relation to an expansion of the Porthole Restaurant onto the pier behind the restaurant. At that time, he explicitly represented to Marge that the area had always had some outside tables for dining purposes. Based on that representation, she told him he could have temporary outside dining tables. She did not approve the use of that area as a bar or for entertainment. Both of those uses are prohibited in that area by the Waterfront Central Zone.
- (2) At about the same time, Mr. MacGowen started reconstructing the pier behind the Porthole. He did not obtain the necessary building permit for this work, but was caught doing it and was required to come in and get a building permit. That permit authorized him to construct the deck. It did not authorize him to construct an entertainment stage nor the large bar that has been built down there.
- (3) It now turns out that Mr. Keithly's representations to Marge about the prior use of the area were also false. The former owner of the Porthole, and we think Mr. MacGowen also, applied to the City's Board of Appeals on April 6, 1989 for permission to use a portion of the adjacent building when it was being vacated by Casco Bay Lines. The reason they needed to use the area was that it contained operating bathrooms and their own bathroom facilities inside the Porthole were insufficient. The use of the area by Casco Bay Lines was not for outside dining.

It had benches on it where people sat while they were waiting for the ferry. Since Mr. MacGowen owned the area occupied by the Porthole Restaurant before 1989 and participated in the appeal to the Board of Appeals, we are quite certain that he was very familiar with the prior use of that area by the Casco Bay Lines and its passengers. Mr. Keithly is a relatively new owner, so he may not have had any personal knowledge about the prior use, but whoever gave him the information that he relayed to Marge Schmuckal in order to obtain an outside dining permit obviously misled him and the City.

As a final note, the City received a request for an expansion toward the water by Sapporo's Restaurant a couple of months ago and the staff decided that the only way it could be approached, given the waterfront zoning, is through an amendment to the Waterfront Central Zone to allow limited expansions (1,250 square feet) within 35 feet of the southerly sideline of Commercial Street. The City Council will be reviewing the Planning Board's recommendation on this in the near future. The point being that we have tried to be very careful and cautious about allowing any expansion of waterfront activities that don't meet the permitted uses in the Waterfront Zone.

Please feel free to give me a call, if you have any questions (874-8426).

GCW:djc

c: Marge Schmuckal, Zoning Administrator  
Mark Adelson, Director of Housing and Neighborhood Services  
Penny Littell, Associate Corporation Counsel

porthole.ltr