

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)



MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

SPECIAL CITY COUNCIL AFTERNOON MEETING - JULY 11, 2022 AT 4:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/89911473409?pwd=NllpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

Passcode: 115765

Or One tap mobile :

US: +19292056099,,89911473409#,,,*,115765# or +13017158592,,89911473409#,,,*,115765#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 646 931 3860 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171

Webinar ID: 899 1147 3409

Passcode: 115765

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the June 22, 2022 draft City Council Meeting minutes

APPOINTMENTS:

Order 1-22/23 Appointing Members of the Ethics Committee - Sponsored by Kate Snyder, Mayor

The Council Rules of Procedure are being amended in this agenda by Resolve 15-21/22, which adds the Ethics Committee to the Council's Standing committees. Appointed members to the Ethics Committee are Mayor Kate Snyder, who will serve as Chair, Councilor April Fournier, Councilor Andrew Zarro, and Councilor Tae Chong. Along with Resolve 12-21/22 that approved the City Council's new Code of Ethics, these changes create a system to address any ethics complaints received by the City Council in the future.

Five affirmative votes are required for passage after public comment.

Order 2-22/23 Confirming the Appointment of Amy R. McNally as Associate Corporation Counsel - Sponsored by Jen Thompson, Acting Corporation Counsel

Attorney Amy R. McNally will serve the Office of Corporation Counsel as an Associate Corporation Counsel. This order would confirm her appointment and set her salary at \$109,872.

Staff is requesting that this order be passed as an emergency to allow Amy McNally to start work on July 18, 2022. Seven affirmative votes are required for passage as an emergency after public comment.

Order 3-22/23 Appointing Michael Murray Treasurer of the Executive Board of the Portland Technology Park Condominium Association - Sponsored by Danielle P. West, Interim City Manager

With this order, the City Council appoints Interim Public Works Director Michael Murray as Treasurer of the Executive Board. Appointees need not be unit owners. He will be taking on the duties of former Public Works Director Christopher Branch, who has since passed away. Eric Swanson of Patrons Oxford was appointed Secretary of the Executive Board of the Portland Technology Park Condominium Association. Interim City Manager Danielle West was appointed President of the Executive Board by the City Council on March 21, 2022. The Housing and Economic Development Department provides staff assistance to the Board.

Five affirmative votes are required for passage after public comment.

Order 4-22/23 Appointing Ashley Rand as the Registrar of Voters for the Duration of Appointment as City Clerk - Sponsored by Danielle P. West, Interim City Manager

This order would confirm Ashley Rand as Registrar of Voters for the City of Portland for the duration of her appointment.

Five affirmative votes are required for passage after public comment. Staff recommends that this item be passed as an emergency to allow Ms. Rand to be sworn in and assume her duties as soon as possible. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

Order 5-22/23 Declaring August 12 to 14, 2022 the 96th Annual St. Peter's Bazaar and Italian Street Festival - Sponsored by Danielle P. West, Interim City Manager

St. Peter's Bazaar Committee and Catholic Church will be hosting their 96th Annual St. Peter's Bazaar & Italian Street Festival from August 12 to 14, 2022, with food booths, games for children & adults and music in the streets. Approximately 2,500 people will attend the event over the course of the three days. The event is a fundraiser for St. Peter's Catholic Church.

Federal Street from Franklin Arterial to India Street will be closed each day of the festival from noon to midnight for set up, event, and breakdown time.

Five affirmative votes are required for passage of consent items following public comment.

LICENSES:

Order 6-22/23 Granting Municipal Officers' Approval of Garden Concerts LLC, dba Portland House of Music. Application for Auditorium with Combined Entertainment and Outdoor Dining on Public and Private Property at 25 Temple Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/21/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment

Order 7-22/23 Granting Municipal Officers' Approval of Bella Maine LLC, dba The Ugly Duckling. Application for Class I FSE with Outdoor Dining on Public Property at 246 Danforth Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/21/22. New City and State applications. Location was previously an art gallery.

Five affirmative votes are required for passage after public comment

Order 8-22/23 Granting Municipal Officers' Approval of Inn at Diamond Cove LLC, dba Inn at Diamond Cove. Application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property at 22 McKinley Court - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/21/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment

Order 9-22/23 Granting Municipal Officers' Approval of Diamond's Edge LLC, dba Diamond's Edge Restaurant. Applications for Class 1 FSE with Combined Entertainment and Outdoor Dining on Private Property at 279 Diamond Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/21/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment

Order 10-22/23 Granting Municipal Officers' Approval of Allagash Brewing Company, dba Allagash Brewing Company. Application to expand Brewery/Winery/Distillery On Premise Consumption at 50 Industrial Way - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/21/22. New City and State applications. Expansion of existing premises.

Five affirmative votes are required for passage after public comment

Order 11-22/23 Granting Municipal Officers' Approval of Arcadia Gaming & Pizza Parlor LLC, dba Arcadia Pizza and Gaming. Application for Outdoor Dining on Public Property at 504 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/15/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge License.

Five affirmative votes are required for passage after public comment

Order 12-22/23 Granting Municipal Officers' Approval of Ronin Restaurant Group LLC, dba Mr. Tuna. Application for Outdoor Dining on Public Property at 28 Monument Square - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/21/22. New City and State applications. Establishment currently holds Class III & IV License.

Five affirmative votes are required for passage after public comment

RESOLUTIONS:

Resolve 1-22/23 Supporting the Right to Abortion - Sponsored by Kate Snyder, Mayor

Following the United States Supreme Court decision Dobbs v. Jackson Women's Health Organization, which ended the 49-year-old constitutional right to an abortion in the United States, this resolve records the Mayor's and the City Council's undeterred support for the right to an abortion and details the steps it intends to take to sustain this right into the future.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Resolve 15-21/22 Amending Council Rules for 2022 - Sponsored by Kate Snyder, Mayor

With the approval of Resolve 12-21/22 Adopting the City Council Code of Ethics on June 6, 2022, the City Council must establish a new Ethics Committee in its Rules of Procedure, Rules 34 and 36. This Resolve adds the new committee to the lists of Standing Committees in those two Rules.

This item must be read on two separate days. It received its first reading on June 22, 2022. Five affirmative votes are required for passage after public comment.

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ADJOURNMENT:

ZOOM INFORMATION:

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For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

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US: +19292056099,,81813936988#,,,*,112769# or +13017158592,,81813936988#,,,*,112769#

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US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 818 1393 6988

Passcode: 112769

International numbers available: <https://portlandmaine-gov.zoom.us/j/81813936988?pwd=V0FJNk51cEtwNEs1ZTNMUUdGMG5adz09>

PLEDGE OF ALLEGIANCE:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ROLL CALL:

Mayor Snyder Called the Meeting to order at 5:05PM

ANNOUNCEMENTS:

Councilor Ali wanted to share a brief announcement: Recognizing 2 losses in the City and asked for a moment of silence to honor them.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the June 6, 2022 Draft City Council meeting minutes.

Motion was made by Councilor Zarro and seconded by Councilor Ali for approval of the June 6, 2022 City Council Meeting Minutes. Passage 9-0.

PROCLAMATIONS:

Proclamation 22-21/22 Recognizing June 19, 2022 as Juneteenth - Sponsored by Kate Snyder, Mayor

LICENSES:

Order 288-21/22 Granting Municipal Officers' Approval of Maine Hotel Holdings LLC, dba Cambria Old Port. Application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property and Combined Entertainment at 25 Hancock Street- Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Zarro and seconded by Councilor Fournier for passage. Passage 9-0.

Order 289-21/22 Granting Municipal Officers' Approval of Riverton Station LLC, dba Riverton Station. Application for Class I FSE at 1569 Forest Avenue - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 9-0.

Order 290-21/22 Granting Municipal Officers' Approval of Richard and Young Inc, dba Keg and Kraken. Application for Class 1 FSE at 653 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Zarro and seconded by Councilor Fournier for passage. Passage 9-0.

Order 291-21/22 Granting Municipal Officers' Approval of Experience Maine Market, LLC, dba Maker's Galley. Applications for Outdoor Dining on Public Property at 5 Commercial Street - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage. Passage 9-0.

COMMUNICATIONS:

Com 25-21/22 Flag Raising Policy - Sponsored by Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

Com 26-21/22 2021 Revaluation Project Update - Sponsored by Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

Com 27-21/22 Allocation Timeline for Second Tranche of American Rescue Plan Act Funding - Sponsored by Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

RESOLVES

Resolve 15-21/22 Amending Council Rules for 2022 - Sponsored by Kate Snyder, Mayor

This is its first reading.

UNFINISHED BUSINESS:

Order 259-21/22 Zoning Map Amendment for Riverton Park Campus from R-5 Residential to R-5a Residential and B-2 Community Business - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0.

Written Public Comment on Order 259-21/22

Order 260-21/22 Amendment to the Portland City Code Chapter 14 Re: Permitted and Conditional Uses in Residential Zones and Allowing Places of Assembly as a Conditional Use in the R-5a zone - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier for passage. Passage 9-0.

Order 261-21/22 Amendment to the Portland City Code Chapter 35 Re: Panic Alarms and Retail License Revisions - Sponsored by Jen Thompson, Acting Corporation Counsel

Motion was made by Mayor Snyder and seconded by Councilor Ali to postpone Order 261 to the August 15, 2022 City Council Meeting. Passage 8-0. (Councilor Dion Recused)

Order 277-21/22 Approving the Purchase & Sale Agreement between Janet and Steve Berry and Portland for Redlon Woods Property - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Fournier and seconded by Councilor Trevorrow for passage. Passage 8-0. (Chong absent)

Order 278-21/22 Approving the Purchase & Sale Agreement between Coastal Oaks, LLC and the City and Accepting and Appropriating a Donation toward the Redlon Woods Property - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0 (Chong absent)

Order 279-21/22 Placing City-Owned Land at Redlon Woods into the Portland Land Bank - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 8-0 (Chong absent)

Written Public Comment on Orders 277-21/22, 278-21/22, and 279-21/22

Order 280-21/22 Adopting Development Program for Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0.

Order 281-21-22 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0.

Order 282-21-22 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0.

Order 283-21/22 Amendment to Portland Zoning Map to Repeal Munjoy Hill Neighborhood Conservation Overlay District - Sponsored by the Planning Board, Maggie Stanley, Chair

Motion was made by Councilor Zarro and seconded by Councilor Fournier for passage. Passage 9-0.

Order 284-21/22 Amendment to Portland City Code Chapter 14 Re: Repeal of Munjoy Hill Neighborhood Conservation Overlay District - Sponsored by the Planning Board, Maggie Stanley, Chair

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 9-0.

Written Public Comment on Orders 283-21/22 and 284-21/22

Order 285-21/22 Amendment to Portland City Code Chapter 9 (Elections) Article I Re: Redistricting - Sponsored by Katherine L. Jones, City Clerk

Motion was made by Councilor Ali and seconded by Councilor Fournier to continue deliberation past 10:00PM. Passage 9-0.

Motion was made by Councilor Pelletier and seconded by Councilor Trevorow to postpone Order 285 to the July 11, 2022 City Council Meeting. Motion failed 3-6 (Fournier, Rodriguez, Ali, Zarro, Chong, Snyder)

Motion was made by Councilor Ali and seconded by Councilor Fournier for passage. Passage 9-0.

Order 286-21/22 Traffic Schedule Amendment Re: Brighton Avenue and Deering Avenue Bikeway Projects - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Ali and seconded by Councilor Zarro for passage.

ADJOURNMENT:

Motion was made by Councilor Trevorrow and seconded by Councilor Zarro to adjourn. Passage 9-0 at 10:35PM.

A TRUE RECORD

Melissa Cowie, Interim City Clerk

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 8, 2022

SUBJECT: Order 1-22/23 Appointing Members of the Ethics Committee - Sponsored by Kate Snyder, Mayor

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

The Council Rules of Procedure are being amended in this agenda by Resolve 15-21/22, which adds the Ethics Committee to the Council's Standing committees. Appointed members to the Ethics Committee are Mayor Kate Snyder, who will serve as Chair, Councilor April Fournier, Councilor Andrew Zarro, and Councilor Tae Chong. Along with Resolve 12-21/22 that approved the City Council's new Code of Ethics, these changes create a system to address any ethics complaints received by the City Council in the future.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Mayor's Ethics Committee Appointments 7.11.2022

Prepared by:

Date: 06/08/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER APPOINTING MEMBERS
TO THE ETHICS COMMITTEE FOR 2022**

ORDERED, that the following members are hereby appointed to Ethics Committee, as established by council rules approved by Resolve 15-21/22:

ETHICS COMMITTEE:

Mayor Kate Snyder, Chair
Councilor April Fournier
Councilor Andrew Zarro
Councilor Tae Chong

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 8, 2022

SUBJECT: Order 2-22/23 Confirming the Appointment of Amy R. McNally as Associate Corporation Counsel - Sponsored by Jen Thompson, Acting Corporation Counsel

SPONSOR: Acting Corporation Counsel Jen Thompson

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action 6/22/2022

Can action be taken at a later date: No Attorney McNally will begin her work as Associate Corporation Counsel on July 18, 2022.

Does this item involve a new contract with the City: Not applicable.

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Attorney Amy R. McNally will serve the Office of Corporation Counsel as an Associate Corporation Counsel. This order would confirm her appointment and set her salary at \$109,872.

Staff is requesting that this order be passed as an emergency to allow Amy McNally to start work on July 18, 2022. Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The appropriation for this salary was approved in the Fiscal Year 2023 budget.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. McNally, Amy Appointed Associate Corporation Counsel 6.22.2022
2. McNally, Amy - Cover ltr, Resume (1)_Redacted

Prepared by:

Date: 06/08/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER CONFIRMING THE APPOINTMENT OF AMY R. MCNALLY
AS ASSOCIATE CORPORATION COUNSEL**

ORDERED, that Amy R. McNally is hereby appointed as Associate Corporation Counsel at a salary of \$109,872, said appointment to be effective July 18, 2022; and

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow Amy McNally to begin work on July 18, 2022.

Amy McNally



April 18, 2022

Anne Torregrossa, Director of Human Resources
City of Portland
389 Congress Street, Room 115
Portland, Maine 04101

RE: Associate Corporation Counsel - Real Estate and Contracts

Dear Ms. Torregrossa:

It is a sincere pleasure to write to you to express my desire to join your team as an Associate Corporation Counsel with a primary focus on real estate and contracts.

I have spent the last decade molding my law practice into a dynamic mix of transactional and litigation matters. My unique blend of practice areas allows me to assist clients across a broad spectrum of legal issues, nearly all of which will be directly applicable to the role of Associate Corporation Counsel with the City of Portland. My experience handling residential and commercial real estate closings from inception to post closing will be directly transferable and help me make an immediate impact on new or ongoing projects. Likewise, my time representing clients in front of municipal boards, Superior Courts and the Maine Supreme Judicial Court on a variety of real estate and contract matters will allow me to assist the City's legal team in litigation and effectively advise City officials and board members.

In addition to my practical legal experience, I also serve as a critical advisor to our office manager and attorneys on issues related to budget, marketing, program administration and staffing as a member of my firm's Management Committee. My cumulative experience as both a shareholder and manager of a business and my familiarity advising individual and corporate clients will be directly transferable to the role as Associate Corporation Counsel with the City.

Finally, beyond my professional skills, my warm nature, personal drive, energy, and dedication will be an enormous asset to your team. I would be thrilled with the opportunity to meet with you and the other members of your staff to discuss this role in more detail. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amy'.

Amy McNally

Amy McNally

WORK EXPERIENCE

Woodman Edmands Danylik Austin Smith & Jacques, P.A., Biddeford, Maine

Partner, August 2019 – Present

Associate Attorney, November 2015 - August 2019

- Assist clients with a wide variety of matters relating to business and estate planning, real estate, probate and general civil litigation.
- Regularly advocate for clients in land use matters in front of municipal boards and in appeals to Superior Court and the Maine Supreme Judicial Court.
- Represent clients, including banking institutions, in residential and commercial real estate transactions.
- Generate closing documents for residential and commercial real estate transactions and issue title insurance policies.
- Represent clients in litigation involving real property disputes, contract matters, probate law and other general civil litigation in York County Superior, District, and Probate Courts.
- Collaborate with other partners to decide and implement business and financial planning for the firm as a member of its Management Committee.

Holmes Legal Group, LLC, Wells, Maine

Associate Attorney, November 2012 – November 2015

Law Clerk, April 2011 – November 2012

- Thrived as a pivotal member of a three-attorney law firm specializing in family and criminal law.
- Developed strong relationships with clients going through stressful events in their lives.
- Represented litigants in contested hearings in divorce, parental rights and responsibilities, guardianship, protective custody and criminal matters.

Disability Rights Center of Maine, Augusta, Maine

Student Attorney, January 2012 – May 2012

- Assisted individuals with disabilities all over Maine in matters pertaining to employment, public accommodation, educational and healthcare related discrimination.
- Conducted legal research and wrote legal memoranda for three supervising attorneys on multiple facets of federal and state disability law.
- Attended legislative proceedings and monitored relevant legislative initiatives.

Cumberland Legal Aid Clinic, Portland, Maine

Student Attorney, Juvenile Justice Clinic, August 2011 – January 2012

- Resolved pending criminal charges on behalf of impoverished juveniles to increase their rehabilitation prospects and outlook for the future.

BAR ADMISSION

State of Maine, November 2012

PROFESSIONAL MEMBERSHIPS

Maine State Bar Association, York County Bar Association, Maine Trial Lawyers' Association. Rostered Maine Guardian *ad litem*.

EDUCATION

University of Maine School of Law, Portland, Maine, Juris Doctor, May 2012

- Dean's List
- Moot Court: Participated in the National First Amendment Moot Court Competition at Vanderbilt University and Advised second year law students in oral and written advocacy.

University of Southern Maine, Portland, Maine, Bachelor of Arts, *magna cum laude*, Political Science, May 2008

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: June 22, 2022

SUBJECT: Order 3-22/23 Appointing Michael Murray Treasurer of the Executive Board of the Portland Technology Park Condominium Association - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Danielle P. West, Interim City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 7/11/2022

Final Action 7/11/2022

Can action be taken at a later date: Yes If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: This does not involve a new contract.

PRESENTATION: Mary Davis will be present to answer questions.

I. SUMMARY

The City is the Declarant (developer) of the Portland Technology Park and, as such, the City Council appoints three members of the Executive Board to govern the affairs of the Portland Technology Park Condominium Association.

II. AGENDA DESCRIPTION

With this order, the City Council appoints Interim Public Works Director Michael Murray as Treasurer of the Executive Board. Appointees need not be unit owners. He will be taking on the duties of former Public Works Director Christopher Branch, who has since passed away. Eric Swanson of Patrons Oxford was appointed Secretary of the Executive Board of the Portland Technology Park Condominium Association. Interim City Manager Danielle West was appointed President of the Executive Board by the City Council on March 21, 2022. The Housing and Economic Development Department provides staff assistance to the Board.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Portland Technology Park was developed by the City of Portland on City-owned land. This condominium business campus was approved for seven units and has all environmental permits in place. Presently, Technology Park Drive provides access to four development sites with utilities. Patrons Oxford Insurance purchased Unit 4 in 2016 for its new headquarters which opened in 2017. The sale of Unit Four to Patrons is what initiated the creation of the Portland Technology Park Condominium Association and the need for an Executive Board to govern its affairs.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to appoint Interim Public Works Director Michael Murray as Treasurer of the Executive Board so that the Board can move forward with overseeing the management of the affairs of the condominium association.

V. FINANCIAL IMPACT

There will be no financial impact in appointing the members of the Executive Board.

VI. STAFF ANALYSIS AND BACKGROUND

The Executive Board of the Portland Technology Park Condominium Association needs to be in place in order to administer the affairs of the Association. A budget needs to be adopted and then approved by the members of the condo association. It will cover the cost of insurance and services to maintain the Park.

VII. RECOMMENDATION

Staff recommends that the City Council appoint to the Executive Board Interim Public Works Director Michael Murray as the Board Treasurer.

VIII. LIST ATTACHMENTS

1. Appointing Mike Murray Treasurer Portland Technology Park Condo Board 7.11.2022

Prepared by:

Mary Davis, Division Director

Date: 06/22/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER APPOINTING MICHAEL MURRAY TREASURER
OF THE EXECUTIVE BOARD OF THE
PORTLAND TECHNOLOGY PARK CONDOMINIUM ASSOCIATION**

ORDERED, that, in accordance with the terms of the Portland Technology Park Declaration of Condominium, Mike Murray shall be appointed the treasurer of the executive board of the Portland Technology Park Condominium Association, of which the City of Portland is the Declarant.

MEMORANDUM
City Council Agenda Item

FROM: Melissa Cowie

DATE: June 27, 2022

SUBJECT: Order 4-22/23 Appointing Ashley Rand as the Registrar of Voters for the Duration of Appointment as City Clerk - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Sponsored by Danielle P. West, Interim City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: not applicable

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

This order would confirm Ashley Rand as Registrar of Voters for the City of Portland for the duration of her appointment.

Five affirmative votes are required for passage after public comment. Staff recommends that this item be passed as an emergency to allow Ms. Rand to be sworn in and assume her duties as soon as possible. Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ashley Rand City Clerk Appointed Registrar of Voters 7.11.2022

Prepared by:
Melissa Cowie
Date: 06/27/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER APPOINTING ASHLEY RAND AS REGISTRAR OF VOTERS FOR
THE DURATION OF APPOINTMENT AS CITY CLERK**

ORDERED, that pursuant to 21-A M.R.S. Section 101, City Clerk Ashley Rand is hereby appointed as the Registrar of Voters for the City of Portland for the duration of her appointment as Portland City Clerk.

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton
DATE: June 23, 2022
SUBJECT: Order 5-22/23 Declaring August 12 to 14, 2022 the 96th Annual St. Peter's Bazaar and Italian Street Festival - Sponsored by Danielle P. West, Interim City Manager
SPONSOR: Danielle West; Interim City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 7/11/2022

Final Action 7/11/2022

Can action be taken at a later date: No Organizer will need to know they can have their event.

Does this item involve a new contract with the City: No

PRESENTATION: Clare Norton; PAF Booking Coordinator

I. SUMMARY

Order declaring the 96th Annual St Peter's Bazaar and Italian Street Festival Friday August 12th 2022 thru Sunday August 14th 2022 as a festival.

II. AGENDA DESCRIPTION

St. Peter's Bazaar Committee and Catholic Church will be hosting their 96th Annual St. Peter's Bazaar & Italian Street Festival from August 12 to 14, 2022, with food booths, games for children & adults and music in the streets. Approximately 2,500 people will attend the event over the course of the three days. The event is a fundraiser for St. Peter's Catholic Church.

Federal Street from Franklin Arterial to India Street will be closed each day of the festival from noon to midnight for set up, event, and breakdown time.

Five affirmative votes are required for passage of consent items following public comment.

III. BACKGROUND

This will be the 96th Annual St Peter's Bazaar & Italian Street Festival.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council declaring the 96th Annual St Peter's Bazaar & Italian Street Festival as a festival.

V. FINANCIAL IMPACT

The organizers of the event will pay for all fees associated with having their event.

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland Public Assembly Facilities Division has worked with the organizers of this event annually and we are confident in their ability to host this festival.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. St. Peters Bazaar 7.11.2022
2. Public Parks Space Application 2022

Prepared by:

Clare Norton

Date: 06/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER DECLARING AUGUST 12 TO 14, 2022
THE 96TH ANNUAL ST. PETER'S BAZAAR
AND ITALIAN STREET FESTIVAL**

ORDERED, that August 12 to 14, 2022 is hereby declared to be the 96th Annual St. Peter's Bazaar and Italian Street Festival, sponsored by the St. Peter's Church and Friary; and

BE IT FURTHER ORDERED, that the 96th Annual St. Peter's Bazaar and Italian Street Festival area shall be Federal Street (India Street to Franklin Street) and the adjoining sidewalks from noon until midnight for all three days; and

BE IT FURTHER ORDERED, that a portion of Federal Street (India Street to Franklin Street) may be posted No Parking on Festival days from noon until midnight; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the 96th Annual St. Peter's Bazaar and Italian Street Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to St. Peter's Church and Friary under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. St. Peter's Church and Friary shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. St. Peter's Church and Friary shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area;
3. St. Peter's Church and Friary shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;
4. St. Peter's Church and Friary shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the 96th Annual St. Peter's Bazaar and Italian Street Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors St. Peter's Church and Friary has agreed shall participate; and
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the Portland City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5435
Clare Norton clare@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, and 3) insurance required.
There may be fees due and applications required from other City Departments.

TODAY'S DATE		March 16, 22		ORGANIZATION NAME		St. Peter's Bazaar Committee & Catholic Church	
ADDRESS (Street/City/State/Zip)		Mailing Address: 307 Congress Street, Portland, ME 04101 Physical Address: 72 Federal Street, Portland, ME 04101					
CONTACT NAME(S)		Willie Audet, Deacon Luis Sanclemente		TITLE(S)		Bazaar Chair, Business Manager	
PHONE	207-773-7746		PHONE	207-749-8114		PHONE	207-316-6670
EMAIL			EMAIL	audetland@aol.com		EMAIL	luis.sanclemente@portlanddiocese.org

PARK AREA / PUBLIC SPACE REQUESTED	Federal Street (Franklin Arterial to India Street)		
EVENT DAY(S) & DATE(S)	08/12 through 08/14	RAIN DAY(S) & DATE(S) (50% added fee)	n/a
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	11 am to 11 pm	EVENT START & END TIME	5 - 9 pm

EVENT NAME		EXPECTED ATTENDANCE	
96th Annual St. Peter's Bazaar and Italian Street Festival		2,500	
DESCRIPTION OF EVENT: Please be as specific as possible regarding area of public space/park that you would like to permit and please describe event in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures where applicable. Federal Street (from Franklin Arterial to India Street) is scheduled to be closed to vehicular traffic on Friday, Saturday and Sunday, August 12-14, in order to hold the 96th Annual St. Peter's Bazaar/Street Festival. (Barricades would be placed at India Street, as well as across Hampshire Street.) Hours for the festival are Friday, Saturday & Sunday (approx. 5 – 9pm). Setup for the festival is on Friday morning/afternoon. The street (Federal Street) may be closed to traffic from Noon – Midnight each day (for more setup time and breakdown time) – if needed. There will be food booths, games for the children, games of chance, and music in the street during the afternoon and evenings. Booths STAY on the SIDE OF the street during the overnight hours. Money raised by this event goes toward the upkeep of St. Peter's Catholic Church.			
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?		Please check: <u>n/a</u> FEE <u>n/a</u> PLEDGES	
IF YES FOR FEES, HOW MUCH?		FEE	\$ n/a
		STUDENT FEE	\$ n/a

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?
Parking at area lots, Cathedral Parish, Walgreen's and on the street.

PLEASE CHECK OFF AND ANSWER:

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***		X	
* Will you be setting up tables and/or chairs ? How many tables: chairs:	X		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X		
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:	X		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
* Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X from Parish		
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
* Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).		X	
* Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gfenton@gpmetro.com) to discuss.	X		
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
* Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X	X	X

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X	X	X
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to clare@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way.
DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees.
Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used.
If markings remain for more than a few rain storms, event organizers are responsible for removing them.
If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials.
You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable).
Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund.
If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574.
Please ask Portland newspapers to run an article alerting the public to the event.
You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	LIS	DATE	03/16/2022
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	LIS	DATE	02/16/2022
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PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 30 DAYS IN ADVANCE TO:

♦ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: clare@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Keys: \$50/ea. Security Deposit
"No Parking" Signs: \$25 each	Equipment Delivery Fee: \$100 or more
Cancellation Fee: \$75	Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/de-activation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

FOR OFFICE USE ONLY

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?N?	
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 6-22/23 Granting Municipal Officers' Approval of Garden Concerts LLC, dba Portland House of Music. Application for Auditorium with Combined Entertainment and Outdoor Dining on Public and Private Property at 25 Temple Street - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/21/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Portland House of Music

2. Portland House of Music_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Garden Concerts LLC, dba Portland House of Music. Application for Auditorium with
Combined Entertainment and Outdoor Dining on Public and Private Property at 25
Temple Street**

Patrick Calabro
Garden Concerts, LLC
d/b/a Portland House of Music
25 Temple St.
Portland, ME 04101

June 20, 2022

Mayor Kate Snyder
Portland City Council Members
389 Congress St.
Portland, ME 04101

Dear Mayor Snyder & Portland City Council Members,

I am writing you to express my intent to acquire, license, and operate Portland House of Music & Events, located at 25 Temple St. in Portland, ME.

Portland House of Music & Events has been continuously in operation since 2015, functioning as a 294 capacity live music entertainment auditorium. The business has held Auditorium liquor, combined entertainment, and outdoor dining on public property licenses for the duration of its lifespan as a business.

My intent is to maintain the continuity of the operations of the business as much as possible throughout the ownership transition. I plan on maintaining the same licenses (Auditorium liquor, combined entertainment, and outdoor dining on public property) throughout my ownership and operation of the business. To do this, I will maintain strict operational and maintenance standards in line with the laws and regulations of the city of Portland and the State of Maine.

I very much look forward to taking on this new challenge and successfully contributing to the robust arts and entertainment culture in the City of Portland for years to come. I envision a fruitful and amicable relationship with the City Council and all Business Licensing Stakeholders throughout my endeavor(s) in Portland.

Respectfully,

Patrick Calabro

Patrick A. Calabro



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	PORTLAND HOUSE OF MUSIC + EVENTS Phone: 207.305.0134
Location Address:	25 TEMPLE ST., PORTLAND ME Zip: 04101
If new, what was formerly at this location:	N/A
Mailing Address:	4 SHERWOOD DR., FALMOUTH ME Zip: 04105
Contact Person:	PATRICK CALABRO Phone: 973.349.0808
Contact Person Email:	PATRICK.A.CALABRO@GMAIL.COM
Manager of Establishment:	PATRICK CALABRO Date of Birth: 08.15.85 Phone: 973.349.0808
Owner of Premises (Landlord):	MHR MANAGEMENT
Address of Premises Owner (Landlord):	4 MELK ST., P.O. BOX 7488, PORTLAND ME Zip: 04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
GARDEN CONCERTS, LLC		4 SHERWOOD DR., FALMOUTH ME Zip: 04105	
Contact Person:	PATRICK CALABRO	Phone:	973.349.0808
Principal Officers	Title	Date of Birth	Residence Address
PATRICK CALABRO	OWNER	08.15.85	4 SHERWOOD DR., FALMOUTH ME 04105
Class of Liquor License:		AUDITORIUM	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	FROZEN, FRESH FOOD / SNACKS	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: < 1% Generated from Alcohol: > 99%	
Hours & days of operation:	MON TO SUN, 4 PM THROUGH 1 AM	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N Y (N)
If No, please explain:	FROZEN, FRESH FOOD / SNACKS ONLY	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y (N)
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y (N)
Will you permit dancing after 1:00 a.m.?		Y (N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y (N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y (N)
If yes, please list: # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?	July 11, 2022	
Does the issuance of this license directly or indirectly benefit any City employee(s)?		Y (N)
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		Y (N)
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		Y (N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y (N)
If Yes, please explain:		

PATRICK CALABRO do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title OWNER Date 06.17.22

Portland House of Music

Item name	Sell Price, \$	Price, \$	Activity	Sale Category
Food				
Chicken Fingers	\$9.00	\$9.00	active	Food
French Fries	\$6.00	\$6.00	active	Food
Potato Chips	\$3.00	\$3.00	active	Food
Drinks				
Bottled Beer				
ALLAGASH CAN	\$7.00	\$7.00	active	Beer
Banded Can	\$8.00	\$8.00	active	Beer
Bud Light	\$5.00	\$5.00	active	Beer
Corona	\$6.00	\$6.00	active	Beer
Dos Equis Amber	\$7.00	\$7.00	active	Beer
Downeast	\$6.00	\$6.00	active	Beer
Fat Tire	\$7.00	\$7.00	active	Beer
Heineken	\$5.00	\$5.00	active	Beer
High Life	\$4.00	\$4.00	active	Beer
JUNE SHINE	\$8.00	\$8.00	active	Beer
LAGUNITAS IPA	\$7.00	\$7.00	active	Beer
Michelob Ultra	\$5.00	\$5.00	active	Beer
Miller Lite	\$5.00	\$5.00	active	Beer
Modelo	\$5.00	\$5.00	active	Beer
PBR	\$4.00	\$4.00	active	Beer
Sierra Nevada Pale	\$7.00	\$7.00	active	Beer
St Pauli N/A	\$5.00	\$5.00	active	Beer
Tangerine Pineapple Sour	\$8.00	\$8.00	active	Beer
Tecate	\$5.00	\$5.00	active	Beer
Twisted Tea	\$6.00	\$6.00	active	Beer
White Claw	\$6.00	\$6.00	active	Beer
Wild Maine Hard Seltzer	\$8.00	\$8.00	active	Beer
Draft Beer				
Allagash	\$7.00	\$7.00	active	Beer
Atlantic Coal Porter	\$8.00	\$8.00	active	Beer
Austin Street Patina	\$8.00	\$8.00	active	Beer
Banded Pepperell Pilsner	\$8.00	\$8.00	active	Beer
Bells Two Hearted IPA	\$8.00	\$8.00	active	Beer
Bissell Brothers Substance IPA	\$8.00	\$8.00	active	Beer
Brooklyn Lager	\$8.00	\$8.00	active	Beer
Budweiser	\$4.00	\$4.00	active	Beer
Bunker	\$8.00	\$8.00	active	Beer
Citizen Cider	\$7.00	\$7.00	active	Beer
Founders All day IPA	\$8.00	\$8.00	active	Beer
Guinness	\$7.00	\$7.00	active	Beer
Lone Pine	\$8.00	\$8.00	active	Beer
Orono Brewing	\$8.00	\$8.00	active	Beer
Oxbow Farmland	\$8.00	\$8.00	active	Beer
Rising Tide Copper Ale	\$8.00	\$8.00	active	Beer
Sierra Nevada Hazy IPA	\$7.00	\$7.00	active	Beer
Threshers Lager	\$8.00	\$8.00	active	Beer
Favorites				
\$10 COCKTAIL	\$10.00	\$10.00	active	Liquor
\$5 MOCKTAIL	\$5.00	\$5.00	active	Non Alcohol Beverages
\$7 SIERRA NEVADA	\$7.00	\$7.00	active	Liquor
Coat Check	\$2.00	\$2.00	active	Merchandise
Cocktail Upcharge	\$2.00	\$2.00	active	Liquor
Ear Plugs	\$2.00	\$2.00	active	Merchandise
Ginger Beer	\$3.00	\$3.00	active	Non Alcohol Beverages

Ginger Beer UPCHARGE	\$1.00	\$1.00	active	Non Alcohol Beverages
Norweald Stout	\$6.00	\$6.00	active	Beer
PHOM MASK	\$5.00	\$5.00	active	Merchandise
PHOM T-SHIRTS	\$20.00	\$20.00	active	Merchandise
Red Bull	\$5.00	\$5.00	active	Non Alcohol Beverages
Red Bull Upcharge	\$2.00	\$2.00	active	Non Alcohol Beverages
Soda/Bottled H2O	\$3.00	\$3.00	active	Non Alcohol Beverages
TITOS	\$9.00	\$9.00	active	Liquor
TITOS	\$10.00	\$10.00	active	Liquor
TITOS	\$11.00	\$11.00	active	Liquor
Well Gin	\$7.00	\$7.00	active	Liquor
Well Rum	\$7.00	\$7.00	active	Liquor
Well Tequila	\$7.00	\$7.00	active	Liquor
Well Vodka	\$7.00	\$7.00	active	Liquor
Well Whiskey	\$7.00	\$7.00	active	Liquor

Liquor A-E

Absolut Citron	\$7.00	\$7.00	active	Liquor
Absolut Citron	\$8.00	\$8.00	active	Liquor
Absolut Citron	\$9.00	\$9.00	active	Liquor
Allens	\$6.00	\$6.00	active	Liquor
Allens	\$7.00	\$7.00	active	Liquor
Allens	\$8.00	\$8.00	active	Liquor
Bacardi	\$9.00	\$9.00	active	Liquor
Bacardi	\$10.00	\$10.00	active	Liquor
Bacardi	\$11.00	\$11.00	active	Liquor
Bailys	\$8.00	\$8.00	active	Liquor
Bailys	\$9.00	\$9.00	active	Liquor
Bailys	\$10.00	\$10.00	active	Liquor
Basil Hayden	\$11.00	\$11.00	active	Liquor
Basil Hayden	\$12.00	\$12.00	active	Liquor
Basil Hayden	\$13.00	\$13.00	active	Liquor
Bombay Sapphire	\$8.00	\$8.00	active	Liquor
Bombay Sapphire	\$9.00	\$9.00	active	Liquor
Bombay Sapphire	\$10.00	\$10.00	active	Liquor
Bulleit	\$10.00	\$10.00	active	Liquor
Bulleit	\$11.00	\$11.00	active	Liquor
Bulleit	\$12.00	\$12.00	active	Liquor
Campari	\$8.00	\$8.00	active	Liquor
Campari	\$9.00	\$9.00	active	Liquor
Campari	\$10.00	\$10.00	active	Liquor
Captain Morgan	\$8.00	\$8.00	active	Liquor
Captain Morgan	\$9.00	\$9.00	active	Liquor
Captain Morgan	\$10.00	\$10.00	active	Liquor
Casamigos Anejo	\$13.00	\$13.00	active	Liquor
Casamigos Anejo	\$14.00	\$14.00	active	Liquor
Casamigos Anejo	\$15.00	\$15.00	active	Liquor
Casamigos Blanco	\$11.00	\$11.00	active	Liquor
Casamigos Blanco	\$12.00	\$12.00	active	Liquor
Casamigos Blanco	\$13.00	\$13.00	active	Liquor
Casamigos Mezcal	\$13.00	\$13.00	active	Liquor
Casamigos Mezcal	\$14.00	\$14.00	active	Liquor
Casamigos Mezcal	\$15.00	\$15.00	active	Liquor
Casamigos Reposado	\$11.00	\$11.00	active	Liquor
Casamigos Reposado	\$12.00	\$12.00	active	Liquor
Casamigos Reposado	\$13.00	\$13.00	active	Liquor
Crown Royal	\$10.00	\$10.00	active	Liquor
Crown Royal	\$11.00	\$11.00	active	Liquor
Crown Royal	\$12.00	\$12.00	active	Liquor
Cynar	\$8.00	\$8.00	active	Liquor
Cynar	\$9.00	\$9.00	active	Liquor
Cynar	\$10.00	\$10.00	active	Liquor

Dr. McGillicuddys	\$6.00	\$6.00	active	Liquor
Dr. McGillicuddys	\$7.00	\$7.00	active	Liquor
Dr. McGillicuddys	\$8.00	\$8.00	active	Liquor
Espolon	\$9.00	\$9.00	active	Liquor
Espolon	\$10.00	\$10.00	active	Liquor
Espolon	\$11.00	\$11.00	active	Liquor

Liquor F-L

Fernet	\$8.00	\$8.00	active	Liquor
Fernet	\$9.00	\$9.00	active	Liquor
Fernet	\$10.00	\$10.00	active	Liquor
Fireball	\$6.00	\$6.00	active	Liquor
Fireball	\$7.00	\$7.00	active	Liquor
Fireball	\$8.00	\$8.00	active	Liquor
Four Roses	\$11.00	\$11.00	active	Liquor
Four Roses	\$12.00	\$12.00	active	Liquor
Four Roses	\$13.00	\$13.00	active	Liquor
Goslings	\$9.00	\$9.00	active	Liquor
Goslings	\$10.00	\$10.00	active	Liquor
Goslings	\$11.00	\$11.00	active	Liquor
Grand Marnier	\$8.00	\$8.00	active	Liquor
Grand Marnier	\$9.00	\$9.00	active	Liquor
Grand Marnier	\$10.00	\$10.00	active	Liquor
Grey Goose	\$11.00	\$11.00	active	Liquor
Grey Goose	\$12.00	\$12.00	active	Liquor
Grey Goose	\$13.00	\$13.00	active	Liquor
Hendricks	\$10.00	\$10.00	active	Liquor
Hendricks	\$11.00	\$11.00	active	Liquor
Hendricks	\$12.00	\$12.00	active	Liquor
Hennessey	\$11.00	\$11.00	active	Liquor
Hennessey	\$12.00	\$12.00	active	Liquor
Hennessey	\$13.00	\$13.00	active	Liquor
Hornitos	\$8.00	\$8.00	active	Liquor
Hornitos	\$9.00	\$9.00	active	Liquor
Hornitos	\$10.00	\$10.00	active	Liquor
Jack Daniels	\$8.00	\$8.00	active	Liquor
Jack Daniels	\$9.00	\$9.00	active	Liquor
Jack Daniels	\$10.00	\$10.00	active	Liquor
Jagermeister	\$8.00	\$8.00	active	Liquor
Jagermeister	\$9.00	\$9.00	active	Liquor
Jagermeister	\$10.00	\$10.00	active	Liquor
Jameson	\$9.00	\$9.00	active	Liquor
Jameson	\$10.00	\$10.00	active	Liquor
Jameson	\$11.00	\$11.00	active	Liquor
Jim Beam	\$7.00	\$7.00	active	Liquor
Jim Beam	\$8.00	\$8.00	active	Liquor
Jim Beam	\$9.00	\$9.00	active	Liquor
Kahlua	\$8.00	\$8.00	active	Liquor
Kahlua	\$9.00	\$9.00	active	Liquor
Kahlua	\$10.00	\$10.00	active	Liquor
Ketel 1	\$10.00	\$10.00	active	Liquor
Ketel 1	\$11.00	\$11.00	active	Liquor
Ketel 1	\$12.00	\$12.00	active	Liquor

Liquor M-Z

MT Gay	\$11.00	\$11.00	active	Liquor
MT Gay	\$12.00	\$12.00	active	Liquor
MT Gay	\$13.00	\$13.00	active	Liquor
Macallan 12	\$12.00	\$12.00	active	Liquor
Macallan 12	\$13.00	\$13.00	active	Liquor
Macallan 12	\$14.00	\$14.00	active	Liquor
Makers	\$10.00	\$10.00	active	Liquor

Makers	\$11.00	\$11.00	active	Liquor
Makers	\$12.00	\$12.00	active	Liquor
Malibu	\$7.00	\$7.00	active	Liquor
Malibu	\$8.00	\$8.00	active	Liquor
Malibu	\$9.00	\$9.00	active	Liquor
Myers	\$8.00	\$8.00	active	Liquor
Myers	\$9.00	\$9.00	active	Liquor
Myers	\$10.00	\$10.00	active	Liquor
Oban 14	\$13.00	\$13.00	active	Liquor
Oban 14	\$14.00	\$14.00	active	Liquor
Oban 14	\$15.00	\$15.00	active	Liquor
Patron	\$12.00	\$12.00	active	Liquor
Patron	\$13.00	\$13.00	active	Liquor
Patron	\$14.00	\$14.00	active	Liquor
Southern Comfort	\$7.00	\$7.00	active	Liquor
Southern Comfort	\$8.00	\$8.00	active	Liquor
Southern Comfort	\$9.00	\$9.00	active	Liquor
Stoli	\$8.00	\$8.00	active	Liquor
Stoli	\$9.00	\$9.00	active	Liquor
Stoli	\$10.00	\$10.00	active	Liquor
Suntory Toki	\$12.00	\$12.00	active	Liquor
Suntory Toki	\$13.00	\$13.00	active	Liquor
Suntory Toki	\$14.00	\$14.00	active	Liquor
TITOS	\$9.00	\$9.00	active	Liquor
TITOS	\$10.00	\$10.00	active	Liquor
TITOS	\$11.00	\$11.00	active	Liquor
Tanqueray	\$9.00	\$9.00	active	Liquor
Tanqueray	\$10.00	\$10.00	active	Liquor
Tanqueray	\$11.00	\$11.00	active	Liquor
Vida	\$10.00	\$10.00	active	Liquor
Vida	\$11.00	\$11.00	active	Liquor
Vida	\$12.00	\$12.00	active	Liquor

Wine

Cabernet Sauvignon	\$9.00	\$9.00	active	Wine
Chardonnay	\$9.00	\$9.00	active	Wine
Kombucha	\$8.00	\$8.00	active	Wine
Mead	\$8.00	\$8.00	active	Wine
Pinot Grigio	\$9.00	\$9.00	active	Wine
Pinot Noir	\$9.00	\$9.00	active	Wine
Prosecco	\$9.00	\$9.00	active	Wine
Sauvignon Blanc	\$9.00	\$9.00	active	Wine

\$9.08



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☐ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>570</u> SF = <u>\$1,140.00</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information	
Establishment Name (d/b/a):	<u>PORTLAND HOUSE OF MUSIC + EVENTS</u> Phone: <u>207.305.0134</u>
Location Address:	<u>25 TEMPLE ST., PORTLAND ME</u> Zip: <u>04102</u>
Mailing Address:	<u>4 SHERWOOD DR. FALMOUTH, ME</u> Zip: <u>04105</u>
Contact Person:	<u>PATRICK CALABRO</u> Phone: <u>973.349.0808</u>
Contact Person Email:	<u>PATRICK.A.CALABRO@GMAIL.COM</u>
Manager of Establishment:	<u>PATRICK CALABRO</u> Date of Birth: <u>08.15.85</u> Phone: <u>973.349.0808</u>
Owner of Premises (Landlord):	<u>MHR MANAGEMENT</u>
Address of Premises Owner (Landlord):	<u>4 MEUK ST., P.O. Box 7488, PORTLAND</u> Zip: <u>04101</u>

Owner Information

Corporate Name		Corporate Mailing Address	
<u>GARDEN CONCEPTS, LLC</u>		<u>4 SHERWOOD DR. FALMOUTH</u> Zip: <u>04105</u>	
Contact Person:	<u>PATRICK CALABRO</u>	Phone:	<u>973.349.0808</u>
Principal Officers	Title	Date of Birth	Residence Address
<u>PATRICK CALABRO</u>	<u>OWNER</u>	<u>08.15.85</u>	<u>4 SHERWOOD DR., FALMOUTH ME</u> Zip: <u>04105</u>

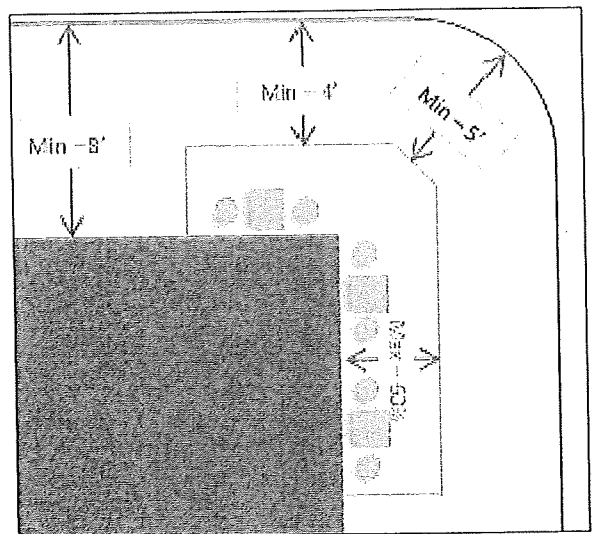


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	AUDITORIUM
Type of food served:	FROZEN, FRIED FOOD / SNACKS
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	MON TO SUN, 4 PM THROUGH 1 AM
Number of Tables	6
Number of Chairs	24

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

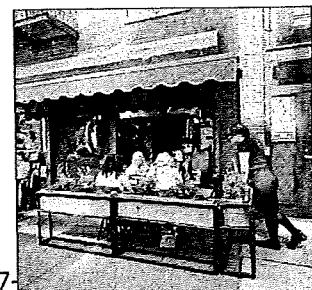
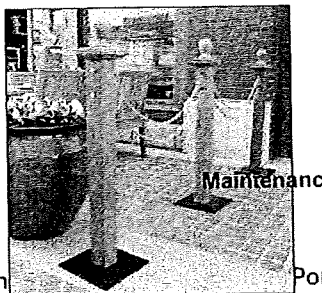
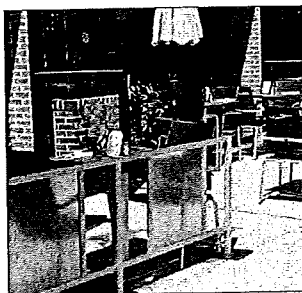


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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.

Signature _____ Title OWNER Date 06.17.22

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____
CC _____ CA _____ CK _____	Health: _____	_____
	PD: _____	_____
Amount: _____	Treasury: _____	_____
Date Paid: _____	Zoning: _____	_____
CC _____ CA _____ CK _____		



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00	☒ Legal Advertisement Deposit \$100.00
---	--

Business Information	
Business Name (d/b/a):	PORTLAND HOUSE of MUSIC Phone:
Location Address:	25 TEMPLE ST. PORTLAND, ME Zip: 04101
Mailing Address:	25 Zip:
Contact Person:	PATRICK A. CALABRO Phone: 973.349.0808
Contact Person Email:	PATRICK.A.CALABRO@GMAIL.COM
Manager of Establishment:	Date of Birth: PATRICK CALABRO 08.25.85 Phone: 973.349.0808
Owner of Premises (Landlord):	MHR MANAGEMENT
Address of Premises Owner:	4 MELK ST., PO Box 7188 PORTLAND ME Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
GARDEN CONCEPTS, LLC		4 SHERWOOD DR. FALMOUTH ME Zip: 04105	
Contact Person:	PATRICK CALABRO	Phone:	973.349.0808
Principal Officers	Title	Date of Birth	Residence Address
PATRICK CALABRO	OWNER	08.25.85	4 SHERWOOD DR., FALMOUTH ME 04105



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	AUDITORIUM
Type of food served:	FROZEN FRIED FOOD / SNACKS
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	MON TO SUN, 4PM THROUGH 2AM
Number of Tables	6
Number of Chairs	22

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

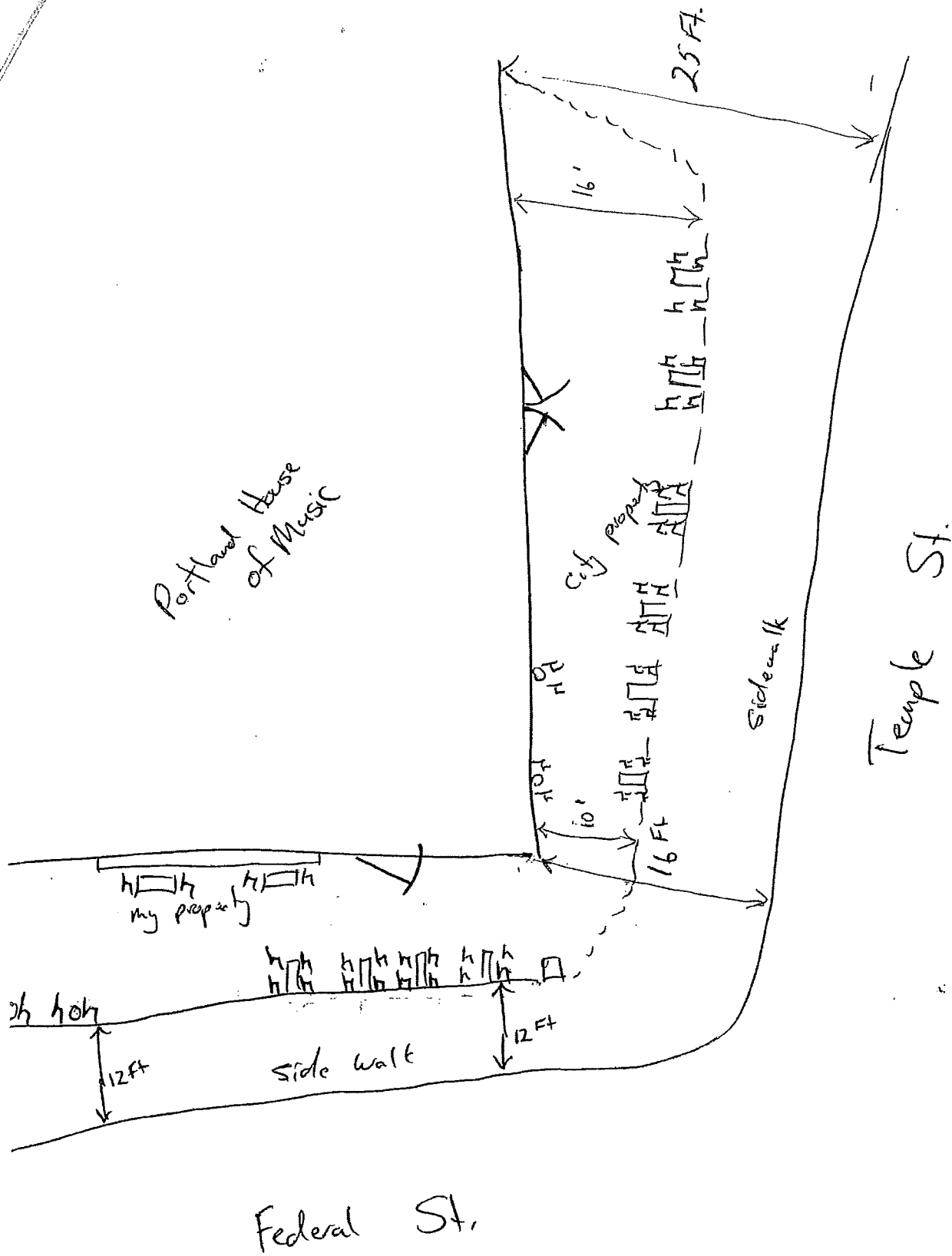
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

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.

Signature _____ Title OWNER Date 06.21.22

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____
CC _____ CA _____ CK _____	Health: _____	_____
	PD: _____	_____
Amount: _____	PR: _____	_____
Date Paid: _____	Treasury: _____	_____
CC _____ CA _____ CK _____	Zoning: _____	_____









CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00		☐ Outdoor Entertainment \$700.00		☒ Combined Entertainment \$800.00	
☒ Sound Mitigation Fee \$150.00					
Business Information					
Establishment Name (d/b/a):			Phone:		
PORTLAND HOUSE OF MUSIC + EVENTS					207.805.0134
Location Address:			Zip:		
25 TEMPLE ST., PORTLAND ME					04101
Owner Name:			Phone:		
PATRICK CALABRO					943.349.0808
Owner Email:			PATRICK.A.CALABRO@GMAIL.COM		
Contact Person responsible for Entertainment:			Phone:		
PATRICK CALABRO					943.349.0808
Contact Person Email:			PATRICK.A.CALABRO@GMAIL.COM		
Manager of Establishment:			Phone:		
PATRICK CALABRO					943.349.0808
Manager Email:			PATRICK.A.CALABRO@GMAIL.COM		

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: PORTLAND HOUSE OF MUSIC AND EVENTS IS A 294 CAPACITY LIVE MUSIC AUDITORIUM. A VARIETY OF LIVE MUSIC ENTERTAINMENT WILL BE PROGRAMMED THROUGHOUT THE YEAR. THE MAJORITY OF ENTERTAINMENT WILL BE HOSTED INDOORS. THE LIQUOR LICENSE IS AN AUDITORIUM LICENSE. BEER, WINE, LIQUOR AND FROZEN FRESH FOOD (SNACKS) WILL BE SERVED.

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Signature [Signature] Title OWNER Date 06.17.22

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov



Jack Murray Engineer/Producer/System Designer

Odds Are Productions LLC dba Ocean AVL
392 Warren Ave., Portland, ME 04103

Portland House of Music
25 Temple St, Portland, ME 04101

June 21, 2022

Dear Ken,

Thanks so much for taking the time to reach out about a sound mitigation plan. It appears as though you've come up with a solid plan to combat any potential complaints.

Highlights from our talks include:

- An official handbook of rules for any staff to reference during a shift containing outdoor music.
- Keeping doors closed while bands are performing on stage and keeping the volume reasonable during shows.
- Your preemptive attempts from day one to keep sound inside such as thick theatrical window treatments and commercial windows.
- Documenting consistent sound decibel readings from pre-determined locations during the operation of music. These readings will be 60-second dBA weighted average. (Taking a reading before the music begins will help determine a baseline to compare during performances)
- A signed agreement on file for every group/artist affirming they know the rules contained within the official handbook.
- If a Portland police office arrives on location to do a decibel reading, you will cooperate in all respects and be ready to provide this policy/procedure document, the band's signed agreements, and decibel reading log without hesitation.

I believe the plan you've laid out to me (and will subsequently provide to the city) along with your stellar track record with the city over the years will satisfy their criteria to show you are taking a proactive approach and not a reactive approach after complaints may arise.

Take care,

Jack

Live Music Policies and Procedures

Portland House of Music hosts live music inside year round and very occasionally outside on the patio. The band is generally set up inside with the doors closed but for outdoor shows the band will be setup on the patio with speakers facing away from residential areas.

Before any outdoor live music performance begins, club personnel will take a baseline sound reading at the closest property line. Before any indoor live entertainment begins, club personnel will take a baseline sound reading from 8ft outside the main egress. These readings will be 60-second dBA weighted average. These readings will be recorded in the Event Decibel Reading Log.

During live music performances, club personnel will complete hourly decibel readings at these same locations. They will record these readings in the log that resides in the SOP binder. If the levels are more than 85dBA or 95dBC, staff will request that the band lower their levels and then do a second reading to ensure they are within compliance.

At the start of every season, the bands who perform regularly will be required to read and sign an agreement that they understand and will follow the city's guidelines and The Club's policies and procedures regarding volume. Other bands who may perform at special events will also be required to read and sign this agreement.

If a Portland police office arrives to do a decibel reading, club employees will cooperate in all respects and be ready to provide this policy/procedure document, the band's signed agreements, and decibel reading log without hesitation.



Zachary Lenhart <zlenhart@portlandmaine.gov>

Portland House of Music

Glen McGary <glenm@portlandmaine.gov>

Wed, Jun 22, 2022 at 11:25 AM

To: Treasury Division <treasury@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD approved

[Quoted text hidden]

--

Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580

Portland House of Music

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Thu, Jun 23, 2022 at 11:54 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

Hello Zach,

There is no change of use and outdoor seating is allowed. This is all set with Zoning.

Thank you,

Mac

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

City of Portland

Sound Mitigation Review

Date: 7/1/2022

Business Portland House of Music

Applicant Patrick Calabro

DESCRIPTION		yes	no
Sound system appropriate for the size venue			Yes
Performance space located in an appropriate location			Yes
Performance space facing in an appropriate direction to control sound			Yes
Surrounding surfaces appropriate to control sound			Yes
Additional sound absorbing features			
additional notes	they will need to be very vigilant about keeping doors shut and db levels monitored.		
Approved			Yes
DIRECT ALL INQUIRIES TO:			
Kevin Schneck			
(207) 756-8433			
kschneck@portlandmaine.gov			

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Garden Concerts LLC, dba Portland House of Music. Application for Auditorium with Combined Entertainment and Outdoor Dining on Public and Private Property at 25 Temple Street - Sponsored by Danielle P. West, Interim City Manager



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Garden Concerts LLC
4 Sherwood Drive
PFalmouth ME, 04105

Re: Garden Concerts LLC, dba Portland House of Music. Application for Auditorium with Combined Entertainment and Outdoor Dining on Public and Private Property at 25 Temple Street

Dear Garden Concerts LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application for Auditorium with Combined Entertainment and Outdoor Dining on Public and Private Property at 25 Temple Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary J. Lenhart".

Zachary J. Lenhart
Licensing and Housing Safety Manager



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
GARDEN CONCEPTS, LLC	PORTLAND HOUSE OF MUSIC + EVENTS
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
PATRICK CALABRO	25 TEMPLE ST., PORTLAND ME 04101
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
N/A	4 SHERWOOD DR., FALMOUTH ME 04105
Mailing address, if different from DBA address:	Email Address:
N/A	PATRICK.A.CALABRO@GMAIL.COM
Telephone # Fax #:	Business Telephone # Fax #:
973.349.0808 N/A	207.805.0134 N/A
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
88-2368950	
Retail Beverage Alcohol Dealers Permit:	Website address:
	WWW.PORTLANDHOUSEOFMUSIC.COM

1. New license or renewal of existing license? ☒ New Expected Start date: 07.11.22
- ☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$20,000.00 Beer, Wine or Spirits: \$600,000.00 Guest Rooms: \$0.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☒ Other: <u>AUDITORIUM</u> | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

25 TEMPLE ST., PORTLAND ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☒ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
PATRICK ANTHONY CALABRO	08.25.1985	DENVILLE, NJ

Residence address on all the above for previous 5 years

Name	Address:	OCT. '20 -
PATRICK A. CALABRO	224 NICHOLAS LN, ASPEN CO 81611	PRESENT
Name	Address:	DEC. '19 -
PATRICK A. CALABRO	228 COTTONWOOD LN, ASPEN CO 81611	OCT. '20
Name	Address:	DEC. '16 -
PATRICK A. CALABRO	17 MEUS REDGE, SPARTA NJ 07871	DEC. '19
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☐ Yes ☒ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

MHR MANAGEMENT, 4 MELK ST P.O. BOX 7488, PORTLAND ME 04101

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: N/A

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

MUSEC VENUE. 2 SERVICE BARS.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: PORTLAND UNSTARKEAN CHURCH

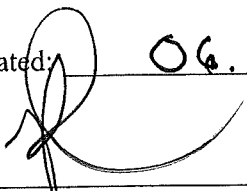
Distance: 600 FEET

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 06.17.22



Signature of Duly Authorized Person

PATRICK A. CALABZO

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

SEE ATTACHED.

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: P GARDEN CONCERTS, LLC
2. Doing Business As, if any: PORTLAND HOUSE OF MUSIC AND EVENTS
3. Date of filing with Secretary of State: 05.16.22 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
PATRICK CALABRO	214 NICHOLAS LN. ASPEN, CO 81611. 10.20 - PRESENT	08.15.85	OWNER	100%
	228 COTTAGEWOOD LN. ASPEN, CO 81611. 12.19 - 20.20			
	17 MILLS RIDGE, SPARTA NJ 07871. 12.16 - 12.19			

(Ownership in non-publicly traded companies must add up to 100%.)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 7-22/23 Granting Municipal Officers' Approval of Bella Maine LLC, dba The Ugly Duckling. Application for Class I FSE with Outdoor Dining on Public Property at 246 Danforth Street - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/21/22. New City and State applications. Location was previously an art gallery.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ugly Duckling

2. Ugly Duckling_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Bella Maine LLC, dba The Ugly Duckling. Application for Class I FSE with Outdoor Dining on Public Property at 246 Danforth Street



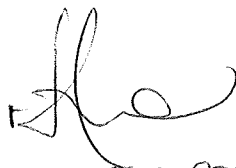
To Whom It May Concern:
City of Portland and council members

My name is Ilma Lopez, I am a pastry chef, community driven and a mom trying to build a better future for my kids, and bringing more jobs to Portland. I am aiming to open a bakery in the west end 246 Danford st. I am applying for a liquor license and hopefully to add some outdoor seating for the morning coffee for our neighbors.

We are looking forward to have the families to stop by before school starts and our goal is to be able to provide food for the families that can't afford it by a pay it forward program we will be running.

Please if you have any questions do not hesitate to ask. I also run Chaval restaurant in the west end with my husband Damian Sansonetti.

Thank you for your time



cell. 917 690 5000



CITY OF PORTLAND
Permitting and Inspections Department
Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	THE UGLY DUCKLING Phone: 917 690 5000
Location Address:	246 DANFORD ST PORTLAND ME Zip: 04102
If new, what was formerly at this location:	ART GALLERY / PAPER COPY-PRINT SHOP
Mailing Address:	246 DANFORD ST PORTLAND ME Zip: 04102
Contact Person:	Ilwa Lopez Phone: 917 690 5000
Contact Person Email:	INFO @ CHAVALOMAINE.COM
Manager of Establishment:	Ilwa Lopez Date of Birth: 09/13/1981 Phone: 917 690 5000
Owner of Premises (Landlord):	Ilwa Lopez
Address of Premises Owner:	145 HARRIS AVE PORTLAND ME Zip: 04103

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address
Ilwa Lopez	09/13/1981	145 HARRIS AVE PORTLAND ME 04103

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
BEVA MAINE LLC		58 Pine St PORTLAND ME Zip: 04102	
Contact Person:	Ilwa Lopez	Phone:	917.690.5000
Principal Officers	Title	Date of Birth	Residence Address
Ilwa Lopez	OWNER	09/13/1981	145 HARRIS AVE PORTLAND ME 04103
Class of Liquor License:		Class 1 FSE	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
 bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	ENGLISH MUFFINS / SANDWICH		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%	
Hours & days of operation:	7 DAYS 7am - 6pm.		
QUESTIONS			Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			Y/N
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			Y/N
Will you permit dancing after 1:00 a.m.?			Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			Y/N
Will you have any amusement devices (pinball, video games, juke box)?			
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date?			08/01/22
Does the issuance of this license directly or indirectly benefit any City employee(s)?			Y/N
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?			Y/N
If Yes, please list business name(s) and location(s):			
CHAVEL & PICCOLO			Y/N
Is any principal officer under the age of 21?			Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			
If Yes, please explain:			

I, Ilma Lopez do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature

Title

OWNER

Date

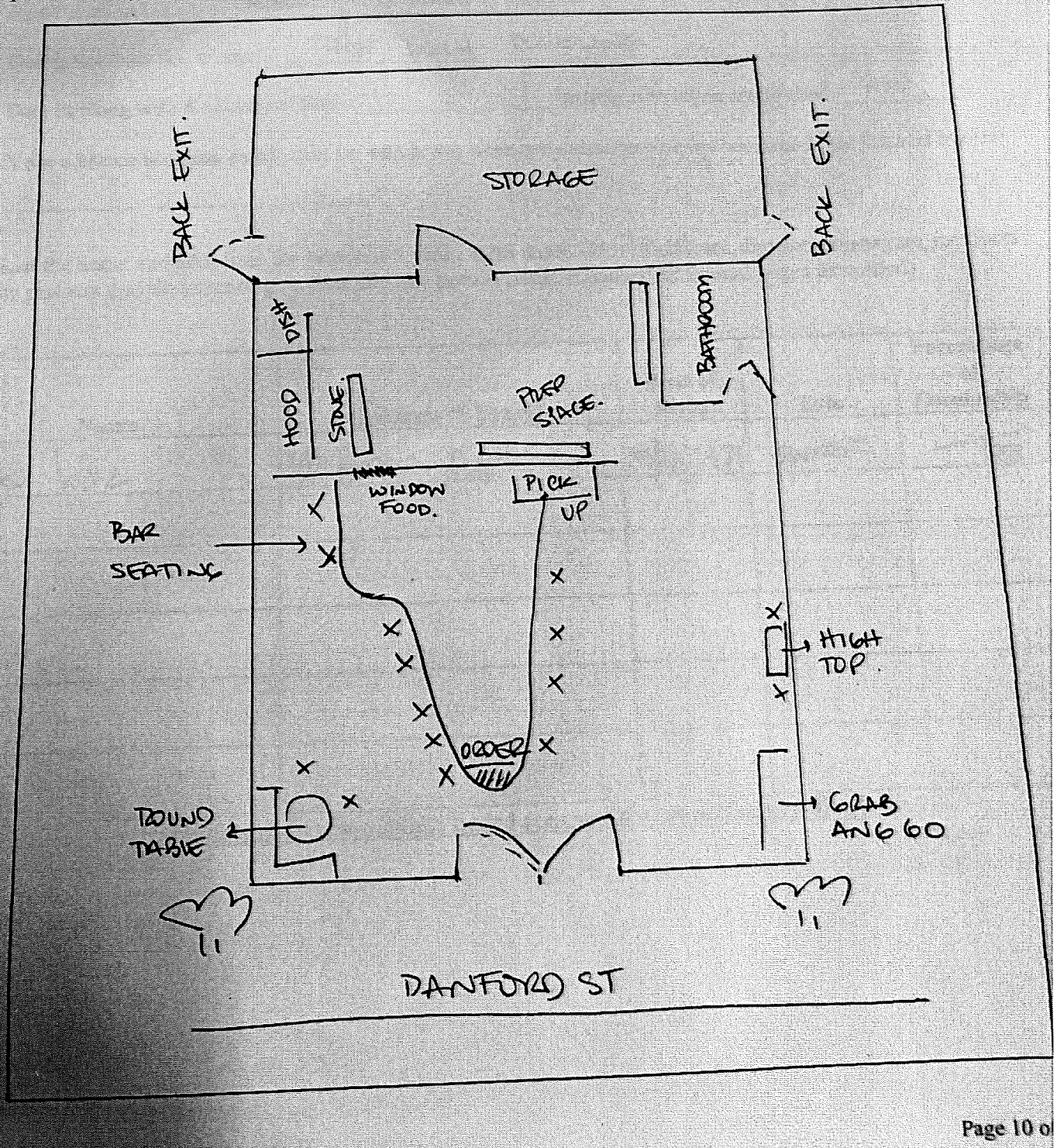
6.6.20

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



The Ugly Duckling.

House made buttermilk English muffins

Line of toppings,
Whipped cream cheese
Salmon
Ham
Chesse
Eggs
Turkey
Jalapenos

Vanilla pound cake
Chocolate cake
Trocaderos
Cookies

Sodas
Wine
Beer
Juices
coffee

,



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☐ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>48</u> SF = <u>96⁰⁰</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information			
Establishment Name (d/b/a):	<u>THE UGLY DUCKLING</u>	Phone:	<u>917.690.5000</u>
Location Address:	<u>246 DANFORD ST</u>	Zip:	<u>04102</u>
Mailing Address:	<u>246 DANFORD ST</u>	Zip:	<u>04102</u>
Contact Person:	<u>ILUA LOPEZ</u>	Phone:	<u>9176905000</u>
Contact Person Email:	<u>INFO@CHAVALMAINE.COM</u>		
Manager of Establishment:	<u>ILUA LOPEZ</u>	Date of Birth:	<u>09/13/1981</u>
		Phone:	<u>9176905000</u>
Owner of Premises (Landlord):	<u>ILUA LOPEZ</u>		
Address of Premises Owner (Landlord):	<u>145 HARBOUR AVE PORTLAND</u>	Zip:	<u>04103</u>

Owner Information

Corporate Name		Corporate Mailing Address	
<u>BENA MAINE LLC</u>	<u>38 Pine St PORTLAND ME</u>	Zip:	<u>04102</u>
Contact Person:	<u>ILUA LOPEZ</u>	Phone:	<u>9176905000</u>
Principal Officers	Title	Date of Birth	Residence Address
<u>ILUA LOPEZ</u>	<u>OWNER</u>	<u>09/13/1981</u>	<u>145 HARBOUR AVE PORTLAND ME 04103</u>



CITY OF PORTLAND

Permitting and Inspections Department

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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.

Signature

Title

OWNER

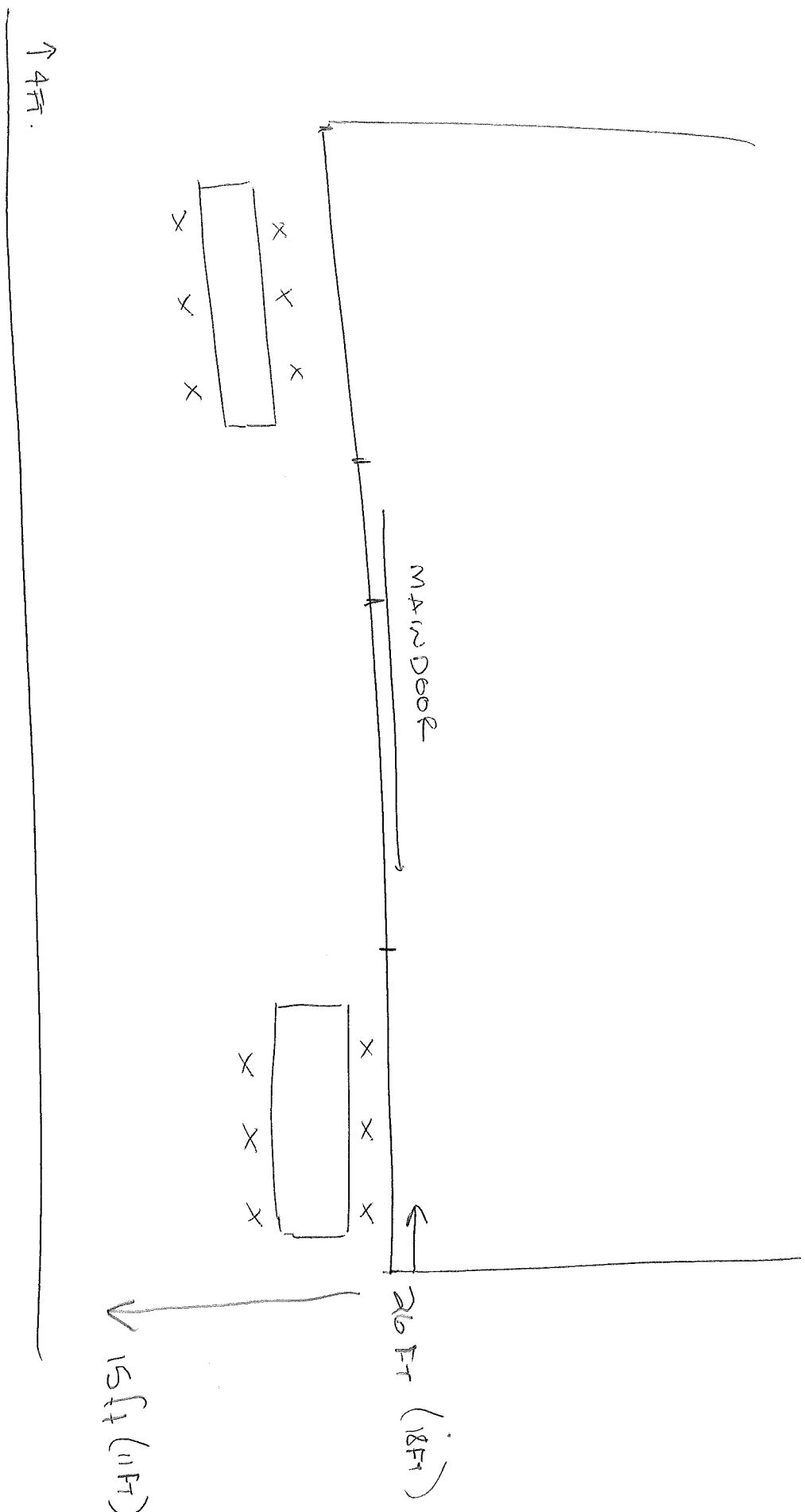
Date

06/21/2022

For Administrative Use Only

Amount: _____
 Date Paid: _____
 CC _____ CA _____ CK _____
 Amount: _____
 Date Paid: _____
 CC _____ CA _____ CK _____

	Request Date /	Approval	Notes: _____
FD: _____	_____ / _____	_____	_____
Health: _____	_____ / _____	_____	_____
PD: _____	_____ / _____	_____	_____
Treasury: _____	_____ / _____	_____	_____
Zoning: _____	_____ / _____	_____	_____



DANFORD ST





Zachary Lenhart <zlenhart@portlandmaine.gov>

The Ugly Duckling - 246 Danforth

Eric Nevins <erich@portlandmaine.gov>

Sat, Jun 25, 2022 at 6:27 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Wed, Jun 22, 2022 at 9:22 AM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

The Ugly Duckling - 246 Danforth

Zoning <zoning@portlandmaine.gov>

Thu, Jun 23, 2022 at 2:29 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Treasury Division <treasury@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Zachary Lenhert <zlenhert@portlandmaine.gov>

Zoning has signed off on this with the following note,

A Class I liquor license is an approved use in the B-1 Zone.

Please let time know if you have any questions.

Thanks,
Jon

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Bella Maine LLC, dba The Ugly Duckling. Application for Class I FSE with Outdoor Dining on Public Property at 246 Danforth Street - Sponsored by Danielle P. West, Interim City Manager



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Bella Maine LLC
246 Danforth Street
Portland, ME 04101

Re: Bella Maine LLC, dba The Ugly Duckling. Application for Class I FSE with Outdoor Dining on Public Property at 246 Danforth Street

Dear Bella Maine LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application for Class I FSE with Outdoor Dining on Public Property at 246 Danforth Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:	Yes ☐ No ☐

Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): <u>BEVA MAINE LLC</u>	Business Name (D/B/A): <u>THE UGLY DUCKLING</u>
Individual or Sole Proprietor Applicant Name(s): <u>Ilwa Wolfz</u>	Physical Location: <u>246 DANFORD ST PORTLAND ME 04102</u>
Individual or Sole Proprietor Applicant Name(s): <u>Ilwa Wolfz</u>	Mailing address, if different: <u>246 DANFORD ST. PORTLAND ME 04102</u>
Mailing address, if different from DBA address:	Email Address: <u>INFO@CHAVALMAINE.COM</u>
Telephone # Fax #: <u>917 690 5000</u>	Business Telephone # Fax #:
Federal Tax Identification Number: <u>81-2727469</u>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: <u>WWW.UGLYDUCKLINGMAINE.COM</u>

1. New license or renewal of existing license? ☒ New Expected Start date: AUGUST 01
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 100 K Beer, Wine or Spirits: \$ 40K Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

☒ Restaurant
(Class I, II, III, IV)

☐ Class A Restaurant/Lounge
(Class XI)

☐ Class A Lounge
(Class X)

☐ Hotel
(Class I, II, III, IV)

☐ Hotel - Food Optional
(Class I-A)

☐ Bed & Breakfast
(Class V)

☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV)

☐ Auxiliary

☐ Mobile Cart

☐ Tavern
(Class IV)

☐ Other: _____

☐ Qualified Caterer

☐ Self-Sponsored Events (Qualified Caterers Only)

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

58 Pine St Portland ME 04102 BELLA MAWE LLC.

6. Is the licensee/applicant(s) citizens of the United States?

☐ Yes ☒ No

7. Is the licensee/applicant(s) a resident of the State of Maine?

☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity other business entity which is a holder of a wholesaler license granted by the State of Maine?

☒ Yes ☐ No

☐ Not applicable - licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
CHAVAN (RET.)	CAR-2016-1132	58 Pine St Portland ME 04102

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Ilma Lopez	09/13/1981	VENEZUELA.

Residence address on all the above for previous 5 years

Name	Address:
Ilma Lopez	145 Harcus Ave Portland ME 04103
Name	Address:
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

COFFEE & BAKED COCOA SHOP.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: REICHE. & ~~W~~ WAYNFLETE

Distance: 5 BLOCKS AWAY

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 06.06.2022



Signature of Duly Authorized Person

Ilma Wfz

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises
Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: BEWA MAINE LLC
2. Doing Business As, if any: THE UGLY DUCKLING
3. Date of filing with Secretary of State: 2016 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

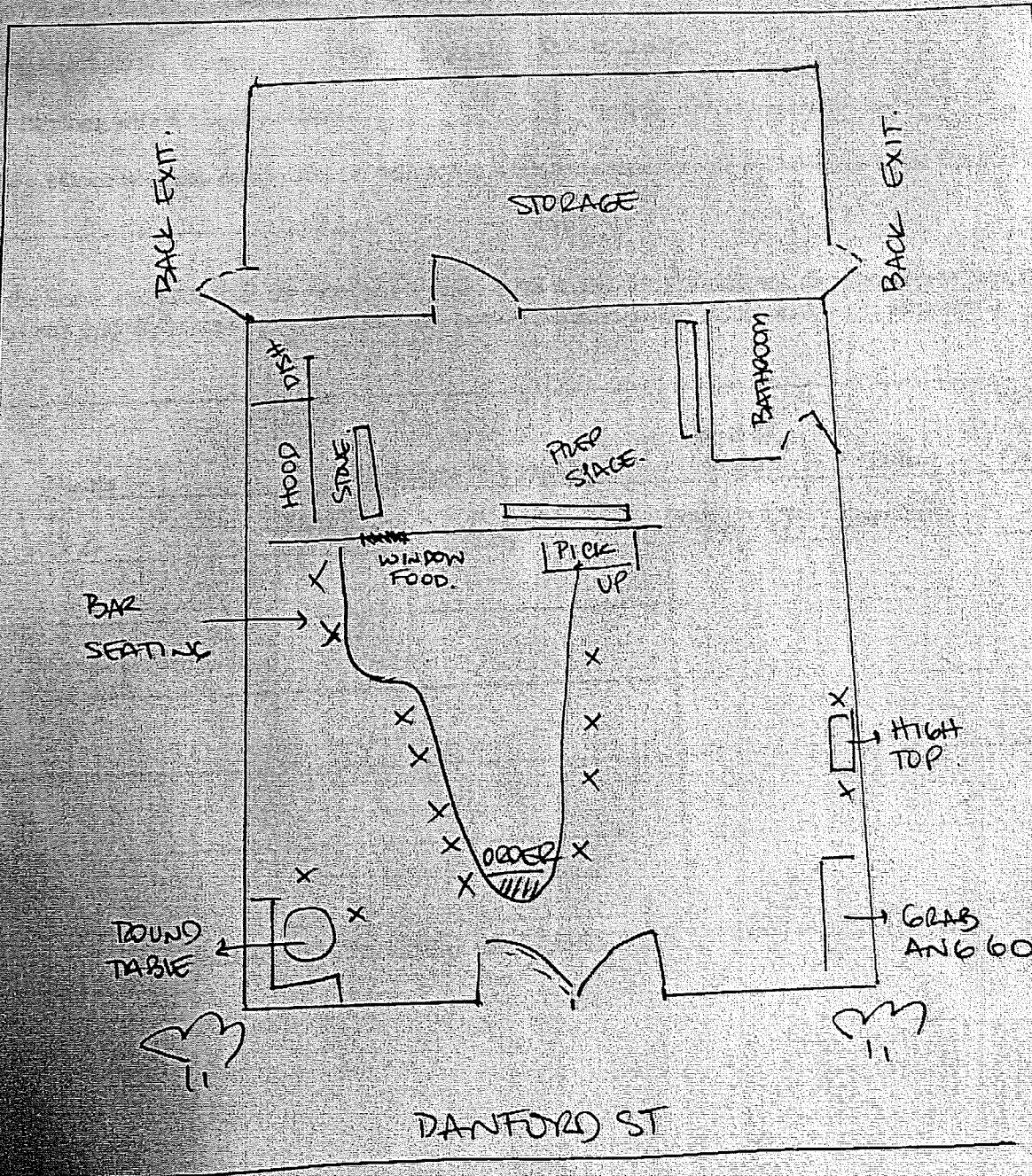
Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Ilma Lofel	145 HARRIS AVE	09/13/1981	OWNER	100%

(Ownership in non-publicly traded companies must add up to 100%.)

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 8-22/23 Granting Municipal Officers' Approval of Inn at Diamond Cove LLC, dba Inn at Diamond Cove. Application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property at 22 McKinley Court - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/21/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Inn at Diamond Cove

2. Inn at Diamond Cove_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Inn at Diamond Cove LLC, dba Inn at Diamond Cove. Application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property at 22 McKinley Court

INN AT DIAMOND COVE LLC

April 4th, 2022

Mayor Kate Snyder & Portland City Council
Portland City Hall
389 Congress Street
Portland, ME 04101

RE: Inn at Diamond Cove

Dear Mayor Snyder & Portland City Council Members,

Attached to this letter please find applications to update and renew the liquor, entertainment, and food licenses for the Inn at Diamond Cove, located at 22 McKinley Court, Great Diamond Island. The entity that owns the Inn, Inn at Diamond Cove LLC, will continue to own the Inn, but recently has had a change of membership interest as shown in the enclosed applications. Our intent is to keep the permits and licenses to operate the Inn in good standing with the City of Portland.

Thank you,



Jennifer Stebbins Thomas
Manager



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Establishment Name (d/b/a):	Inn at Diamond Cove	Phone:	(207) 805-9836
Location Address:	22 McKinley Court, Portland, ME 04109		Zip:
If new, what was formerly at this location:	N/A		
Mailing Address:	468 Fore Street, Portland, ME 04101		Zip:
Contact Person:	Gregg Pattle	Phone:	207-888-1755
Contact Person Email:	gpattle@colwenhotels.com		
Manager of Establishment:	Gregg Pattle	Date of Birth:	4/10/66
		Phone:	(207) 805-9836
Owner of Premises (Landlord):	Inn at Diamond Cove LLC		
Address of Premises Owner (Landlord):	1359 Hooksett Road, Hooksett, NH 03106		Zip:

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Inn at Diamond Cove LLC		1359 Hooksett Road, Hooksett, NH 03106	Zip:
Contact Person:	Elizabeth Reardon	Phone:	603-518-2143
Principal Officers	Title	Date of Birth	Residence Address
Leo Xarras	LLC Manager	6/20/68	230 Commerce Way, Ste 200, Portsmouth, NH 03801
Jennifer Stebbins Thomas	LLC Manager	10/25/86	1359 Hooksett Rd, Hooksett, NH 03106
Class of Liquor License:		Class 1 - Class A Restaurant (Class 1-A 41+)	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Plated meals - See menus.	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 9.37%	Generated from Alcohol: 3.81%
Hours & days of operation:	7 days - Breakfast 7am - 11am, Lunch 11am - 3pm Dinner 5pm - 10pm	
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		☒ Y ☐ N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		☒ Y ☐ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		☒ Y ☐ N
If yes, please list: # of amusements: _____ # of pool tables: _____		
What is your targeted opening date? Seasonal open date is May 20th		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		☒ Y ☐ N
If Yes, please list business name(s) and location(s): Inn at Diamond Cove LLC currently holds the licenses at Inn at Diamond Cove		
Is any principal officer under the age of 21?		☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		☒ Y ☐ N
If Yes, please explain:		

I Jennifer Stebbins Thomas do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

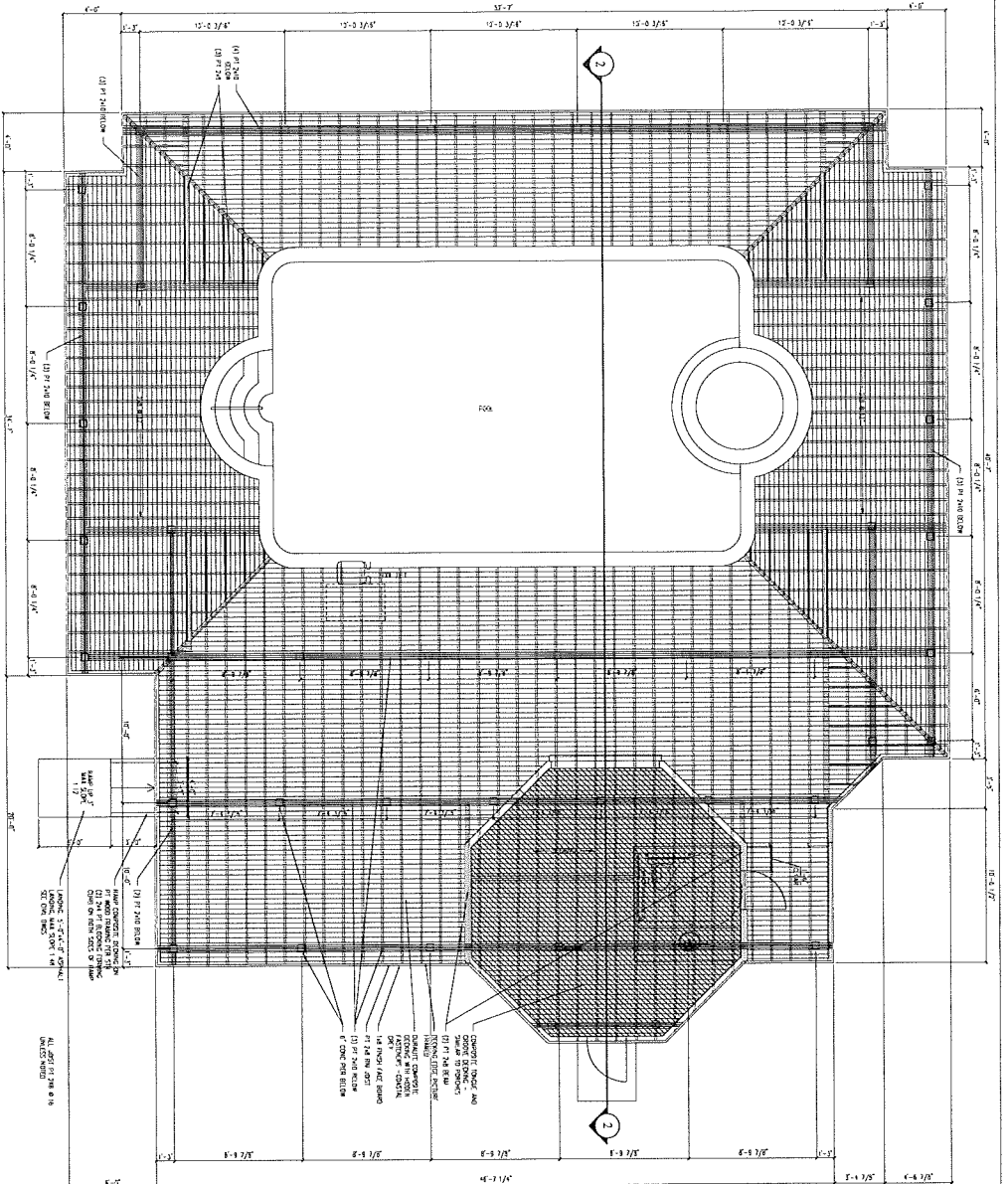
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title LLC Manager Date 4/4/22

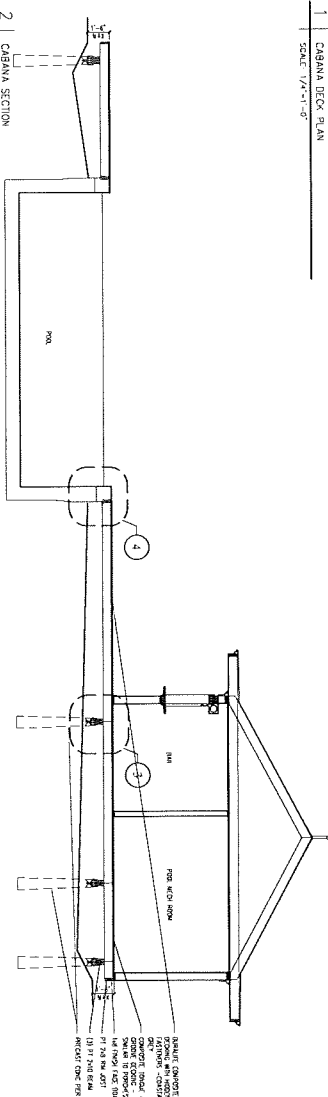
389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov

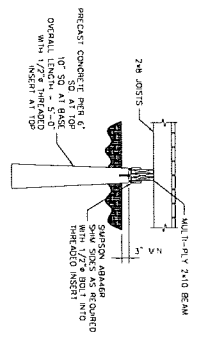


1 CABANA DECK PLAN
SCALE: 1/8"=1'-0"

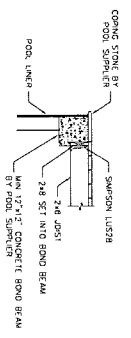
2 CABANA SECTION
SCALE: 1/8"=1'-0"



3 SECTION AT P.C. PIER
SCALE: 1/8"=1'-0"



4 SECTION AT POOL EDGE
SCALE: 1/8"=1'-0"



ALL FRAMING LUMBER PERFORMING IMPROVED S.D. YELLOW PINE
ALL SHIPSON HARDWARE 2" WIDE GALVANIZED

A2.1

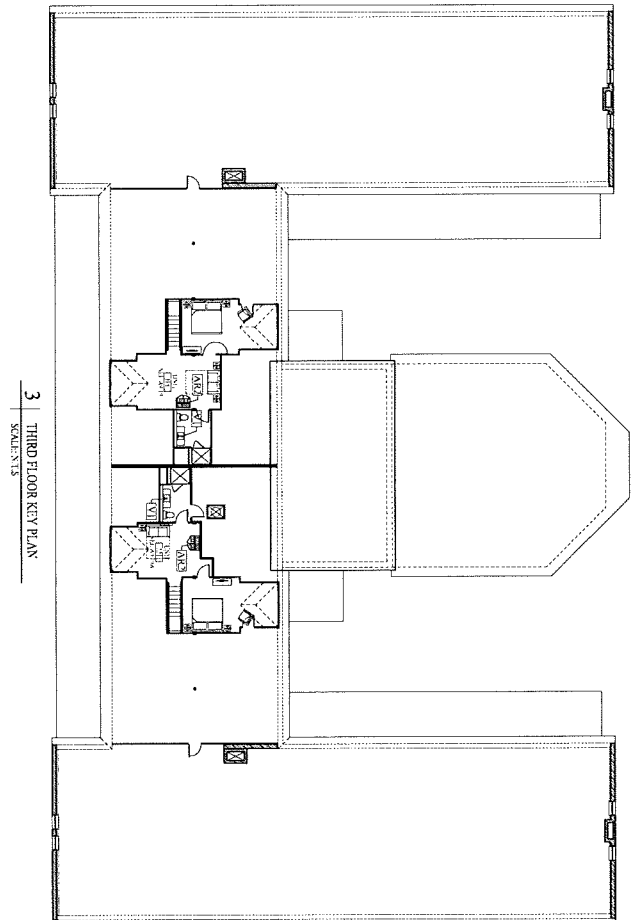
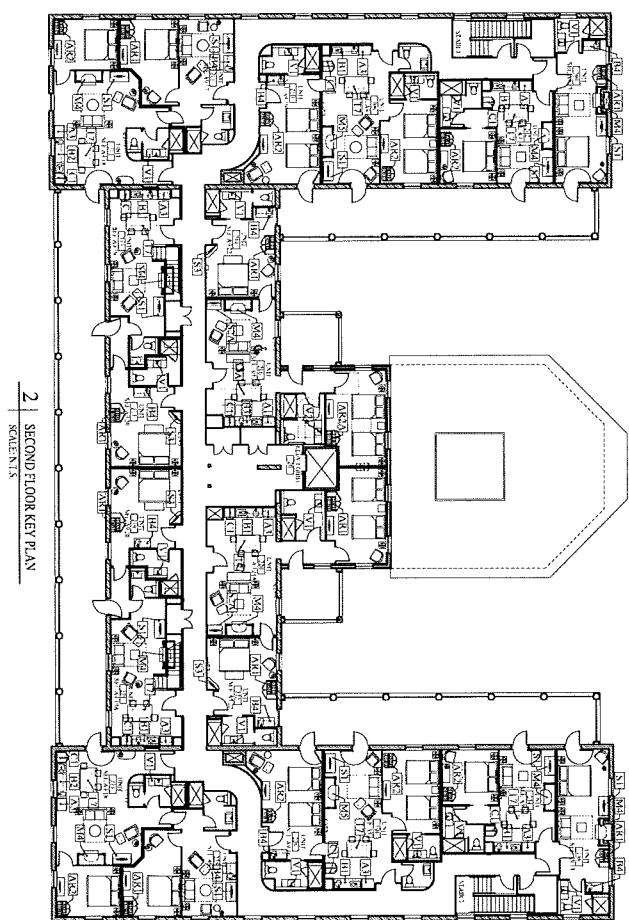
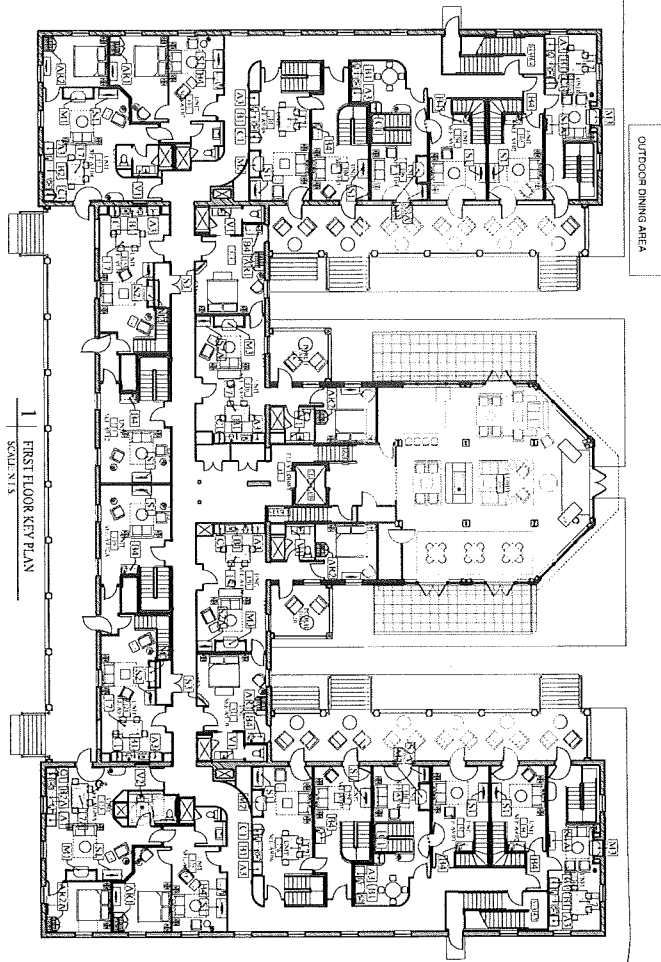
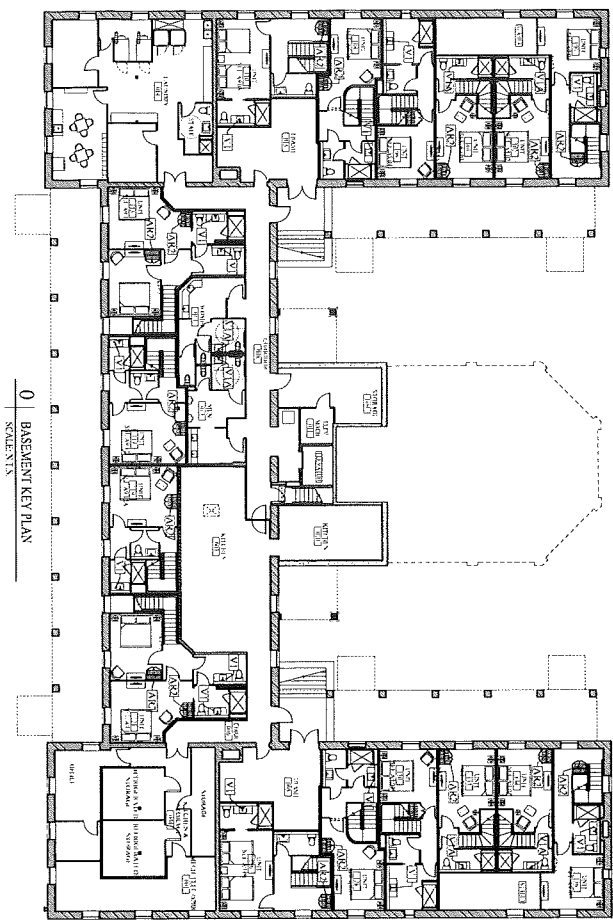
Date: 03 Feb 2014
Scale: AS NOTED
Revisions: Issued for Construction 03 Feb 14
Project: THE INN AT DIAMOND COVE, LLC
Architect: ARCHETYPE Architects
Interior Designer: truexcullins INTERIORS
Prepared For: The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101

State of Maine
Professional Seal
Architect
DANIEL M. BROWN
No. 395
Expiry 12/31/2015

48 Union Wharf Portland, Maine 04101
(207) 773-6022 Fax (207) 773-4056

28 BATTERY STREET BURLINGTON, VERMONT 05401 USA
Phone: 802.658.2775 800.227.1078

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A8.1



Inn at Diamond Cove

GREAT DIAMOND ISLAND • PORTLAND, MAINE

BREAKFAST

FRUIT CUP - \$4.50

WHOLE FRUIT - \$2.00

YOGURT - \$2.00

CROISSANT - \$4.50

MUFFIN - \$3.50

BREAKFAST BREAD - \$4.00

CARAMEL OR NUTELLA BEIGNET - \$3.00

CLASSIC OATMEAL - \$3.00

BAGELS WITH CREAM CHEESE - \$3.50

QUICHE - \$6.00

CROISSANT SANDWICH - \$6.00

ENGLISH MUFFIN SANDWICH - \$6.00

BREAKFAST BURRITO - \$6.00

Inn at Diamond Cove

Lunch Menu

Assorted Snacks

Chips, Cookies, Brownies, Popcorn, Candy Bars

Jumbo All Beef Hot Dogs

Roller Cheese Burger

Italian Sausage with Peppers and Onions

By the Slice

Cheese and Pepperoni Pizza

Turkey Club

Jumbo Lobster Roll

Caesar Salad with Chicken

Farmers Market Salad with Ranch Dressing

Fruit Parfait

Watermelon Cups

Canned Beverages

Beer, Wine and Cocktails

TASTES OF MAINE

PEEKYTOE CRABCAKE-19

Herb Remoulade, Micro Greens,
Pickled Onion, Charred Lemon

JUMBO SHRIMP COCKTAIL-18

Bloody Mary Cocktail Sauce,
Fresh Horseradish, Quick Pickles

MAINE LOBSTER ROLL-27

Brioche, Kettle Chips, Herb Mayo

NEW ENGLAND CLAM CHOWDER-16

Chowda Cracker

LOCAL & IMPORTED CHEESEBOARD-23

Traditional Accompaniments

BACKYARD TOMATO AND MOZZARELLA BRUSCHETTA-16

Crostini, Basil, Olive Oil

LITTLE GEM SALAD-13

Parmesan, Blistered Tomatoes,
Kalamata Olives, Creamy Greek Dressing
Add Chicken-9 or Lobster Salad-18

MAINE MUSHROOM TOAST-14

Truffle Oil, Micro Greens

BUTCHERS BLEND MEATBALLS-15

Smashed Tomato Sauce, Crostini,
Crumbled Farmers Cheese

MARGHERITA FLATBREAD-16

Fresh Mozzarella, Basil,
Smashed Tomato Sauce

CRÈME BRULÉE-12

French Macaroon, Seasonal Berries

CHOCOLATE LAVA CAKE-13

Raspberry Sauce, Strawberries

SIGNATURE COCKTAILS

DIAMOND COVE COOLER-18

Gin, Raspberry, St. Germain, Lime, Tonic

MAINE MULE-18

Coldwater Blueberry Vodka,
Ginger Beer, Blueberries

STRAWBERRY SUMMER SOUR-18

Hendricks Gin, Strawberry Puree,
Lime Juice

TEQUILA WATERMELON AQUA FRESCA-18

Prosecco, Watermelon Juice, Lime,
Mint, Tequila Blanco

ORANGE & THYME MOJITO-18

Bacardi Silver Rum, Orange,
Simple Syrup, Thyme

CASCO BAY PUNCH-18

Pineapple, Orange, Light, Dark,
Coconut, Lime, Grenadine

BEERS

MILLER LITE-6

CORONA EXTRA-6

SHIPYARD MONKEY FIST IPA-7

SHIPYARD SUMMER ALE-7

ALLAGASH WHITE-7

PEAK ORGANIC NUT BROWN ALE-8

LONE PINE PORTLAND PALE ALE-8

LONE PINE TESSELATION DIPA-9

LONE PINE OH-J CRAFT SELTZER-9

FOUNDATION RASPBERRY'S MY JAM SOUR-10

RIISING TIDE ZEPHYR IPA-8

WOODLAND FARMS GALAXY PALE ALE-8

BANGOR BEER CO ODDBALL STOUT-8

CANNED COCKTAILS

MAINE CRAFT DISTILLING

BLUESHINE LEMONADE-8

MAINE MULE RUM & GINGER-8

GIN & TONIC-8

NON-ALCOHOLIC

WOODLAND FARMS POINTER N/A IPA-8

WOODLAND FARMS WITTY N/A WHITE ALE-8

BUBBLES & WINES

CANELLA, PROSECCO, VENETO, ITALY 187 ML-12

TRIENNES, MEDITERRANEAN ROSE, FRANCE-12

WILDSOON, SAUVIGNON BLANC, NEW ZEALAND-10

FOUR VINES, CHARDONNAY, CALIFORNIA-8

SIMI, CHARDONNAY, CALIFORNIA-13

DELOACH, VINEYARDS, PINOT NOIR, OREGON-8

BROADSIDE, CABERNET SAUVIGNON, CALIFORNIA-10

CRIOS, MALBEC, MENDOZA, ARGENTINA-9

WINE LIST

BUBBLES

- Canella, Prosecco, Veneto, Italy 187 ML - 12
- Duetz, Champagne, Champagne, France - 99
- Mumm Napa, Sparkling Wine, Napa Valley, California - 47

ROSE

- MiravalCotes de Provence Rose, Provence, France - 48
- Triennes, Mediterranean Rose, Provence, France - 12/44

WHITE

- Castello Banfi, Gavi, Piedmont, Italy 45
- Wildsong, Sauvignon Blanc, Hawke's Bay, New Zealand - 10/38
- Four Vines, Chardonnay, Naked Central Coast, California - 8/28
- Attems, Pinot Grigio, Venezia Giulia, Italy - 42
- Santa Margherita, Pinot Grigio, Trentino-Alto Adige, Italy - 48
- Simi, Chardonnay, Sonoma County, California - 13/48
- Frogs Leap, Sauvignon Blanc, Napa Valley, California - 54
- Maison Louis Jadot, Pouilly-Fuisse, Burgundy, France - 60

RED

- DeLoach, Vineyards, Pinot Noir, Willamette Valley, Oregon - 8/28
- Broadside, Cabernet Sauvignon, Paso Robles, California - 10/38
- Charles Krug, Merlot, Napa Valley - 46
- Crios, Malbec, Mendoza, Argentina - 9/32
- Chateau Greysac, Medoc Cru Bourgeois, Bordeaux, France - 56
- Hall, Cabernet Sauvignon, Napa Valley, California - 86
- Pine Ridge Vineyards, Cabernet Sauvignon, Napa Valley, California - 74
- Tomassi, Ripasso Valpolicella Classico Superiore, Veneto, Italy - 58



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☒ Legal Advertisement Deposit \$100.00

Business Information			
Business Name (d/b/a):	Inn at Diamond Cove	Phone:	(207) 805-9836
Location Address:	22 McKinley Court, Portland, ME 04109	Zip:	
Mailing Address:	468 Fore Street, Portland, ME 04101	Zip:	
Contact Person:	Gregg Pattle	Phone:	207-888-1755
Contact Person Email:	gpattle@colwenhotels.com		
Manager of Establishment:	Gregg Pattle Date of Birth: 4/10/66	Phone:	(207) 805-9836
Owner of Premises (Landlord):	Inn at Diamond Cove LLC		
Address of Premises Owner:	1359 Hooksett Road, Hooksett, NH 03106	Zip:	

Owner Information

Corporate Name		Corporate Mailing Address	
Inn at Diamond Cove LLC		1359 Hooksett Road, Hooksett, NH 03106	Zip:
Contact Person:	Elizabeth Reardon	Phone:	603-518-2143
Principal Officers	Title	Date of Birth	Residence Address
Leo Xarras	LLC Manager	6/20/68	230 Commerce Way, Ste 200, Portsmouth, NH 03801
Jennifer Stebbins Thomas	LLC Manager	10/25/86	1359 Hooksett Rd, Hooksett, NH 03106



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class I - Class A Restaurant
Type of food served:	See attached breakfast menu and evening bar menu. Additionally, grab and go lunch
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	7 days - Breakfast 7am - 11am, Lunch 11am - 3pm, Dinner 5pm - 10pm
Number of Tables	Pool - 6 / Patio #1 - 4 / Patio #2 - 4
Number of Chairs	Pool - 24 / Patio #1 - 16 / Patio #2 - 16

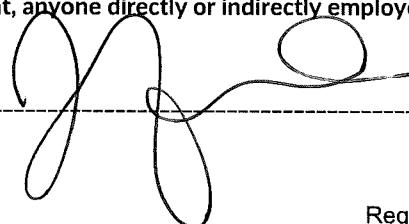
Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

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.

Signature  Title UC Manager Date 4/4/22

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	PR: _____	/	_____
Date Paid: _____	Treasury: _____	/	_____
CC _____ CA _____ CK _____	Zoning: _____	/	_____

Inn at Diamond Cove

Glen McGary <glenm@portlandmaine.gov>

Thu, Jun 23, 2022 at 1:46 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

PD Approved

[Quoted text hidden]

--

Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580

Inn at Diamond Cove

Zoning <zoning@portlandmaine.gov>

Wed, Jun 29, 2022 at 2:27 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Ron Kelton <rkelton@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erickn@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Zachary Lenhert <zlenhert@portlandmaine.gov>

Zoning has signed off on this with the following note,

A Class A Restaurant (Class I Liquor License) is an approved use in the IR-3 Zone.

Thanks,
Jon

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Inn at Diamond Cove LLC, dba Inn at Diamond Cove. Application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property at 22 McKinley Court - Sponsored by Danielle P. West, Interim City Manager



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Inn at Diamond Cove LLC
468 Fore Street
Portland, ME 04101

Re: Inn at Diamond Cove LLC, dba Inn at Diamond Cove. Application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property at 22 McKinley Court

Dear Inn at Diamond Cove LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application for Class 1A Inn (41+ rooms) with Outdoor Dining on Private Property at 22 McKinley Court. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhart".

Zachary J. Lenhart
Licensing and Housing Safety Manager



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Inn at Diamond Cove LLC	Business Name (D/B/A): Inn at Diamond Cove
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 22 McKinley Ct, Portland, ME 04109
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 468 Fore St, Portland, ME 04101
Mailing address, if different from DBA address: 1359 Hooksett Road, Hooksett, NH 03106	Email Address: gpattle@colwenhotels.com
Telephone # Fax #: 603-518-2143	Business Telephone # Fax #: (207) 805-9836
Federal Tax Identification Number: 26-0865994	Maine Seller Certificate # or Sales Tax #: 1173420
Retail Beverage Alcohol Dealers Permit: N/A	Website address: www.innatdiamondcove.com/

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 8/24/22

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 163,500.00 Beer, Wine or Spirits: \$ 66,400.00 Guest Rooms: \$ 1,413,020.00

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, H, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☒ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

1359 Hooksett Road, Hooksett, NH 03106

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Diamond's Edge Restaurant	CAR-2013-7960	279 Diamond Ave Portland ME
Portland Harbor Hotel	HBT-2002-4187	408 Fore Street Portland ME

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Gregg Pattle (General Manager)	04/10/1966	Quincy, MA
Residence address on all the above for previous 5 years		
Name	Address:	
Gregg Pattle	133 Kimball Road, Harrison, ME	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 44.00

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

The Inn at Diamond Cove offers indoor and outdoor dining. Outdoor dining consists of 2
patios adjacent to the indoor dining area as well as a patio with cabana surrounding an
outdoor pool.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: none

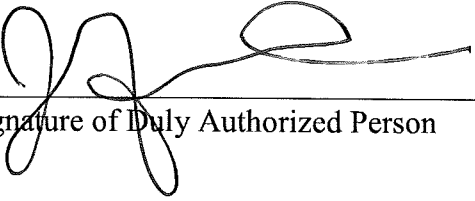
Distance: _____

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/4/2022



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

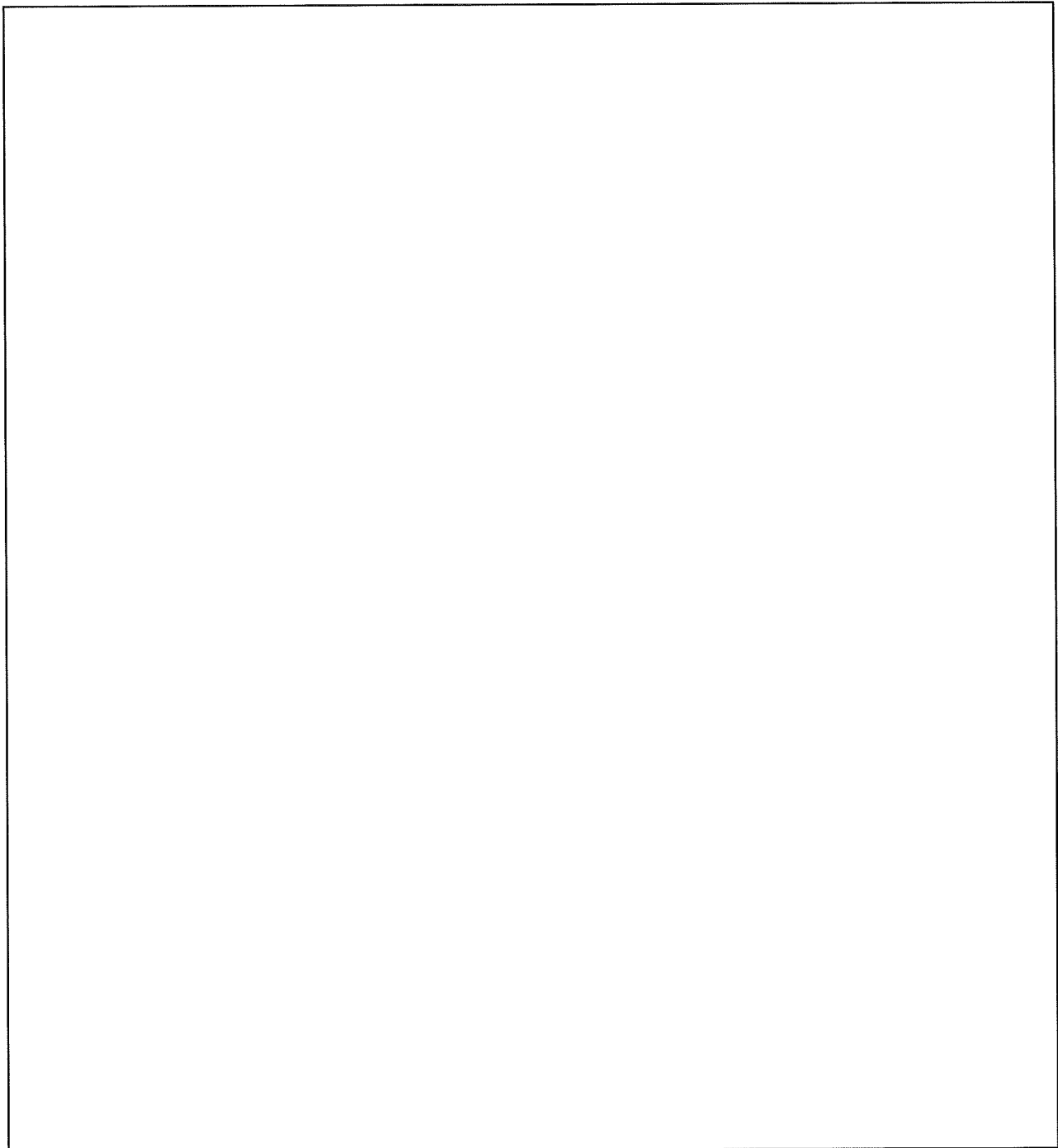
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

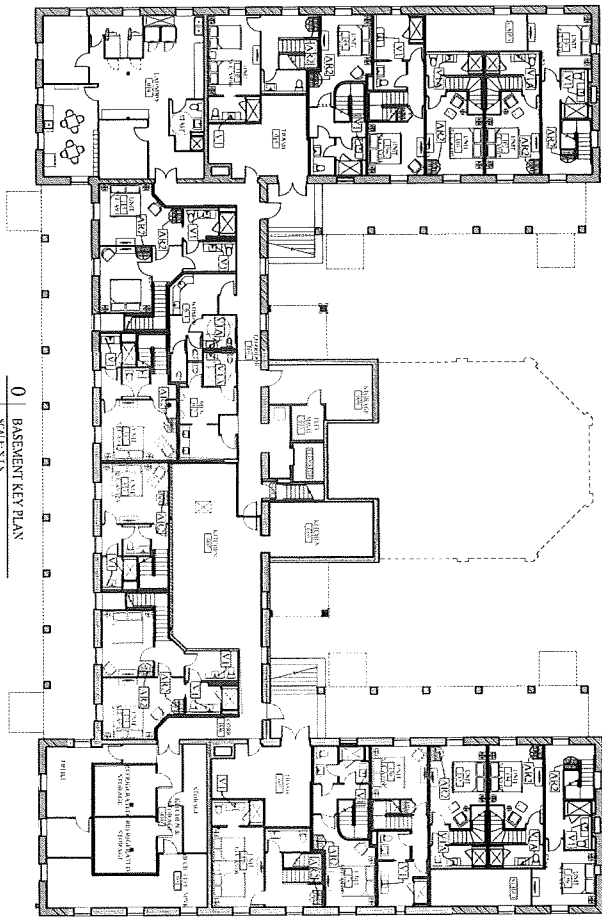
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

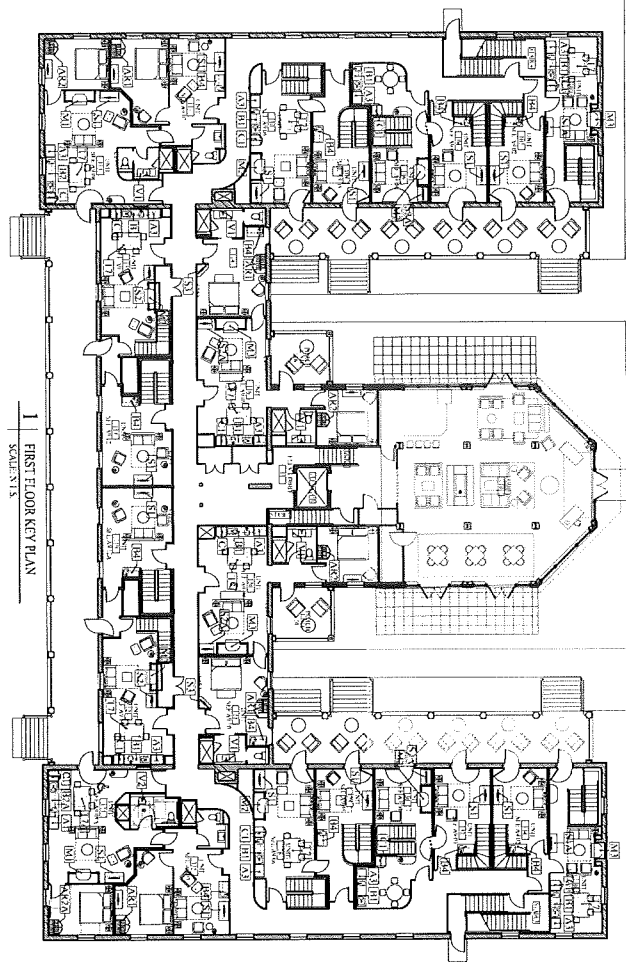
Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



0 BASEMENT KEY PLAN
SCALE: 1/8" = 1'-0"

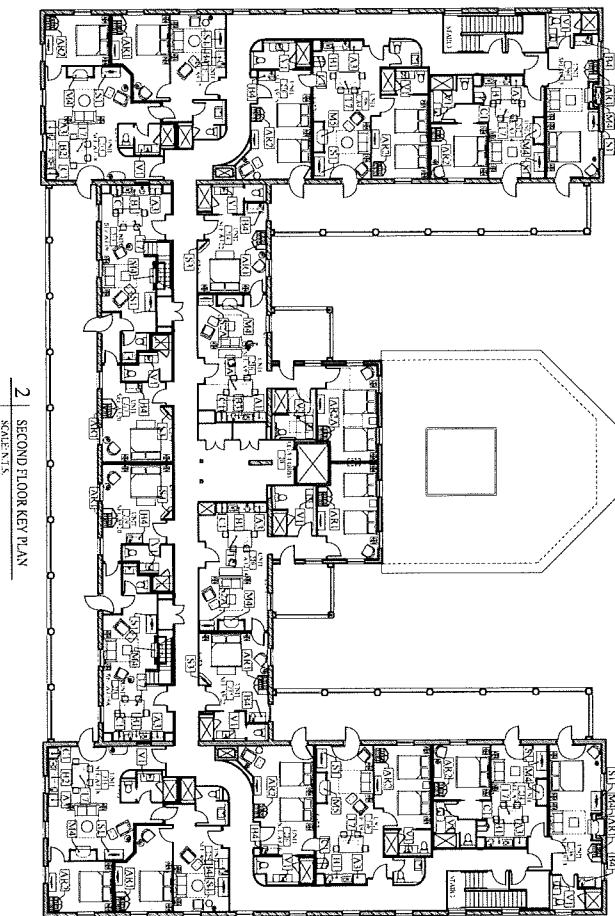


1 FIRST FLOOR KEY PLAN
SCALE: 1/8" = 1'-0"

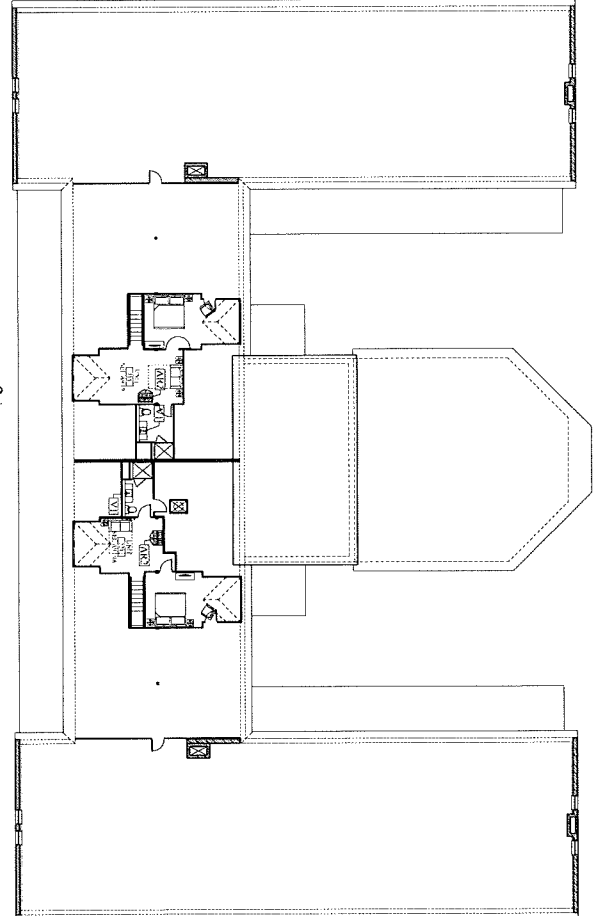


INDOOR DINING KITCHEN & STORAGE

2 SECOND FLOOR KEY PLAN
SCALE: 1/8" = 1'-0"



3 THIRD FLOOR KEY PLAN
SCALE: 1/8" = 1'-0"



A8.11

Date: 03 Feb 2014

Scale: NOT TO SCALE

Revisions: Issued for Construction 03 Feb 14

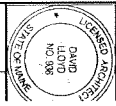
FURNISHING KEY PLAN

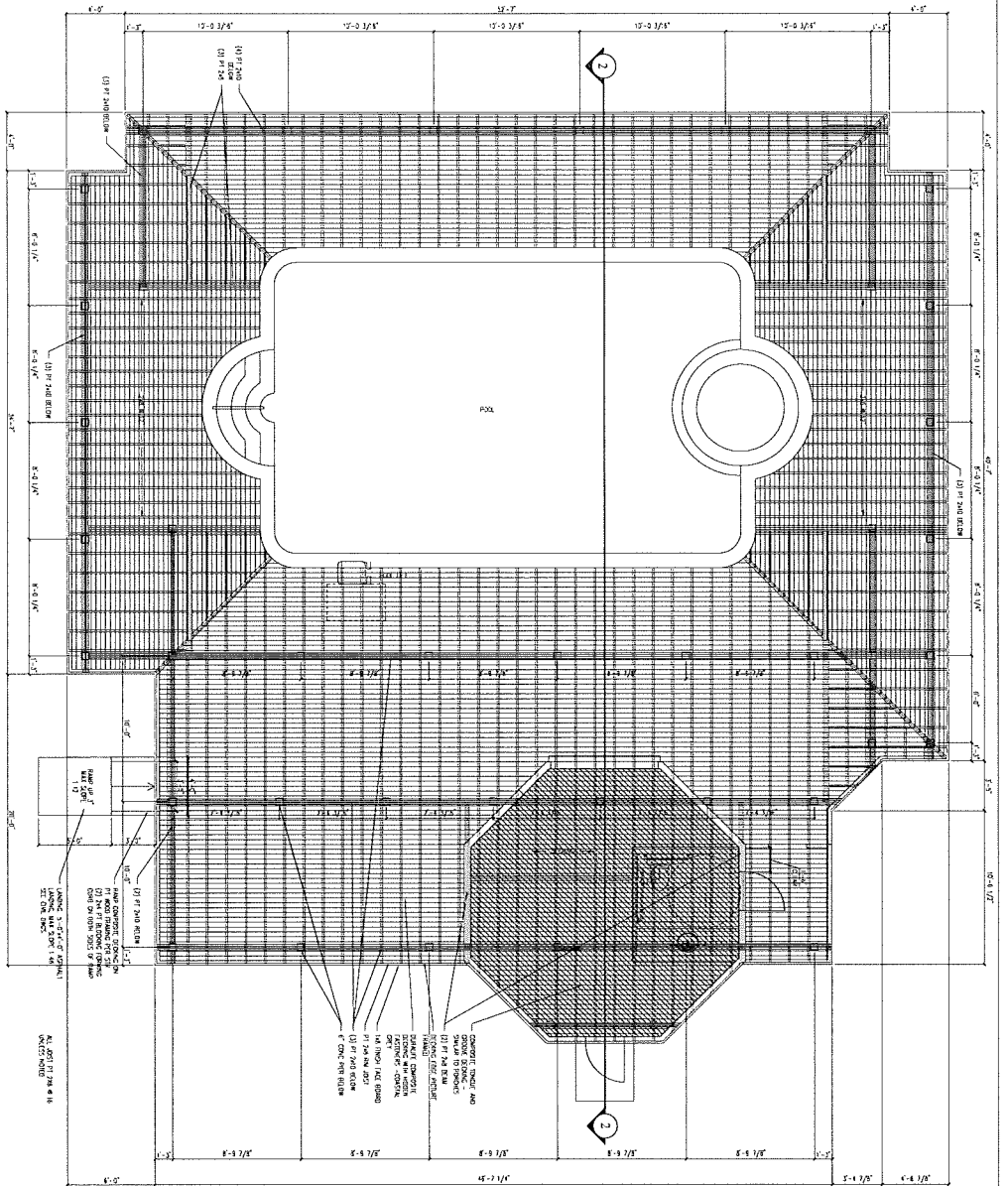
Project: THE INN AT DIAMOND COVE, LLC
McKINLEY

Architect: ARCHETYPE Architects
228 BATTERY STREET, PORTLAND, MAINE 04101
Phone: 207-772-6022 Fax: 207-772-4036

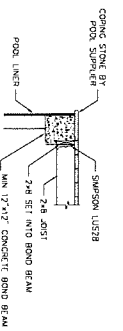
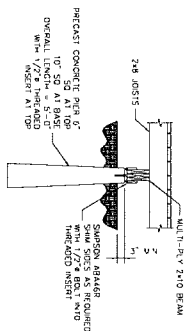
Interior Designer: truexcellents INTERIORS
228 BATTERY STREET, PORTLAND, MAINE 04101
Phone: 207-658-2775 Cell: 207-277-1076

Prepared For: The Inn at Diamond Cove, LLC.
PO BOX 3572
PORTLAND, ME 04101





ALL FRAMING LUMBER PRESSURE TREATED SO YELLOW PINE
ALL SWAMPING HARDWARE 2-4X4x8 CARVED



A2.1

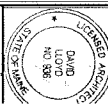
Date: 03 Feb 2014
Scale: AS NOTED
Revisions:
Issued for Construction 03 Feb 14
CABANA DECK PLAN, SECTION AND DETAILS

Project: THE INN AT DIAMOND COVE, LLC
McKINLEY

Architect: ARCHETYPE Architects
48 Union Wharf Portland, Maine 04101
Tel: (207) 772-6022 Fax: (207) 772-4056

Interior Designer: trueexcellence INTERIORS
208 BATTERY STREET SUITE 200 PORTLAND, ME 04101
Phone: 603.658.2775 800.227.1076

Prepared For: The Inn at Diamond Cove, LLC.
PO BOX 3572 PORTLAND, ME 04101



MARK R. STEBBINS REVOCABLE TRUST OF 2015 OWNS 25.46% OF INN AT DIAMOND COVE LLC		
Name & Address	Title	% Ownership in Licensee
Sally N. Stebbins 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 1/7/54	6.365% of Inn at Diamond Cove LLC
John R. Stebbins 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 10/21/83	6.365% of Inn at Diamond Cove LLC
Jennifer Stebbins Thomas 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 10/25/86	6.365% of Inn at Diamond Cove LLC
Lisa B. Geoghegan 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 1/20/89	6.365% of Inn at Diamond Cove LLC
TOTAL		25.46%

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Inn at Diamond Cove LLC
2. Doing Business As, if any: Inn at Diamond Cove
3. Date of filing with Secretary of State: 9/5/07 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Bateman Partners, LLC	470 Fore Street, Portland, ME 04101			19.5000
XS Island LLC	1359 Hooksett Road, Hooksett, NH 03106			50.9200
Paul Tarbox	470 Fore Street, Portland, ME 04101	5/12/31	Member	19.5000
Charles DesLauriers	470 Fore Street, Portland, ME 04101	12/3/52	Member	10.0800

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

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All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Bateman Partners, LLC
2. Doing Business As, if any: N/A (19.5% member of Inn at Diamond Cove LLC)
3. Date of filing with Secretary of State: 09/30/2004 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
David Bateman	17 Brannen Lane, Eliot ME	04/28/1951	President	33.3333
Nathan Bateman	26 Marigold Ln, Falmouth ME	06/13/1977	Vice Pres	33.3333
Aaron Bateman	16 Homer Sand Dr, Scarborough	09/09/1973	Treasurer	33.3333

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

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All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: XS Island LLC
2. Doing Business As, if any: N/A (50.92% member of Inn at Diamond Cove LLC)
3. Date of filing with Secretary of State: 03/16/2021 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Colwen Management, Inc.
2. Doing Business As, if any: N/A (12.73% member of Inn at Diamond Cove LLC)
3. Date of filing with Secretary of State: 06/07/2001 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: CLBS Trust LLC
2. Doing Business As, if any: N/A (12.73% member of Inn at Diamond Cove)
3. Date of filing with Secretary of State: 11/27/2011 State in which you are formed: VT
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: M.R.S Equity LLC
2. Doing Business As, if any: N/A (25.46% member of Inn at Diamond Cove LLC)
3. Date of filing with Secretary of State: 12/08/2016 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

XS ISLAND OWNS 50.92% OF INN AT DIAMOND COVE LLC		
Name & Address	Title	% Ownership in Licensee
CLBS Trust LLC 64 North Main Street, Rutland, VT 05701	25% Member of XS Island LLC	12.73% of Inn at Diamond Cove LLC
Colwen Management, Inc. 230 Commerce Way Portsmouth, NH 03801	25% Member of XS Island LLC	12.73% of Inn at Diamond Cove LLC
M.R.S Equity LLC 1359 Hooksett Rd, Hooksett, NH 03106	50% Member of XS Island LLC	25.46% of Inn at Diamond Cove LLC
TOTAL	100%	50.92%

CLBS TRUST LLC OWNS 12.73% OF INN AT DIAMOND COVE LLC		
Name & Address	Title	% Ownership in Licensee
Leo Xarras 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	50% Member of CLBS Trust LLC DOB: 6/20/68	6.365% of Inn at Diamond Cove LLC
Bruce Armitage 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	50% Member of CLBS Trust LLC DOB: 10/20/61	6.365% of Inn at Diamond Cove LLC
TOTAL	100%	12.73%

COLWEN MANAGEMENT, INC. OWNS 12.43% OF INN AT DIAMOND COVE LLC		
Name & Address	Title	% Ownership in Licensee
Leo Xarras 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	Chairman, CEO, Director, Sole Shareholder (100%) DOB: 6/20/68	12.73% of Inn at Diamond Cove LLC
Julie Scott 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	President	
David Rebich 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	CFO, Treasurer	
David Van Der Beken 889 Elm Street, 6th Floor, Manchester, NH 03101	Secretary	
Christine Thomas 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	Director	
Mark Schleicher 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	Director	
TOTAL	100%	12.73%

M.R.S Equity LLC OWNS 25.46% OF INN AT DIAMOND COVE LLC		
Name & Address	Title	% Ownership in Licensee
Mark R. Stebbins Revocable Trust of 2015 1359 Hooksett Road Hooksett, NH 03106	100% Member of M.R.S. Equity LLC	25.46% of Inn at Diamond Cove LLC
TOTAL	100%	25.46%



Outdoor Dining at patio



MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 9-22/23 Granting Municipal Officers' Approval of Diamond's Edge LLC, dba Diamond's Edge Restaurant. Applications for Class 1 FSE with Combined Entertainment and Outdoor Dining on Private Property at 279 Diamond Avenue - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/21/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Diamonds Edge

2. Diamonds Edge_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Diamond's Edge LLC, dba Diamond's Edge Restaurant. Applications for Class 1 FSE with Combined Entertainment and Outdoor Dining on Private Property at 279 Diamond Avenue

DIAMOND'S EDGE LLC

April 4th, 2022

Mayor Kate Snyder & Portland City Council
Portland City Hall
389 Congress Street
Portland, ME 04101

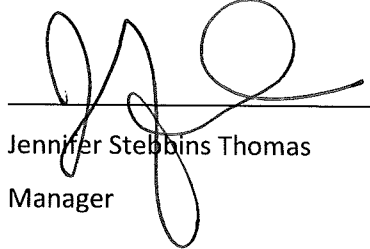
RE: Diamond's Edge Restaurant

Dear Mayor Snyder & Portland City Council Members,

Attached to this letter please find applications to update and renew the liquor and food licenses at the Diamond's Edge Restaurant, located at 279 Diamond Ave, Great Diamond Island.

The entity that owns the restaurant, Diamond's Edge LLC (f/k/a DCL, LLC) will continue to own the restaurant, but recently has had a change of membership interest as shown in the enclosed applications. Our intent is to keep the permits and licenses to operate the restaurant in good standing with the City of Portland.

Thank you,



Jennifer Stebbins Thomas
Manager

**CITY OF PORTLAND****Permitting and Inspections Department****Application for Food Service Establishment with Alcoholic Beverages License**

Business Information			
Establishment Name (d/b/a):	Diamond's Edge Restaurant	Phone:	207-766-5850
Location Address:	279 Diamond Ave		Zip: 04109
If new, what was formerly at this location:	N/A <i>change of ownership</i>		
Mailing Address:	468 Fore Street, Portland, ME 04101		Zip:
Contact Person:	Gregg Pattle	Phone:	207-888-1755
Contact Person Email:	gpattle@colwenhotels.com		
Manager of Establishment:	Gregg Pattle	Date of Birth: 4/10/66	Phone: 207-766-5850
Owner of Premises (Landlord):	Diamond's Edge LLC (f/k/a DCL LLC)		
Address of Premises Owner (Landlord):	1359 Hooksett Road, Hooksett, NH 03106		Zip:

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Diamond's Edge LLC (f/k/a DCL LLC)		1359 Hooksett Road, Hooksett, NH 03106	Zip:
Contact Person:	Elizabeth Reardon	Phone:	603-518-2143
Principal Officers	Title	Date of Birth	Residence Address
Leo Xarras	LLC Manager	6/20/68	230 Commerce Way, Ste 200, Portsmouth, NH 03801
Jennifer Stebbins Thomas	LLC Manager	10/25/86	1359 Hooksett Rd, Hooksett, NH 03106
Class of Liquor License:		A Restaurant	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557**bl@portlandmaine.gov • www.portlandmaine.gov**



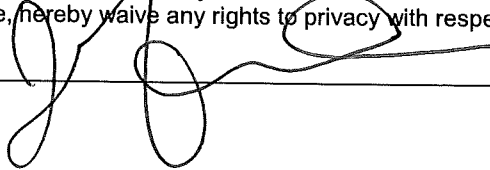
CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	plated meals. see attached menus	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 70%	Generated from Alcohol: 30%
Hours & days of operation:	7 days 11:30 am - 10:00 pm (2022 Season 5/20 - 10/10)	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N ☒ Y ☐ N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N ☐ Y ☒ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		Y/N ☐ Y ☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		Y/N ☐ Y ☒ N
If yes, please list: # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		Y/N ☐ Y ☒ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		☒ Y ☐ N
If Yes, please list business name(s) and location(s):		
Applicant currently holds on premise liquor and food licenses. This application is for renewal.		
Is any principal officer under the age of 21?		Y/N ☐ Y ☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N ☐ Y ☒ N
If Yes, please explain:		

I Jennifer Stebbins Thomas do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature  Title LLC Manager Date 4/4/22

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00 ☐ Legal Advertisement Deposit \$100.00

Business Information			
Business Name (d/b/a):	Diamond's Edge Restaurant	Phone:	207-766-5850
Location Address:	279 Diamond Ave	Zip:	04109
Mailing Address:	468 Fore Street, Portland, ME 04101	Zip:	
Contact Person:	Gregg Pattle	Phone:	207-888-1755
Contact Person Email:	gpattle@colwenhotels.com		
Manager of Establishment:	Gregg Pattle	Date of Birth:	
		Phone:	207-766-5850
Owner of Premises (Landlord):	Diamond's Edge LLC (f/k/a DCL LLC)		
Address of Premises Owner:	1359 Hooksett Road, Hooksett, NH 03106	Zip:	

Owner Information

Corporate Name		Corporate Mailing Address	
Diamond's Edge LLC (f/k/a DCL LLC)		1359 Hooksett Road, Hooksett, NH 03106	
		Zip:	
Contact Person:	Elizabeth Reardon	Phone:	603-518-2143
Principal Officers			
	Title	Date of Birth	Residence Address
Leo Xarras	LLC Manager	6/20/68	230 Commerce Way, Ste 200, Portsmouth, NH 03801
Jennifer Stebbins Thomas	LLC Manager	10/25/86	1359 Hooksett Rd, Hooksett, NH 03106



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	A Restaurant
Type of food served:	plated meals. see attached menus
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	7 days 11:30am - 10:00 pm (2022 Season 5/20 - 10/10)
Number of Tables	24
Number of Chairs	80

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

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.

Signature [Signature] Title LLC Manager Date 4/14/22

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	PR: _____	/	_____
Date Paid: _____	Treasury: _____	/	_____
CC _____ CA _____ CK _____	Zoning: _____	/	_____



Katlyn Sawyer <ksawyer@portlandmaine.gov>

Inn at Diamond Cove - Liquor License Application (Ownership change)

Gregg Pattle <gpattle@colwenhotels.com>
To: Katlyn Sawyer <ksawyer@portlandmaine.gov>

Fri, Jun 17, 2022 at 4:14 PM

Hi Katlyn,

The Edge - 1260 on the deck, 2350 on the lawn, total of 3610 sq ft

Thanks!

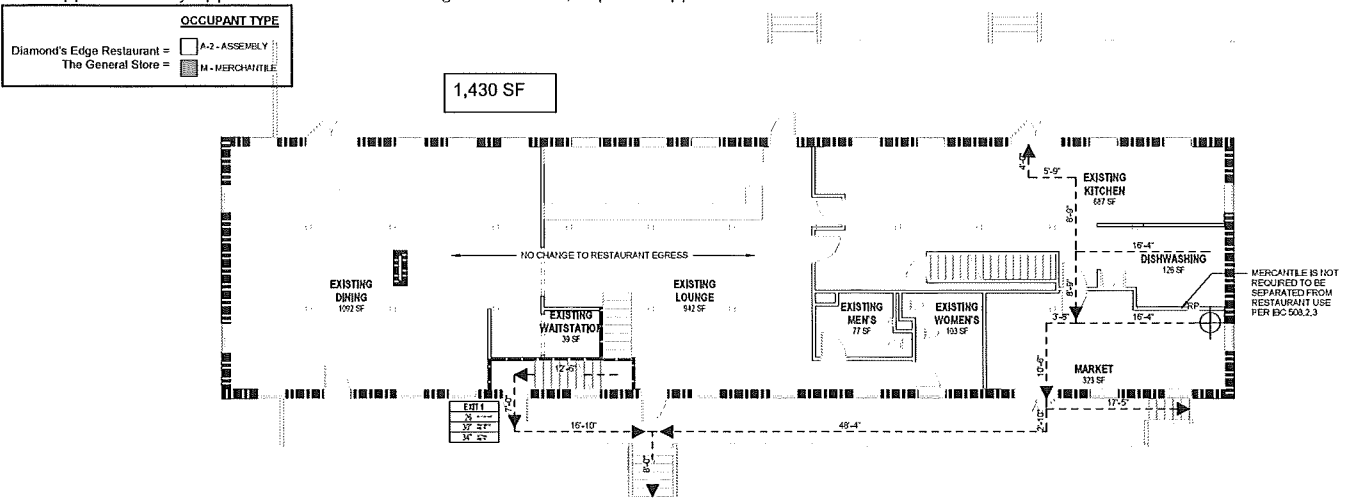
From: Katlyn Sawyer <ksawyer@portlandmaine.gov>

Sent: Thursday, June 16, 2022 2:23 PM

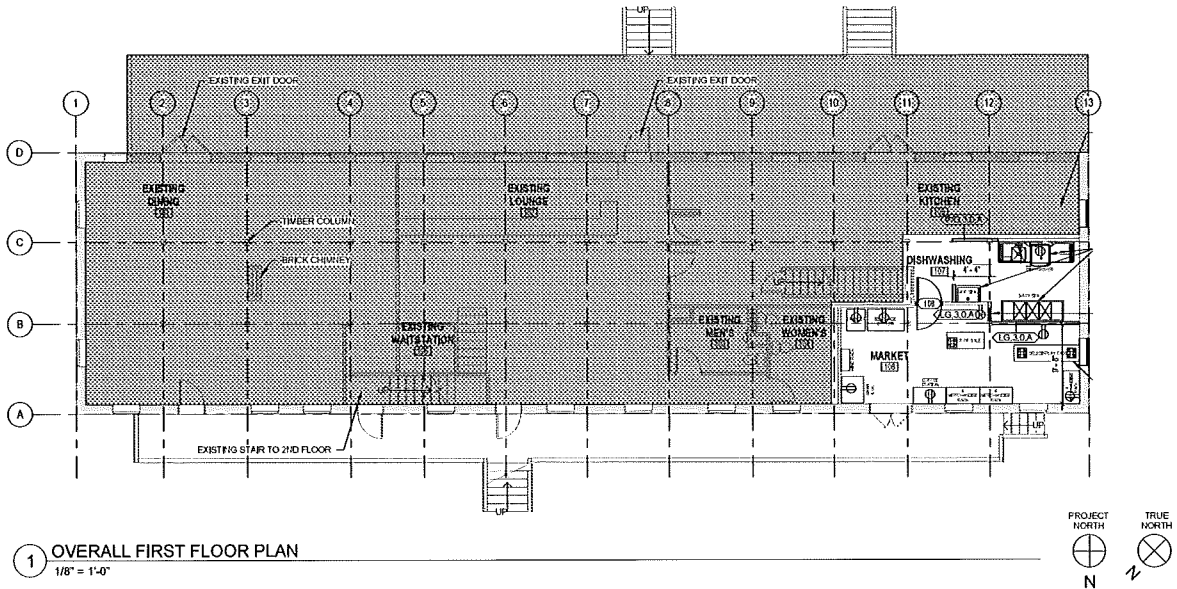
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This application only applies to the Diamond's Edge Restaurant, separate applications have been submitted for the market/The General Store.



3 FIRST FLOOR LIFE SAFETY PLAN
1/8" = 1'-0"



1 OVERALL FIRST FLOOR PLAN
1/8" = 1'-0"





Outdoor patio seating with rail enclosure



Lawn seating with hedge enclosure



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☒ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00		

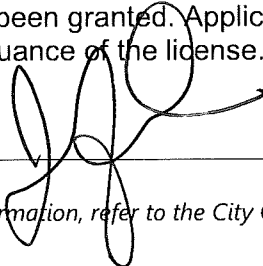
Business Information			
Establishment Name (d/b/a):	Diamond's Edge Restaurant	Phone:	207-805-9836
Location Address:	279 Diamond Ave		Zip: 04109
Owner Name:	Diamond's Edge LLC (f/k/a DCL LLC)	Phone:	603-518-2143
Owner Email:	ereardon@xsshotels.com		
Contact Person responsible for Entertainment:	Gregg Pattle	Phone:	207-888-1755
Contact Person Email:	gpattle@colwenhotels.com		
Manager of Establishment:	Gregg Pattle	Phone:	207-805-9836
Manager Email:	gpattle@colwenhotels.com		

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:

Piped music inside the restaurant.
Live music outdoors on occasion for special events only.
Establishment operates seasonally 5/20/22 - 10/10/22.

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

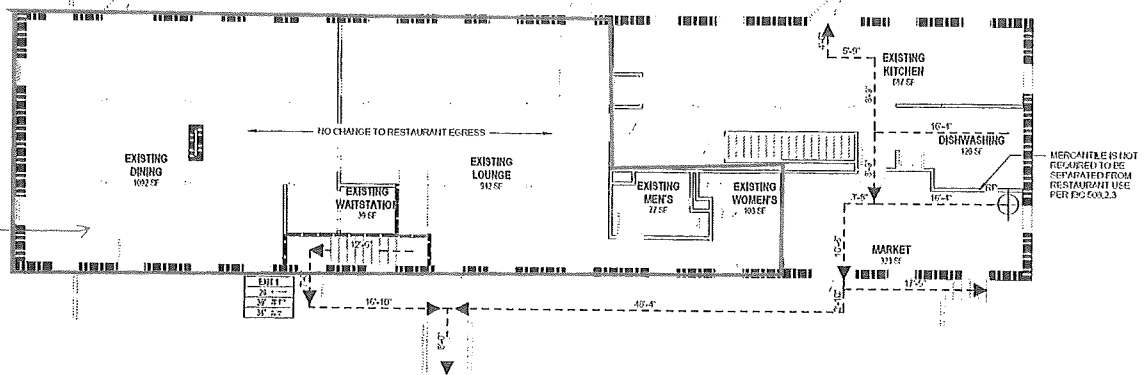
Signature  Title LLC Manager Date 4/4/22

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov

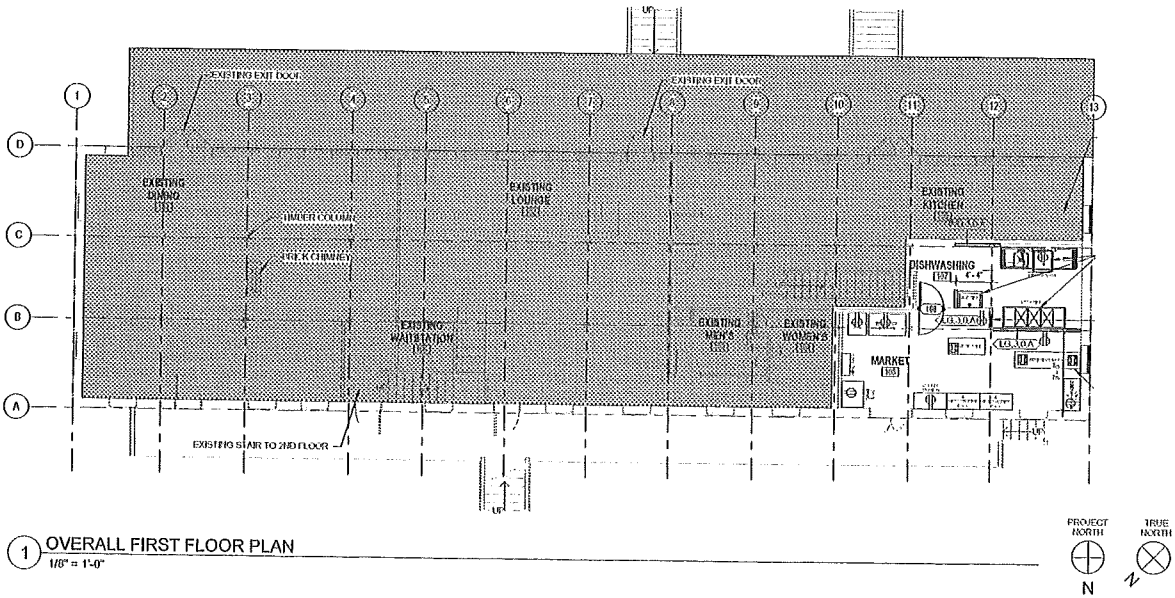
This application only applies to the Diamond's Edge Restaurant,

OCCUPANT TYPE	
Diamond's Edge Restaurant =	A-2 - ASSEMBLY
The General Store =	M - MERCHANDISE

Indoor
Entertainment
area, piped
music



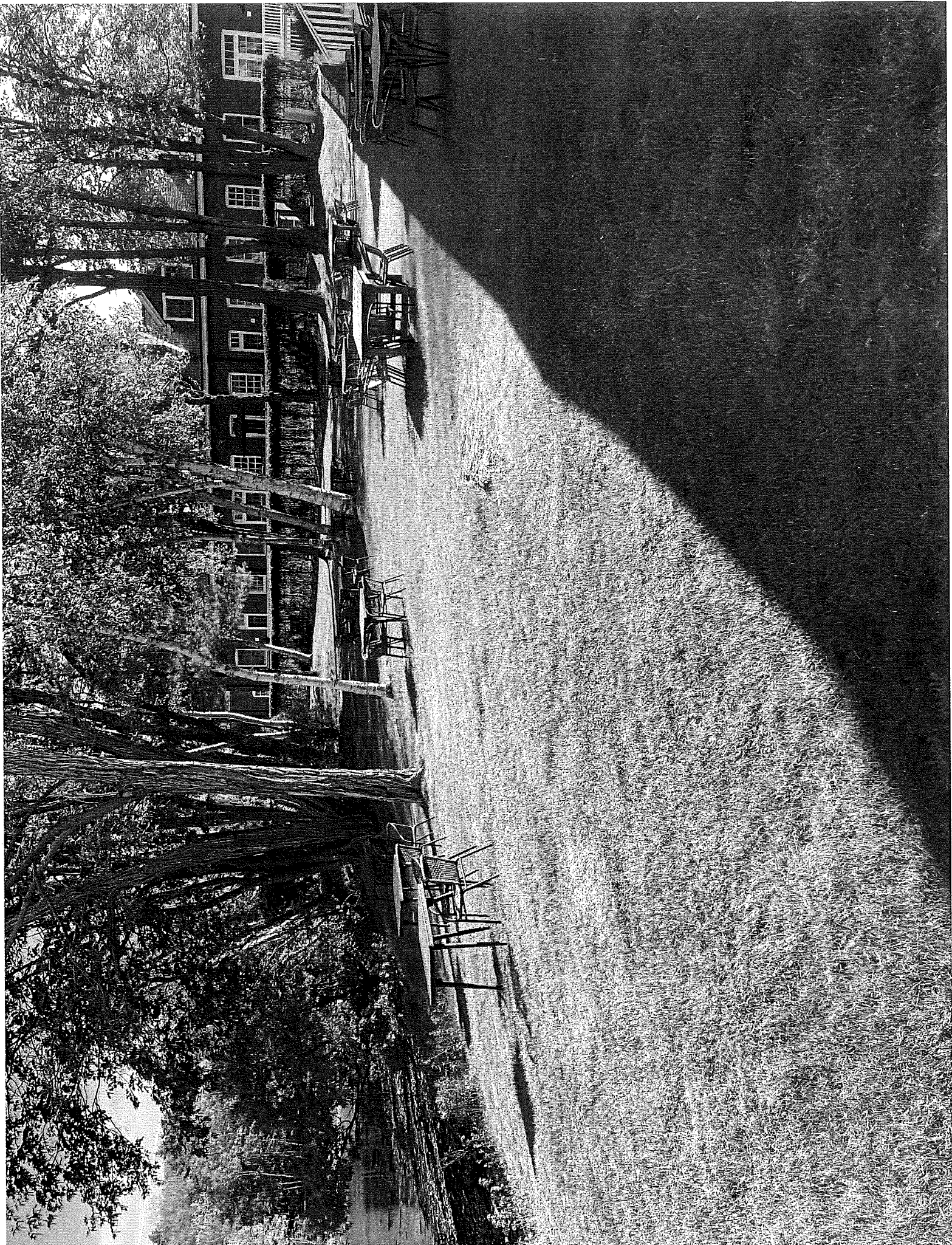
3 FIRST FLOOR LIFE SAFETY PLAN
1/8" = 1'-0"



1 OVERALL FIRST FLOOR PLAN
1/8" = 1'-0"

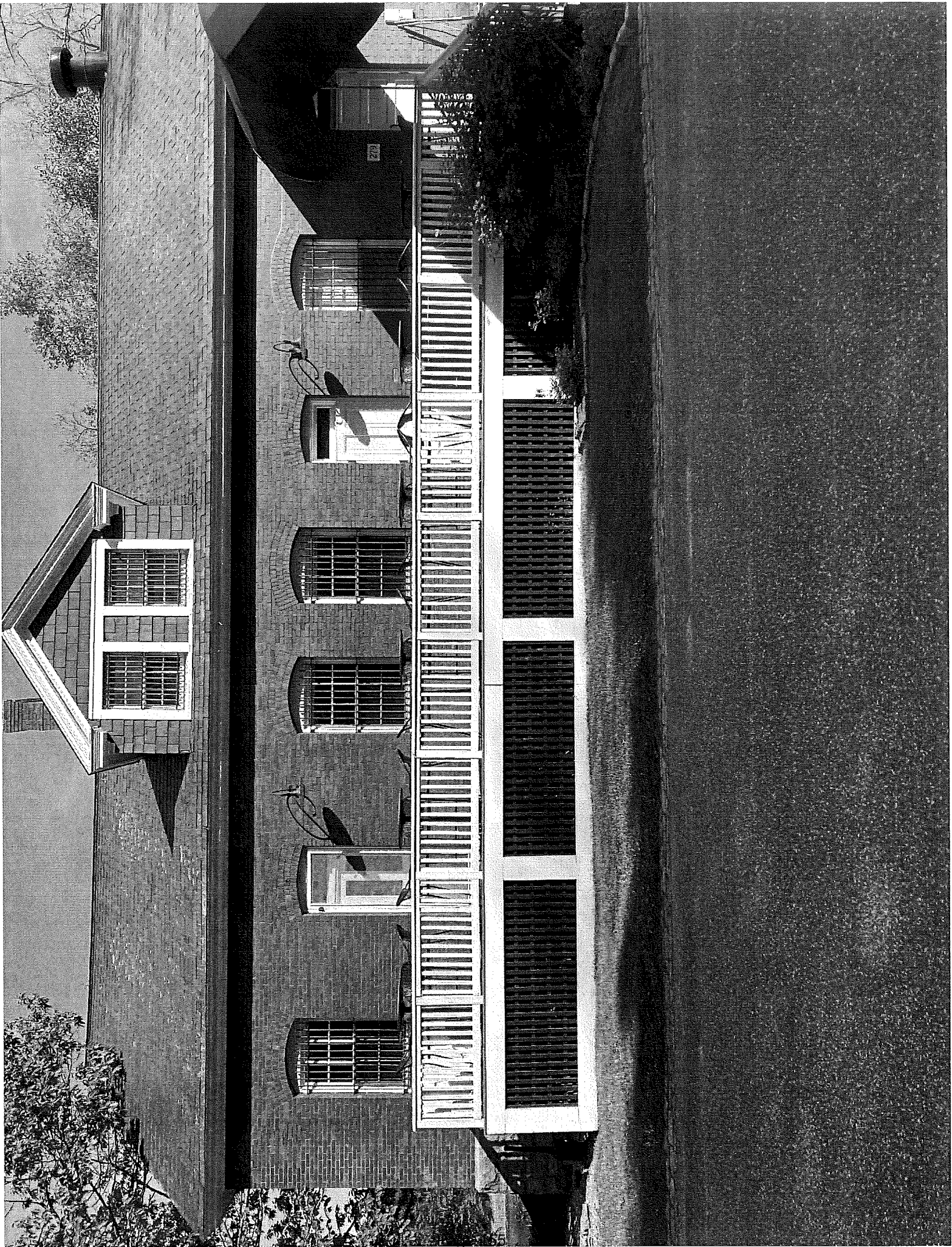
Outdoor Entertainment area - on occasion for special events only.











Sound Mitigation Plan

Prepared for:
Colwen Management Inc.
230 Commerce Way, Suite 200
Portsmouth, NH 03801

Venue: Diamonds Edge Restaurant and Marina
279 Diamond Ave
Great Diamond Island
Portland, ME 04109

Site Area A: Outdoor Deck/Porch and attached lawn area

1). Site/area layout:

Seasonal- small installed speakers for background audio piped in by Muzak or similar online system. Needs to have low volume for diners/guests to hear each other at tables. Anticipated sound levels less than 40db

2). Speaker location and direction/sound system details:

Existing speakers mounted on exterior wall of porch. Device/amplifier located inside building.

3). Mitigation measures needed to control sound:

No mitigation or noise canceling is needed at this location. The venue's location and surroundings will control the low level of audio. Only turned-on during meal service.

4). Projected sound levels:

Using a 90db reference for noise at this location, anticipated sound levels should not exceed this level and will be much lower. Venue anticipates a low-level music volume so guests can converse with each other.

Site Area B: Tent

1). Site/area layout:

Seasonal usage of Special Events tent setup on the front lawn. Portable sound system installed for weddings and similar outdoor gatherings. 4-6 speaker audio system for dancing and atmospheric music playback. Needs to have low volume for diners/guests to hear each other at tables but loud enough for dancing. Anticipated sound levels between 90-110db.

2). Speaker location and direction/sound system details:

Speakers will be located in the tent with all controls inside the tent structure. Either DJ equipment or a small band will be used for entertainment per event.

3). Mitigation measures needed to control sound:

No mitigation or noise canceling is needed at this location. The venue's location and surroundings will control the level of audio. System only used at this private location during specific venue rental times.

4). Projected sound levels:

Using a 90db reference for noise at this location, anticipated sound levels should be very close to this level. Venue anticipates a 4-6 hour rental period where music may be played during event, concluding around 10pm.

Prepared by:

Jeffrey M Robinson

Jeffrey M. Robinson
Audio/Video Consultant
jmrobinson@comcast.net
617-590-0690

May 31, 2022

DIAMOND'S EDGE

Wanted Coastal Cuisine

STARTERS

PEEKY TOE CRAB CAKE - 19

Citrus Aioli, Gazpacho Vinaigrette, Pea Shoot and Radish Salad

MAINE FARMERS BOARD - 23

Smoked and Cured Meats, Cheese, Quick Pickles, Maple Glazed Nuts, Flatbreads, Herb Honey

TUNA POKE - 17

Seaweed Salad, Macadamia Crunch, Cherry Blossom Soy, Chili Pepper, Hawaiian Sea Salt

STEAMED LOCAL LITTELENECKS - 18

Back Cove Pilsner, Petite Backyard Tomatoes, Basil Butter, Leeks, Grilled Focaccia

JUMBO GULF SHRIMP COCKTAIL - 18

Bloody Mary Cocktail Sauce, Fresh Horseradish, Quick Pickles

NEW ENGLAND CLAM CHOWDER - 14

Fresh Snipped Herbs, Hand Dug Clams, Maine Potatoes, Bacon Jam Crostini

GRILLED STREET CORN - 10

Soft Herbs, Farmers Cheese, Citrus Aioli, Chili Pepper

DARK AND STORMY WINGS - 14

Rum Scented Barbeque, Ginger Slaw

CHILLED SEAFOOD PLATTER FOR TWO - 60

Jumbo Shrimp Cocktail, 1/2 Chilled Maine Lobster, Poke Tuna, Pecky Toe Crab Salad, Bloody Mary Cocktail Sauce, Horseradish, Grilled Lemon

MAINES AND HANDHELDS

MAINE LOBSTER ROLL - 27

Buttered Brioche, Little Gem Lettuce, Micro Celery, Truffle Fries

MUSTARD RUBBED BEEF TENDERLOIN - 46

Exotic Mushroom Confit, Maine Potatoes, Chimichurri & Steak Sauce Aioli

TRADITIONAL LOBSTER BAKE

Buttered Corn, Maine Potatoes, Littleneck Clams, Lemon 1 1/2# - 60 | Add: Grilled Beef Tenderloin - 20

SUMMER VEGETABLE RAVIOLI - 29

Exotic Mushrooms, Carrot Butter Sauce, Baby Carrots

TRUFFLE SCENTED SEAFOOD SCAMPI - 40

Handspun Pasta, Tomatoes, Maine Lobster, Scallops, Shrimp and English Peas

NEW ENGLAND FISHERMENS STEW - 42

Tomato-Fennel Broth, Fingerling Potatoes, Clams, Lobster, Swordfish, Haddock, Salmon

SALADS

TOMATO AND WATERMELON SALAD - 14

Lava Salt, Micro Basil, Local Mozzarella, Olive Oil

FARMERS MARKET SALAD - 12

Petite Greens, Shaved Vegetables, Herb Vinaigrette, Toasted Pumpkin Seeds, Goat Cheese Mousse

LITTLE GEM CAESAR - 13

Marinated Tomatoes, Zucchini Bread Croutons, Tri-colored Peppercorn Dressing, White Anchovies

ADD:

Grilled Chicken Breast - 9 | Cedar Planked Salmon -12

Blackened Tuna - 13 | Lobster Salad - 18

MAINES FRESH CATCH

SERVED WITH ROASTED MAINE POTATOES,
ROASTED BABY CARROTS AND QUICK PICKLES

CEDAR PLANKED SALMON - 37

GRILLED SWORDFISH - 39

TRADITIONAL BAKED HADDOCK - 35

BLACKENED TUNA - 38

POLLEN DUSTED HALIBUT - 43

BRONZED DIVER SCALLOPS - 41

SAUCES:

Herb Chimichurri

Romesco

Gazpacho Vinaigrette

Lemon-Caper Butter Sauce

Chermoula

Brown Butter-Miso

Carrot Butter Sauce

DESSERT

SHORTCAKE DUET - 10

Maine Blueberry and Strawberry

CREME BRULEE - 12

Fresh Berries, Macaroon

ICE CREAM SUNDAY - 11

Vanilla Bean Ice Cream, Chocolate Sauce, Whipped Cream, Rainbow Sprinkles, Crumbled Walnuts

CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELLFISH OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS

SIGNATURE COCKTAILS

URCHIN GODDESS - 18
Bacardi Silver, Citrus, Midori, Crème De Coconut

MAINE MULE - 18
Cold River Blueberry Vodka, Muddled Blueberries,
Fever Tree Ginger Beer

EDGE GNT - 18
Bombay Brambleberry, Aromatic Tonic,
Lemon Wedge, Blackberry

FARMERS CUP - 18
Pimms, Cointreau, Ginger Ale, Carrot Juice,
Cucumber Syrup, Lemon Juice

CASCO BAY SUNRISE - 18
Silver Tequila, Hibiscus Syrup, Grand Marnier,
Ginger, Agave, Fresh Lime Juice

WHISKEY SMASH - 18
Bulleit Bourbon, Bitters, Lemon Juice, Peach, Mint

TROPICAL ESCAPE - 18
Goslings Black Seal Rum, Pineapple Syrup,
Malibu Coconut, Lime Juice

THE BASE - 18
Aviation Gin, Lemon Juice,
Luxardo Maraschino Liqueur, Elderflower

DRAFT

SAMUEL ADAMS SUMMER ALE - 9
SHIPYARD FINDER NEW ENGLAND IPA - 9
ALLAGASH WHITE - 9
LONE PINE PORTLAND PALE ALE - 9
RISING TIDE MAINE ISLAND TRAIL ALE - 9
RISING TIDE ROTATING ISLAND SERIES - 9
FOUNDATION BURNSIDE BROWN ALE - 9
FOUNDATION EPIPHANY DOUBLE IPA - 9
VINSPINA PROSECCO - 11
TRULY HARD SELZER WILD BERRY - 8

BOTTLES & CANS

MILLER LITE - 6
CORONA EXTRA - 6
LONE PINE BRIGHTSIDE IPA - 8
LONE PINE TESSELATION DIPA - 9
LONE PINE RASPBERRY SPARKLER SOUR - 9
LONE PINE OH-J CRAFT SELTZER - 9
FOUNDATION AFTERGLOW IPA - 9
RISING TIDE DAYMARK PALE ALE - 8
RISING TIDE ISHMAEL COPPER ALE - 8
RISING TIDE SPINNAKER HEFEWEIZEN - 8

WOODLAND FARMS POINTER N/A IPA - 8
WOODLAND FARMS WITTY N/A WHITE ALE - 8

BUBBLES

Vinspina Prosecco - 11
Boisterous Fruit and Flower Aromas
Benacetto, Prosecco, Veneto, Italy - 37
Floral Notes of White Blossoms, Apple and Pear
Mumm Napa, Sparkling Wine, Napa Valley, California - 47
Bright Citrus, Red Apple, and Stone Fruit Aromas
Duetz, Champagne, Champagne, France - 99
Fresh and Lush with Raspberry Notes Mixing with Stone Fruit

ROSE

Chateau de L'Escarelle - 12/44
Delicate Notes of Citrus and Pear, Subtle Strawberry on the Palate
Miraval, Cotes de Provence Rose, Provence, France - 48
Delicious Red Currant with Lemon, Mineral, Saline Notes

WHITE

Pike Road Wines, Pinot Gris, Willamette Valley, Oregon - 10/34
Fruit Forward, Ripe Nose, Fresh and Juicy
Lobster Reef, Sauvignon Blanc, Marlborough, New Zealand - 9/32
Aromatic and Generous on the Palate
Heron Wines, Chardonnay, Mendocino County, California - 10/36
Mouthful of Apricot and Fuji Apple
St. Francis, Chardonnay, Sonoma County, California - 9/32
Aroma of Green Apple, Juicy Pear and Melon
Simi, Chardonnay, Sonoma County, California - 13/48
Zesty Fresh Flavors of Tangerine and Peach
Masi Agricola, Pinot Grigio, Veneto, Italy - 32
Refreshing Lemon, Peach and Apricot Flavors
Santa Margherita, Pinot Grigio, Alto Adige, Italy - 48
Bouquet of Flowers and White Fleshy Fruit
Domaine Delaporte, Sancerre, Loire Valley, France - 60
Very Expressive with Rhubarb, Blackcurrent, and Kiwi
Hall Wines, Sauvignon Blanc, California - 49
White Pepper Spice, Peachy Citrus Notes
Mohua, Sauvignon Blanc, Marlborough, New Zealand - 32
Passionfruit, Gunsmoke, Herb Aroma
Pine Ridge Vineyards, Chenin Blanc Viognier Blend, California - 32
Lush Ripe Flavors, Honey Character
Cakelard Cellars, Chardonnay, Napa Valley, California - 78
Apple and Pear Character with Appealing Mineral Notes
Sonoma Cutrer Vineyards, Chardonnay, Russian River Valley, CA - 49
Peach, Apple, Crème Brûlée Flavor, Touch of Vanilla and Oak Spice
Maison Louis Jadot, Pouilly Fuisse, Burgundy, France - 61
Flavors of Toasted Nuts and Citrus

RED

Pavette, Pinot Noir, California - 9/32
Sweet Red Citrus Flavors, Subtle Spice and Tea
Erath, Pinot Noir, Oregon - 14/52
Black Cherry, Plum, Currant Aromas
Columbia Crest, Merlot, Washington - 8/28
Intense Aroma Strawberries, Blueberries and Jam
Lyeth Estate, Cabernet Sauvignon, California - 9/32
Rich and Luscious, Smooth, Balanced Tannins
Silver Palm Wines, Cabernet Sauvignon, California - 10/38
Black Cherry, Spice and Oak Flavors, Round Firm Tannins
Tinto Negro, Malbec, Mendoza, Argentina - 8/28
Intense Floral Aromatics, Dark Fruit Flavors
Montinore, Pinot Noir, Oregon - 42
Nose and Palette full of Brambleberries, Walnuts and Red Cherries
DeLoach Vineyards, Pinot Noir, California - 28
Mouthwatering Flavors of Cherry and Cranberry
La Crema, Pinot Noir, Sonoma Coast, California - 51
Aroma of Sweet Tobacco and Pomegranate with Berry Flavors
Rutherford Ranch, Merlot, Napa Valley, California - 52
Flavors of Leather, Black Pepper, Oak and Stone Fruit
Heitz Cellar, Cabernet Sauvignon, Napa Valley, California - 94
Blackberry Aroma with Spiced Notes of Nutmeg
Buehler Vineyards, Cabernet Sauvignon, Napa Valley California - 60
Flavors and Aroma of Plum, Blackberry and Black Currant
Rabble, Cabernet Sauvignon, Paso Robles, California - 44
Cherry and Black Berry Flavors with a Burst of Coca Cola
Chateau Les Grands, Bordeaux, Bordeaux, France - 58
Rounded Dark Fruit and a hint of Fig
Penfolds, Shiraz-Cabernet Sauvignon, South Australia, Australia - 54
Almond Cake and Boysenberry Aromatics

DIAMOND'S EDGE

Local Ingredients • Local Chefs

BAR BITES

MAPLE GLAZED NUTS AND SIZZLING OLIVES

Rosemary, Citrus, Star Anise - 9

TUNA POKE

Seaweed Salad, Macadamia Crunch,
Cherry Blossom Soy, Chili Pepper,
Hawaiian Sea Salt - 17

JUMBO GULF SHRIMP COCKTAIL

Bloody Mary Cocktail Sauce,
Fresh Horseradish, Quick Pickles - 18

NEW ENGLAND CLAM CHOWDER

Fresh Snipped Herbs, Hand Dug Clams,
Maine Potatoes, Bacon Jam Crostini - 14

DARK AND STORMY WINGS

Rum Scented Barbeque,
Ginger Slaw - 14

MAINE FARMERS BOARD

Smoked and Cured Meats, Cheese,
Quick Pickles, Maple Glazed Nuts
Flatbreads, Herb Honey - 23

MAINE LOBSTER ROLL

Buttered Brioche, Little Gem Lettuce,
Micro Celery, Truffle Fries - 27

GRILLED CHICKEN SUMMER CLUB

Smashed Avocado, Citrus Aioli,
Applewood Smoked Bacon, Backyard Tomato,
Gem Lettuce, Herb Focaccia - 17

BUTCHERS BURGER

Local Signature Blend, Buttered Brioche,
Lettuce, Tomato, Onion, Maine Cheddar,
Applewood Bacon, Steak Sauce Aioli - 18

BLACKENED TUNA TACOS

Ginger Slaw, Citrus Aioli, Radish,
Fire Roasted Salsa - 18

DIAMOND'S EDGE

Local Ingredients • Local Chefs

BAR BITES

MAPLE GLAZED NUTS AND SIZZLING OLIVES

Rosemary, Citrus, Star Anise - 9

TUNA POKE

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Cucumber Syrup, Lemon Juice

CASCO BAY SUNRISE - 18
Silver Tequila, Hibiscus Syrup, Grand Marnier,
Ginger, Agave, Fresh Lime Juice

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Bulleit Bourbon, Bitters, Lemon Juice, Peach, Mint

TROPICAL ESCAPE - 18
Goslings Black Seal Rum, Pineapple Syrup,
Malibu Coconut, Lime Juice

THE BASE - 18
Aviation Gin, Lemon Juice,
Luxardo Maraschino Liqueur, Elderflower

DRAFT

SHIPYARD SUMMER ALE - 9
SHIPYARD FINDER NEW ENGLAND IPA - 9
ALLAGASH WHITE - 9
LONE PINE PORTLAND PALE ALE - 9
RISING TIDE MAINE ISLAND TRAIL ALE - 9
RISING TIDE ROTATING ISLAND SERIES - 9
FOUNDATION BURNSIDE BROWN ALE - 9
FOUNDATION EPIPHANY DOUBLE IPA - 9
VINSPINA PROSECCO - 11
TRULY HARD SELZER WILD BERRY - 8

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CORONA EXTRA - 6
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LONE PINE OH-J CRAFT SELTZER - 9
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RISING TIDE DAYMARK PALE ALE - 8
RISING TIDE ISHMAEL COPPER ALE - 8
RISING TIDE SPINNAKER HEFEWEIZEN - 8

WOODLAND FARMS POINTER N/A IPA - 8
WOODLAND FARMS WITTY N/A WHITE ALE - 8

BY THE GLASS

VINSPINA PROSECCO - 11
CHATEAU DE L'ESCARELLE ROSE - 12
PIKE ROAD WINES, PINOT GRIS - 10
LOBSTER REEF, SAUVIGNON BLANC - 9
HERON WINES, CHARDONNAY - 10
ST. FRANCIS, CHARDONNAY - 9
SIMI, CHARDONNAY - 13
PAVETTE, PINOT NOIR - 9
ERATH, PINOT NOIR - 14
COLUMBIA CREST, MERLOT - 8
LYETH ESTATE, CABERNET SAUVIGNON - 9
SILVER PALM WINES, CABERNET SAUVIGNON - 10
TINTO NEGRO, MALBEC - 8

SIGNATURE COCKTAILS

URCHIN GODDESS - 18
Bacardi Silver, Citrus, Midori, Crème De Coconut

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BY THE GLASS

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CHATEAU DE L'ESCARELLE ROSE - 12
PIKE ROAD WINES, PINOT GRIS - 10
LOBSTER REEF, SAUVIGNON BLANC - 9
HERON WINES, CHARDONNAY - 10
ST. FRANCIS, CHARDONNAY - 9
SIMI, CHARDONNAY - 13
PAVETTE, PINOT NOIR - 9
ERATH, PINOT NOIR - 14
COLUMBIA CREST, MERLOT - 8
LYETH ESTATE, CABERNET SAUVIGNON - 9
SILVER PALM WINES, CABERNET SAUVIGNON - 10
TINTO NEGRO, MALBEC - 8



Zachary Lenhart <zlenhart@portlandmaine.gov>

Diamonds Edge Restaurant

Eric Nevins <erich@portlandmaine.gov>

Sat, Jun 25, 2022 at 6:19 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Thu, Jun 23, 2022 at 1:35 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

Diamonds Edge Restaurant

Zoning <zoning@portlandmaine.gov>

Tue, Jun 28, 2022 at 1:42 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>

Zoning has signed off on this with the following note,

A Class A Restaurant (Class I Liquor License) is a permitted use within the IR-3 Zone.

Thanks,
Jonathan

[Quoted text hidden]

City of Portland

Sound Mitigation Review

Date: 7/6/2022

Business Diamond's Edge

Applicant Gregg Pattle

DESCRIPTION		yes	no
Sound system appropriate for the size venue		Yes	
Performance space located in an appropriate location		Yes	
Performance space facing in an appropriate direction to control sound		Yes	
Surrounding surfaces appropriate to control sound		Yes	
Additional sound absorbing features			
additional notes			
Approved		Yes	
DIRECT ALL INQUIRIES TO:			
Kevin Schneck			
(207) 756-8433			
kschneck@portlandmaine.gov			

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Diamond's Edge LLC, dba Diamond's Edge Restaurant. Applications for Class 1 FSE with Combined Entertainment and Outdoor Dining on Private Property at 279 Diamond Avenue - Sponsored by Danielle P. West, Interim City Manager



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Diamond's Edge LLC
468 Fore Street
Portland, ME 04101

Re: Diamond's Edge LLC, dba Diamond's Edge Restaurant. Applications for Class 1 FSE with Combined Entertainment and Outdoor Dining on Private Property at 279 Diamond Avenue

Dear Diamond's Edge LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application for Class 1 FSE with Combined Entertainment and Outdoor Dining on Private Property at 279 Diamond Avenue. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

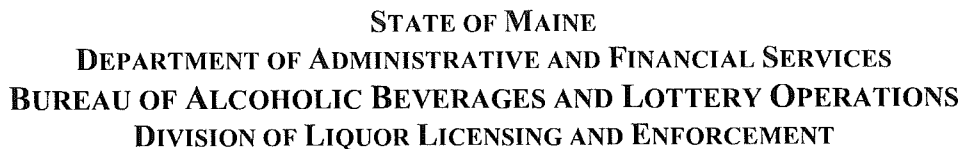
You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☒ Renewal Expiration Date: 05/27/2022

Food: \$ 700,000.00 Beer, Wine or Spirits: \$ 350,000.00 Guest Rooms: N/A

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

1359 Hooksett Road, Hooksett, NH 03106

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☐ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Inn at Diamond Cove	CAR-2015-4044	22 McKinley Ct, Portland, ME
Portland Harbor Hotel	HOT-2002-4187	468 Fore Street, Portland, ME

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Gregg Michael Pattle	04/10/1966	Quincy, MA
Residence address on all the above for previous 5 years		
Name	Address:	
Gregg Michael Pattle	133 Kimball Road, Harrison, ME 04040	
Name	Address:	
Name	Address:	
Name	Address:	

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☒ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☒ Yes ☐ No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Diamond's Edge Restaurant offers seasonal indoor and outdoor food service as shown on
the attached plans. 2022 Season is 5/20 - 10/10

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: None

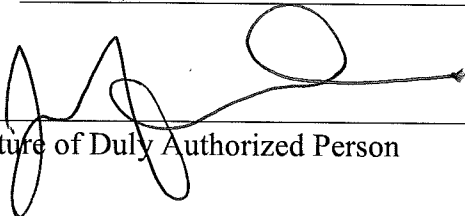
Distance: _____

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/4/22



Signature of Duly Authorized Person

Jennifer Stebbins Thomas

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

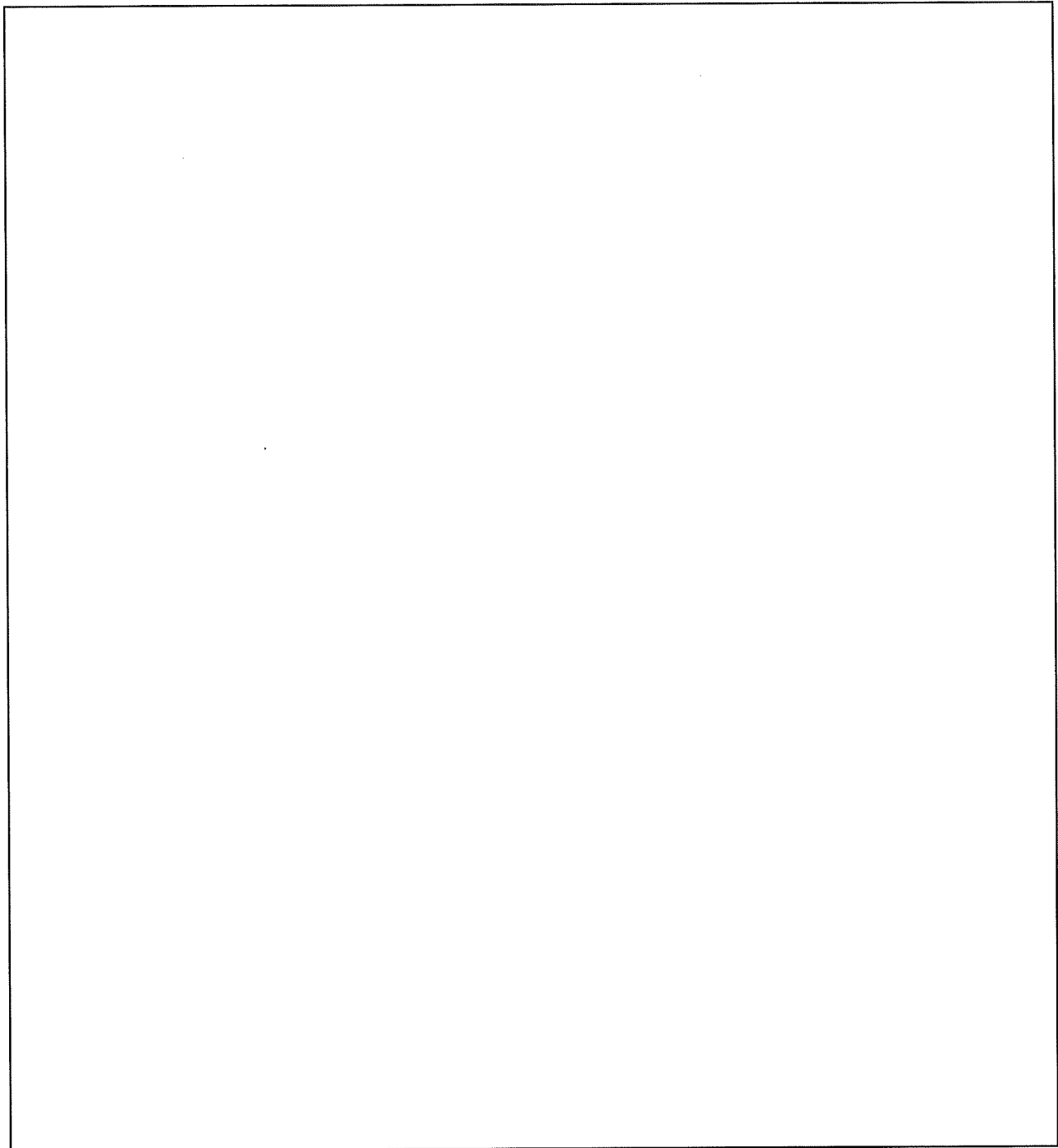
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

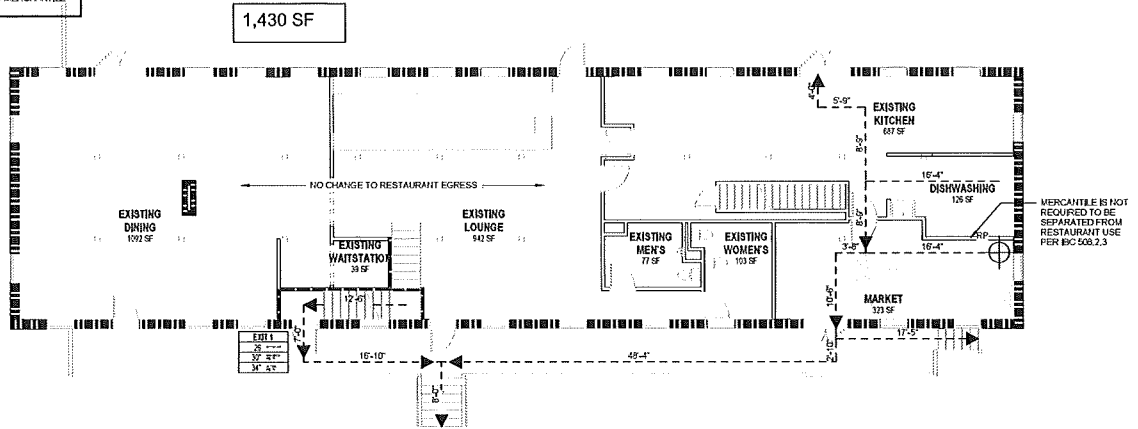
In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

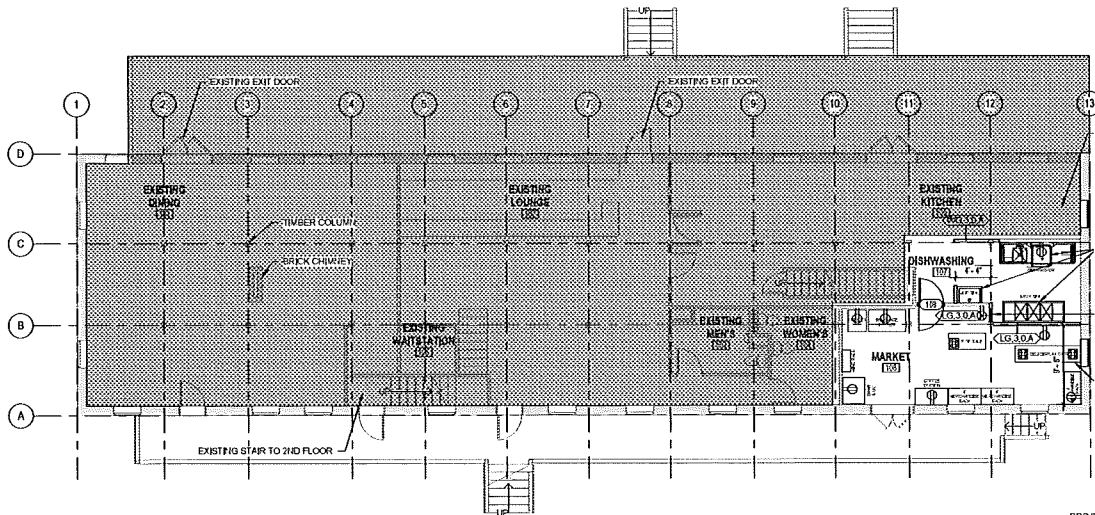


This application only applies to the Diamond's Edge Restaurant, separate applications have been submitted for the market/The General Store.

OCCUPANT TYPE	
Diamond's Edge Restaurant =	A-2 - ASSEMBLY
The General Store =	M - MERCHANDISE



3 FIRST FLOOR LIFE SAFETY PLAN
1/8" = 1'-0"



1 OVERALL FIRST FLOOR PLAN
1/8" = 1'-0"

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Diamond's Edge LLC
2. Doing Business As, if any: Diamond's Edge Restaurant
3. Date of filing with Secretary of State: 12/13/2012 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Bateman Partners, LLC	470 Fore Street, Portland, ME 04101			19.5000
XS Island LLC	1359 Hooksett Road, Hooksett, NH 03106			50.9200
Paul Tarbox	470 Fore Street, Portland, ME 04101	5/12/31	Member	19.5000
Charles DesLauriers	470 Fore Street, Portland, ME 04101	12/3/52	Member	10.0800

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Bateman Partners, LLC
2. Doing Business As, if any: N/A (19.5% member of Diamond's Edge, LLC)
3. Date of filing with Secretary of State: 09/30/2004 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
David Bateman	17 Brannen Lane, Eliot ME	04/28/1951	President	33.3333
Nathan Bateman	26 Marigold Ln, Falmouth ME	06/13/1977	Vice Pres	33.3333
Aaron Bateman	16 Homer Sand Dr, Scarborough	09/09/1973	Treasurer	33.3333

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: XS Island LLC
2. Doing Business As, if any: N/A (50.92% member of Diamond's Edge LLC)
3. Date of filing with Secretary of State: 03/16/2021 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Colwen Management, Inc.
2. Doing Business As, if any: N/A (12.73% member of Diamond's Edge LLC)
3. Date of filing with Secretary of State: 06/07/2001 State in which you are formed: NH
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: CLBS Trust LLC
2. Doing Business As, if any: N/A (12.73% member of Diamond's Edge)
3. Date of filing with Secretary of State: 11/27/2011 State in which you are formed: VT
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: M.R.S Equity LLC
2. Doing Business As, if any: N/A (25.46% member of Diamond's Edge LLC)
3. Date of filing with Secretary of State: 12/08/2016 State in which you are formed: DE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Mark R. Stebbins Revocable Trust of 2015
2. Doing Business As, if any: N/A (25.46% member of Diamond's Edge LLC)
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
See Attached				

(Ownership in non-publicly traded companies must add up to 100%.)

XS ISLAND OWNS 50.92% OF DIAMOND'S EDGE LLC		
Name & Address	Title	% Ownership in Licensee
CLBS Trust LLC 64 North Main Street, Rutland, VT 05701	25% Member of XS Island LLC	12.73% of Diamond's Edge LLC
Colwen Management, Inc. 230 Commerce Way Portsmouth, NH 03801	25% Member of XS Island LLC	12.73% of Diamond's Edge LLC
M.R.S Equity LLC 1359 Hooksett Rd, Hooksett, NH 03106	50% Member of XS Island LLC	25.46% of Diamond's Edge LLC
TOTAL	100%	50.92%

CLBS TRUST LLC OWNS 12.73% OF DIAMOND'S EDGE LLC		
Name & Address	Title	% Ownership in Licensee
Leo Xarras 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	50% Member of CLBS Trust LLC DOB: 6/20/68	6.365% of Diamond's Edge LLC
Bruce Armitage 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	50% Member of CLBS Trust LLC DOB: 10/20/61	6.365% of Diamond's Edge LLC
TOTAL	100%	12.73%

COLWEN MANAGEMENT, INC. OWNS 12.43% OF DIAMOND'S EDGE LLC		
Name & Address	Title	% Ownership in Licensee
Leo Xarras 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	Chairman, CEO, Director, Sole Shareholder (100%) DOB: 6/20/68	12.73% of Diamond's Edge LLC
Julie Scott 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	President	
David Rebich 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	CFO, Treasurer	
David Van Der Beken 889 Elm Street, 6th Floor, Manchester, NH 03101	Secretary	
Christine Thomas 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	Director	
Mark Schleicher 230 Commerce Way, Ste. 200 Portsmouth, NH 03801	Director	
TOTAL	100%	12.73%

M.R.S Equity LLC OWNS 25.46% OF DIAMOND'S EDGE LLC		
Name & Address	Title	% Ownership in Licensee
Mark R. Stebbins Revocable Trust of 2015 1359 Hooksett Road Hooksett, NH 03106	100% Member of M.R.S. Equity LLC	25.46% of Diamond's Edge LLC
TOTAL	100%	25.46%

MARK R. STEBBINS REVOCABLE TRUST OF 2015 OWNS 25.46% OF DIAMOND'S EDGE LLC		
Name & Address	Title	% Ownership in Licensee
Sally N. Stebbins 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 1/7/54	6.365% of Diamond's Edge LLC
John R. Stebbins 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 10/21/83	6.365% of Diamond's Edge LLC
Jennifer Stebbins Thomas 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 10/25/86	6.365% of Diamond's Edge LLC
Lisa B. Geoghegan 1359 Hooksett Road, Hooksett, NH 03106	Trustee DOB: 1/20/89	6.365% of Diamond's Edge LLC
TOTAL		25.46%

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 10-22/23 Granting Municipal Officers' Approval of Allagash Brewing Company, dba Allagash Brewing Company. Application to expand Brewery/Winery/Distillery On Premise Consumption at 50 Industrial Way - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/21/22. New City and State applications. Expansion of existing premises.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Allagash_Expansion

2. Allagash_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Allagash Brewing Company, dba Allagash Brewing Company. Application to expand
Brewery/Winery/Distillery on Premise Consumption at 50 Industrial Way**



June 8, 2022

Mayor Snyder & City Council Members
City of Portland
389 Congress Street, Rm 307
Portland, ME 04101

**Subject: Notice of Intent
Permanent Extension of License
Allagash Brewing Company**

Dear Mayor Snyder and City Council Members:

This letter serves as Allagash Brewing Company's notice of intent to apply for permanent extension of license privileges, expanding our liquor service area to a dedicated area in the building known as our "barrel room". Per instructions by the City of Portland Business licensing, an application for *Food Service Establishment with Alcoholic Beverages License* has been submitted to the City. The State of Maine's *Request for Extension of License Privileges* has also been provided to the City for approval prior to submission to State Liquor Licensing.

We look forward to communicating with you regarding this matter.

Thank you,

Leah Jones
Compliance
Allagash Brewing Company
50 Industrial Way
Portland, ME 04103
(207) 878-5385
compliance@allagash.com



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Establishment Name (d/b/a):	Allagash Brewing Company	Phone:	207-878-5385
Location Address:	501 Industrial Way, Portland		Zip: 04103
If new, what was formerly at this location:	Same owner, same license		
Mailing Address:	50 Industrial Way, Portland		Zip: 04103
Contact Person:	Leah Jones	Phone:	207-878-8385
Contact Person Email:	compliance@allagash.com		
Manager of Establishment:	Jason Perkins	Date of Birth: 7/11/74	Phone: 207-878-5385
Owner of Premises (Landlord):	Allagash Brewing Company		
Address of Premises Owner (Landlord):	50 Industrial Way, Portland ME 04103		Zip:

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Allagash Brewing Company		50 Industrial Way, Portland ME 04103 Zip:	
Contact Person:	Leah Jones	Phone:	207-878-5385
Principal Officers	Title	Date of Birth	Residence Address
George Robert Tod, Jr.	President	7/8/68	156 Woodville Rd. Falmouth, ME
Class of Liquor License:	Brewery & Small Winery BWD on Premise Consumption		

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	bagged snacks	
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: < 0.01%	Generated from Alcohol: >99.9%
Hours & days of operation:	Monday-Sunday 11am-7pm	
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		☒ Y ☐ N
If No, please explain: we are not offering full-course meals. This application is for the extension of serving liquor.		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		☒ Y ☐ N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?		☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		☒ Y ☐ N
If yes, please list: # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		10/1/22
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?		☒ Y ☐ N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		☒ Y ☐ N
If Yes, please explain:		

I, Leah Jones do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Leah Jones Title Compliance Date 6/1/2022



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): Allagash Brewing Company	Business Name (D/B/A):
Individual or Sole Proprietor Licensee Name(s):	Physical Location: 100 Industrial Way, Portland ME 04103
License Number: BRW-1995-13, BRW-2017-13W, SMW-2022-14151	Mailing address, if different: 50 Industrial Way, Portland, ME 04103
Mailing address, if different from DBA address:	Email Address: compliance@allagash.com
Telephone # Fax #: 207-878-5385	Business Telephone # Fax #: 207-878-5385

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: Allagash Brewing Company

Complete mailing address: 50 Industrial Way

Portland, ME 04103

Telephone/Mobile Number: (207) 878-5385

Email Address: compliance@allagash.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☐
b. Permanent ☐ Inside ☒ Outside ☐

continue to next page

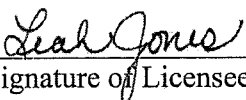
3. Start Date: ~~7/1/22~~ 10/1/22 End Date (if applicable): n/a
4. Will dancing be permitted in this area? Yes ☐ No ☒
a. If yes, does the establishment have a dance license? Yes ☐ No ☐
b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☐ No ☒
6. Reason for this request: To expand our liquor service area in order to provide an experience for guests to try our products in the building known as our "wild barrel room".

Section III: Signature of Licensee

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: May 31, 2022


Signature of Licensee or Duly Authorized Person

Leah Jones
Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☒ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: City of Portland

Who is approving this application? ☒ Municipal Officers
☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

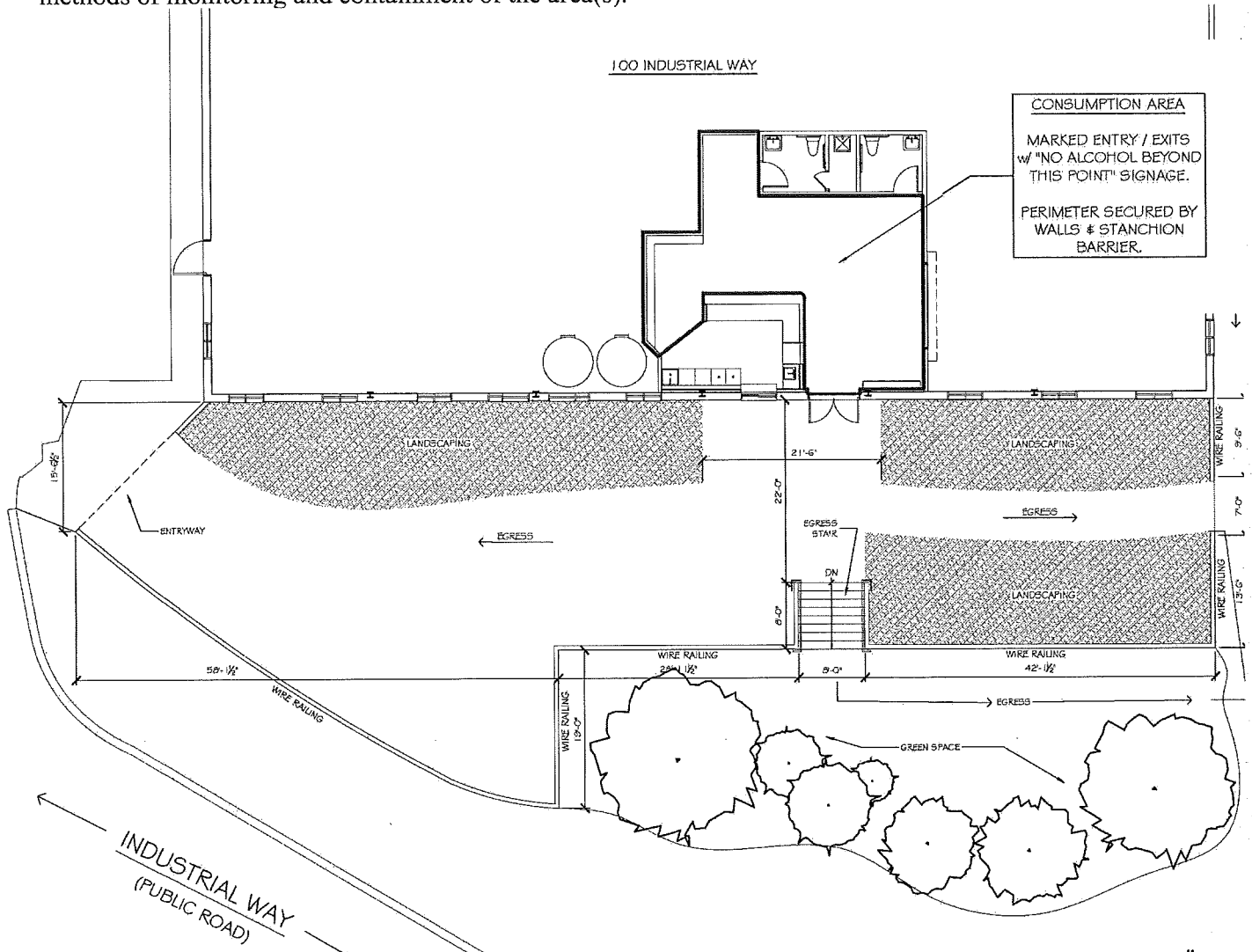
Continued to next page

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).



For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved ☐ Not Approved



Zachary Lenhert <zlenhert@portlandmaine.gov>

Allagash - Outdoor Dining

Eric Nevins <erickn@portlandmaine.gov>

Sat, Jun 25, 2022 at 5:00 PM

To: Zachary Lenhert <zlenhert@portlandmaine.gov>

Approved

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513

Allagash - Outdoor Dining

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Fri, Jun 24, 2022 at 11:45 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Treasury Division <treasury@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>

Zoning can approve. This is a permitted accessory use in the IM zone.

Thank you,

Mac

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Allagash Brewing Company
50 Industrial Way
Portland, ME 04103

Re: Allagash Brewing Company, dba Allagash Brewing Company. Application to expand Brewery/Winery/Distillery on Premise Consumption at 50 Industrial Way

Dear Allagash Brewing Company:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application to expand Brewery/Winery/Distillery on Premise Consumption at 50 Industrial Way. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Allagash Brewing Company, dba Allagash Brewing Company. Application to expand Brewery/Winery/Distillery on Premise Consumption at 50 Industrial Way - Sponsored by Danielle P. West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 11-22/23 Granting Municipal Officers' Approval of Arcadia Gaming & Pizza Parlor LLC, dba Arcadia Pizza and Gaming. Application for Outdoor Dining on Public Property at 504 Congress Street - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/15/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge License.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Arcadia_Outdoor Dining
2. Arcadia_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Arcadia Gaming & Pizza Parlor LLC, dba Arcadia Pizza and Gaming. Application for
Outdoor Dining on Public Property at 504 Congress Street**

6/8/22

Arcadia Gaming and Pizza
504 Congress St
Portland, ME 04101

Outdoor Dining on Public Property Application

Dear Mayor Kate Snyder and city council members:

Arcadia Gaming and Pizza (Arcadia), located at 504 Congress st., are seeking to apply for an outdoor dining on public property. Our feeling is that this will create a more inviting atmosphere to all patrons by offering some open and fresh air. We plan on allowing the consumption of food (pizza and sandwiches) and alcohol (beer, wine, and cocktails) on the outdoor patio. Patrons will need to enter the premises through our main entrance and have their ID checked. They will not be able to enter or exit through the outdoor seating area. Please contact us for any concerns or questions you might have and we look forward to your feedback.

Sincerely,
David Aceto - Owner
Dennis Gaines - Owner
Nicole Costas-Rosa - Owner



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>350</u> SF = _____
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information			
Establishment Name (d/b/a):	Arcadia Pizza and Gaming	Phone:	207-939-7829
Location Address:	504 congress st	Zip:	04101
Mailing Address:	504 Congress St	Zip:	04101
Contact Person:	Dennis Gaines	Phone:	207-939-7829
Contact Person Email:	arcadiaportland@gmail.com		
Manager of Establishment:	Nicole Costas-Rosa	Date of Birth:	9/18/77
		Phone:	203-898-1121
Owner of Premises (Landlord):	Michael Kaplan		
Address of Premises Owner (Landlord):	49 Ocean Avenue, Portland	Zip:	04103

Owner Information

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:		Phone:	
Principal Officers	Title	Date of Birth	Residence Address
Dave Aceto	Owner	8/15/84	184 Congress st, Portland 04101
Dennis Gaines	Owner	6/6/77	460 Highland Ave, S. Portland 04106
Nicole Costas-Rosa	Owner	9/18/77	48 pleasant street apt 10, Portland 04101

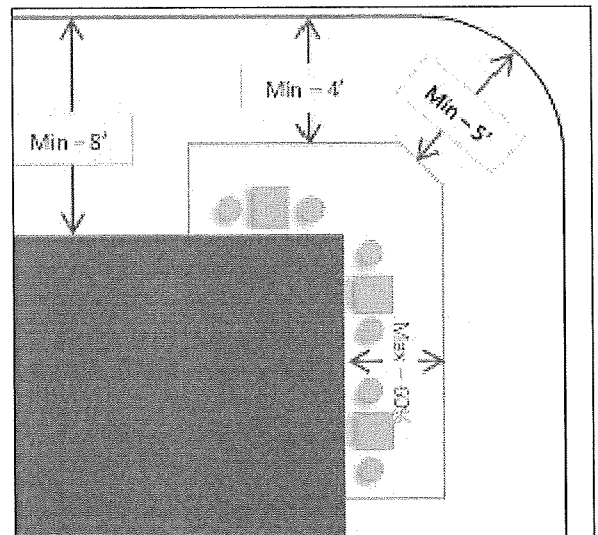


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Resturant
Type of food served:	Pizza, sandwiches
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	Wednesday - Monday 5-1am
Number of Tables	5
Number of Chairs	14

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

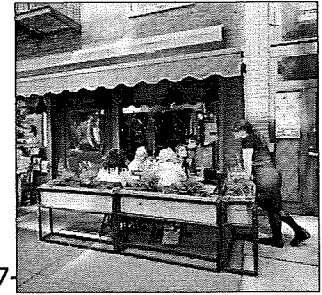
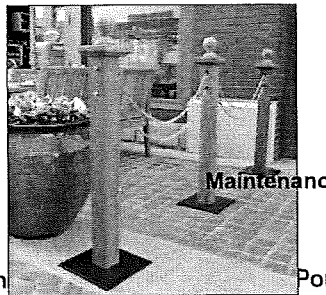


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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.

Signature Dennis Gaines Title Owner Date 6/13/22

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	_____	_____
CC _____ CA _____ CK _____	Health: _____	_____	_____
	PD: _____	_____	_____
Amount: _____	Treasury: _____	_____	_____
Date Paid: _____	Zoning: _____	_____	_____
CC _____ CA _____ CK _____			

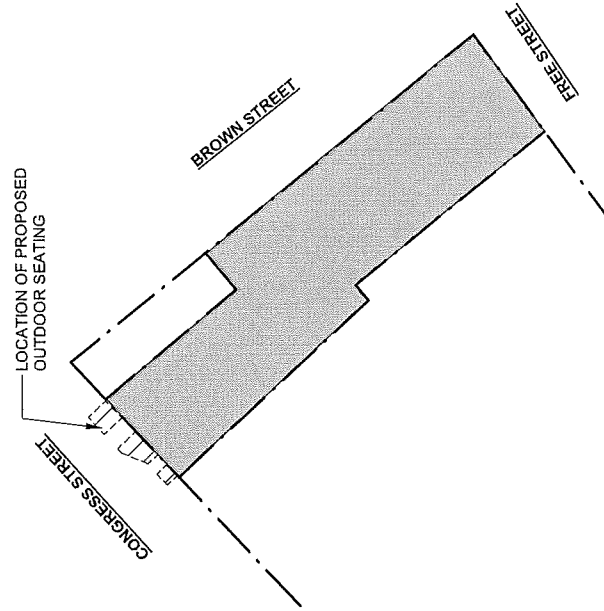
ARCADIA - OUTDOOR SEATING

SCALE:
As indicated

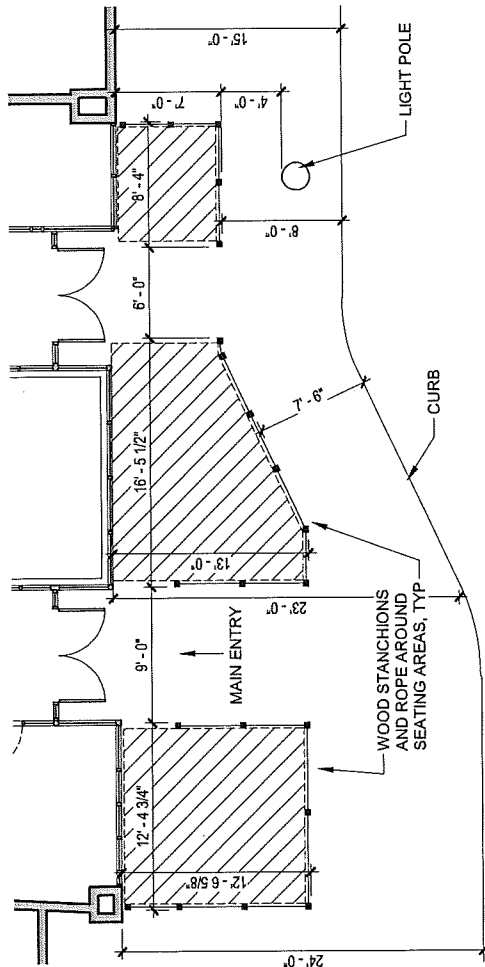
ISSUE
6/1/2022

TITLE
OUTDOOR SEATING

SHEET
A1



2 PLOT PLAN
1" = 60'-0"



PROPOSED OUTDOOR SEATING

350 SF OUTDOOR SEATING TABLES AND CHAIRS

15 SF/P NET = 24 OCCUPANTS

ADDED TO 448 EXISTING INTERIOR OCCUPANCY

472 TOTAL OCCUPANTS WITH OUTDOOR SEATING, A2 OCCUPANCY

REQUIRED BATHROOMS FOR 236 F AND 236 M =

3 M TOILETS

6 F TOILETS

2 URINALS

EXISTING BATHROOMS =

11 TOILETS

2 URINALS

1 OUTDOOR SEATING PLAN
1/8" = 1'-0"



Zachary Lenhart <zlenhart@portlandmaine.gov>

Arcadia - Outdoor Dining

Eric Nevins <erickn@portlandmaine.gov>

Sat, Jun 25, 2022 at 4:42 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Wed, Jun 22, 2022 at 1:47 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513

Arcadia - Outdoor Dining

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Fri, Jun 24, 2022 at 9:29 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Ok w/ zoning.

Thank you,

Mac

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Arcadia Gaming & Pizza Parlor LLC
504 Congress Street
Portland, ME 04101

**Re: Arcadia Gaming & Pizza Parlor LLC, dba Arcadia Pizza and Gaming.
Application for Outdoor Dining on Public Property at 504 Congress Street**

Dear Arcadia Gaming & Pizza Parlor LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application for Outdoor Dining on Public Property at 504 Congress Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Arcadia Gaming & Pizza Parlor LLC, dba Arcadia Pizza and Gaming. Application for Outdoor Dining on Public Property at 504 Congress Street



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC):	Business Name (D/B/A):
Arcadia Gaming and Pizza, LLC	Arcadia
Individual or Sole Proprietor Licensee Name(s):	Physical Location:
Dave Aceto, Dennis Gaines, Nicole Costas-Rosa	504 Congress St, Portland, ME 04101
License Number:	Mailing address, if different:
CARL-2021-13787	Same
Mailing address, if different from DBA address:	Email Address:
Same	arcadiaportland@gmail.com
Telephone # Fax #:	Business Telephone # Fax #:
207-939-7829	

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: Michael Kaplan , Kaplan 504 LLC

Complete mailing address: 49 Ocean Ave

Portland, ME 04103

Telephone/Mobile Number: (207) 774-9492

Email Address: kaplancompany@msn.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☒ Inside ☐ Outside ☒
b. Permanent ☐ Inside ☐ Outside ☐

continue to next page

3. Start Date: _____ End Date (if applicable): _____
4. Will dancing be permitted in this area? Yes ☐ No ☒
a. If yes, does the establishment have a dance license? Yes ☐ No ☐
b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☐ No ☒
6. Reason for this request: We seek to have outdoor, sidewalk seating and tables.

Section III: Signature of Licensee

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: June 14, 2022

Dennis Gaines

Signature of Licensee or Duly Authorized Person

Dennis Gaines

Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Continued to next page

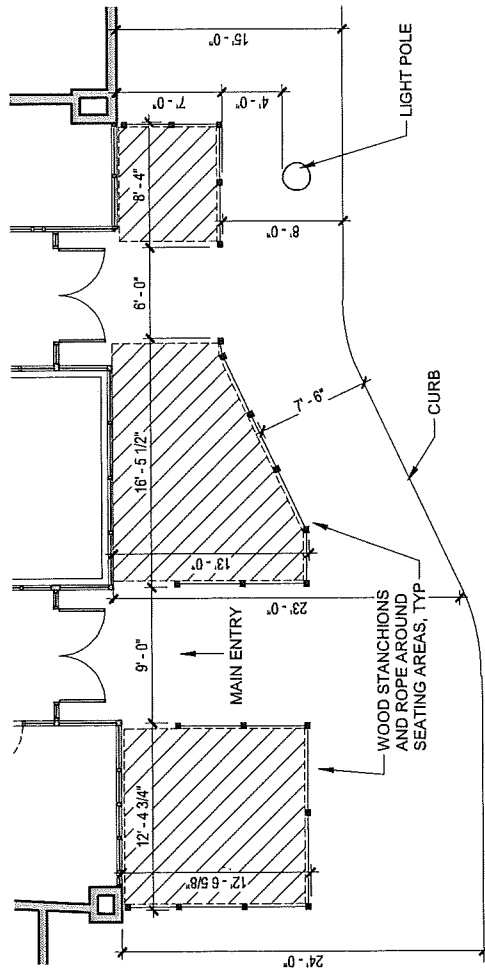
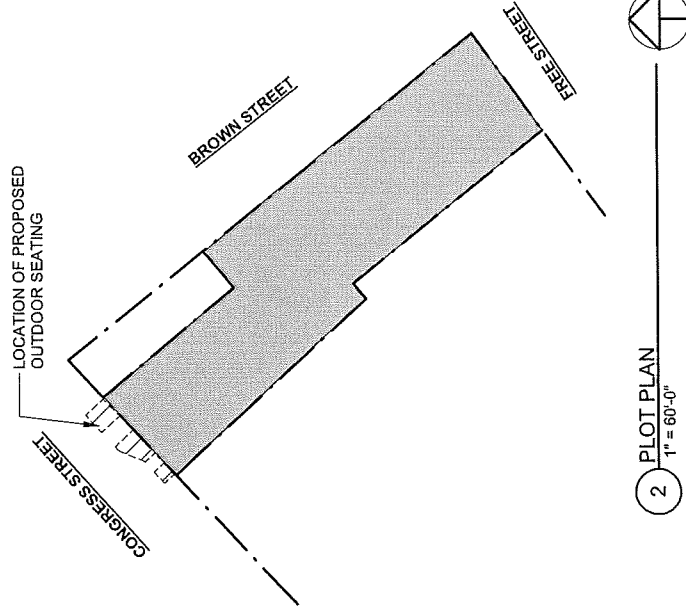
ARCADIA - OUTDOOR SEATING

SCALE:
As indicated

ISSUE
6/1/2022

TITLE
OUTDOOR SEATING

SHEET
A1



PROPOSED OUTDOOR SEATING
 350 SF OUTDOOR SEATING TABLES AND CHAIRS
 15 SF/P NET = 24 OCCUPANTS
 ADDED TO 448 EXISTING INTERIOR OCCUPANCY
 472 TOTAL OCCUPANTS WITH OUTDOOR SEATING, A2 OCCUPANCY

 REQUIRED BATHROOMS FOR 236 F AND 236 M =
 3 M TOILETS
 6 F TOILETS
 2 URINALS

 EXISTING BATHROOMS =
 11 TOILETS
 2 URINALS

1 OUTDOOR SEATING PLAN
 1/8" = 1'-0"

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 24, 2022

SUBJECT: Order 12-22/23 Granting Municipal Officers' Approval of Ronin Restaurant Group LLC, dba Mr. Tuna. Application for Outdoor Dining on Public Property at 28 Monument Square - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: NA

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 6/21/22. New City and State applications. Establishment currently holds Class III & IV License.

Five affirmative votes are required for passage after public comment

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Mr.Tuna

2. Mr.Tuna_Council Packet

Prepared by:

Date: 06/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Ronin Restaurant Group LLC, dba Mr. Tuna. Application for Outdoor Dining on Public
Property at 28 Monument Square**

Dear Mayor Snyder and members of city council,

Mr. Tuna at 28 monument square is requesting outdoor dining on public property.

Thank you for your consideration.

Jordan Rubin

Mr. Tuna

4136369688

mr.tunamaine@gmail.com



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 1-November 15

☒ Legal Advertisement Deposit \$100.00	10x15 - 150 SF
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>332.50</u> SF = <u>665.00</u>	
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____	

Business Information			
Establishment Name (d/b/a):	Mr. Tuna	Phone:	413 636 9688
Location Address:	28 Monument Sq.	Zip:	04101
Mailing Address:	29 Evans St Sopo	Zip:	04106
Contact Person:	Jordan Rubin	Phone:	413 636 9688
Contact Person Email:	Mr. tunaname@gmail.com		
Manager of Establishment:	Jordan Rubin	Date of Birth:	4/25/83
		Phone:	413 636 9688
Owner of Premises (Landlord):	28 MSQ LLC		
Address of Premises Owner (Landlord):	P.O. Box 17536 Portland, ME 04101		

Owner Information

Corporate Name		Corporate Mailing Address	
Ronin Restaurant Group LLC		29 Evans St Sopo Zip: 04106	
Contact Person:	Jordan Rubin	Phone:	413 636 9688
Principal Officers	Title	Date of Birth	Residence Address
Jordan Rubin	Pres	4/25/83	29 Evans St. Sopo 04106

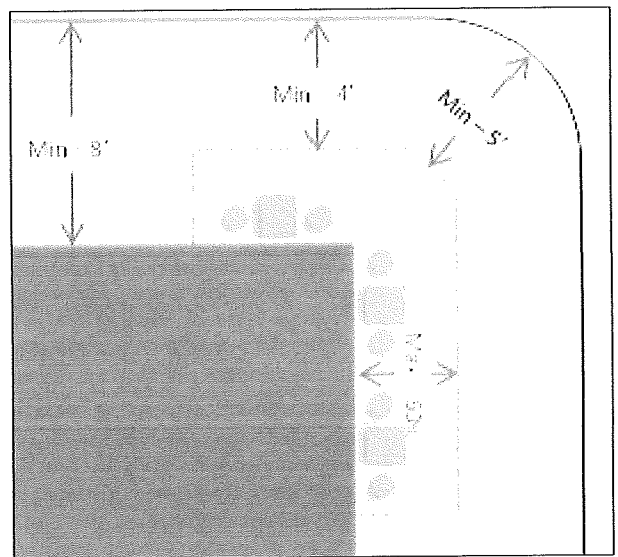


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	1
Type of food served:	Sushi
Please circle all that will be served:	Beer <u>Wine</u> Liquor
Hours & days of operation:	2 days 11-9
Number of Tables	2 → per code
Number of Chairs	8 → per code

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

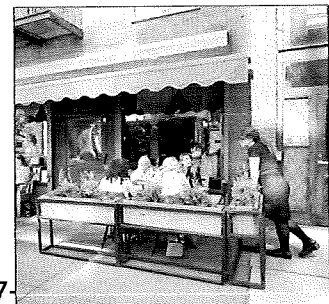
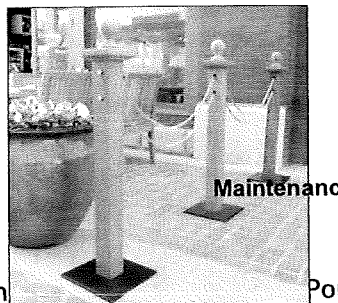


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation





CITY OF PORTLAND
Permitting and Inspections Department

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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.

Signature _____

Title _____

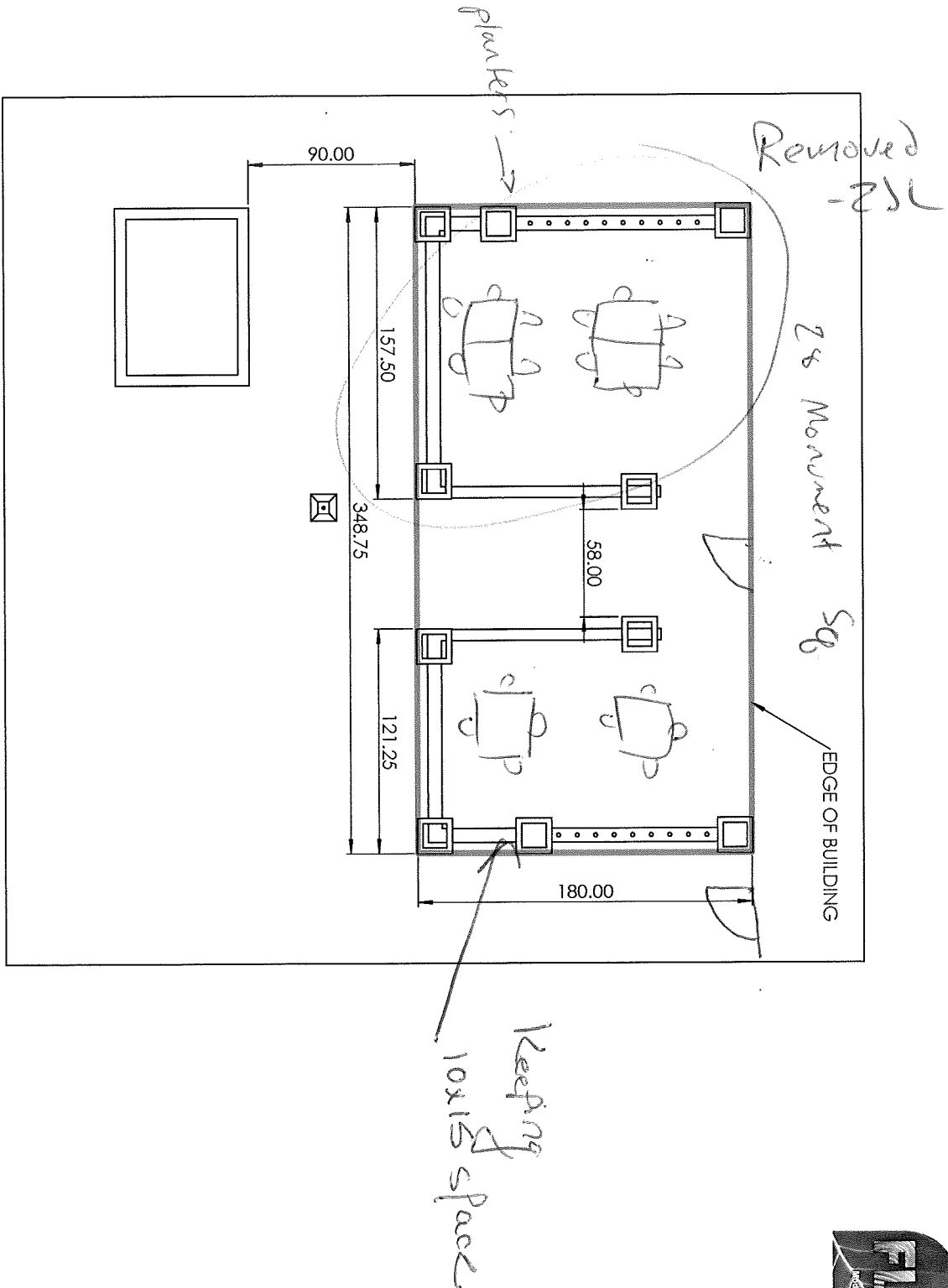
Date _____

For Administrative Use Only

Amount: _____
Date Paid: _____
CC _____ CA _____ CK _____

Amount: _____
Date Paid: _____
CC _____ CA _____ CK _____

	Request Date / Approval	Notes: _____
FD: _____	/	_____
Health: _____	/	_____
PD: _____	/	_____
Treasury: _____	/	_____
Zoning: _____	/	_____



Congress
Sheet

Mr. Tuna - Monument Sq

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Fri, Jun 24, 2022 at 11:54 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Tom Williams <tw@portlandmaine.gov>, Zachary Lenhert <zlenhert@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>

The legal use is Restaurant and is a permitted use in the B3 zone. This is ok with Zoning,

Thank you,

Mac

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 11, 2022 at 4:00 P.M., virtually Ronin Restaurant Group LLC, dba Mr. Tuna. Application for Outdoor Dining on Public Property at 28 Monument Square
- Sponsored by Danielle P. West, Interim City Manager



CITY OF PORTLAND
Permitting and Inspections Department

July 5, 2022

Ronin Restaurant Group LLC
29 Evans Street
South Portland, ME 04106

Re: Ronin Restaurant Group LLC, dba Mr. Tuna. Application for Outdoor Dining on Public Property at 28 Monument Square

Dear Ronin Restaurant Group LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 11, 2022 at 4:00 p.m.**, for the review of application for Outdoor Dining on Public Property at 28 Monument Square. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on July 8, 2022.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Maine Liquor@maine.gov

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): Ronin Restaurant Group LLC.	Business Name (D/B/A): Mr. TUNA
Individual or Sole Proprietor Licensee Name(s): Jordan Rubin	Physical Location: 28 Monument Sq. Portland, ME 04101
License Number: RES-2019-11660	Mailing address, if different: 29 Evans St. SODO 04106
Mailing address, if different from DBA address: 29 Evans St. SODO 04106	Email Address: Mr. tuna maine@gmail.com
Telephone # Fax #: 413 636 9688	Business Telephone # Fax #: 413 636 9688

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: 28 MSQ LLC

Complete mailing address: P.O. Box 17536, Portland, ME 04101

Telephone/Mobile Number: 207 775 2464

Email Address: Dswenson@swensonandco.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☐ Inside ☐ Outside ☐
b. Permanent ☒ Inside ☐ Outside ☒

continue to next page

3. Start Date: 6/2022 End Date (if applicable): _____

4. Will dancing be permitted in this area? Yes ☐ No ☒

a. If yes, does the establishment have a dance license? Yes ☐ No ☐

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

5. Will there be live entertainment in this area? Yes ☐ No ☒

6. Reason for this request:

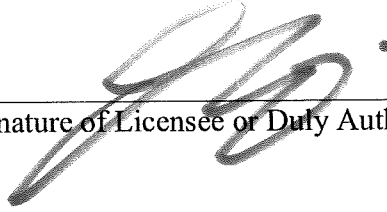
Expanded Outdoor seating for
health reasons caused by COVID-19

Section III: Signature of Licensee

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 5/11/2022



Signature of Licensee or Duly Authorized Person

Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

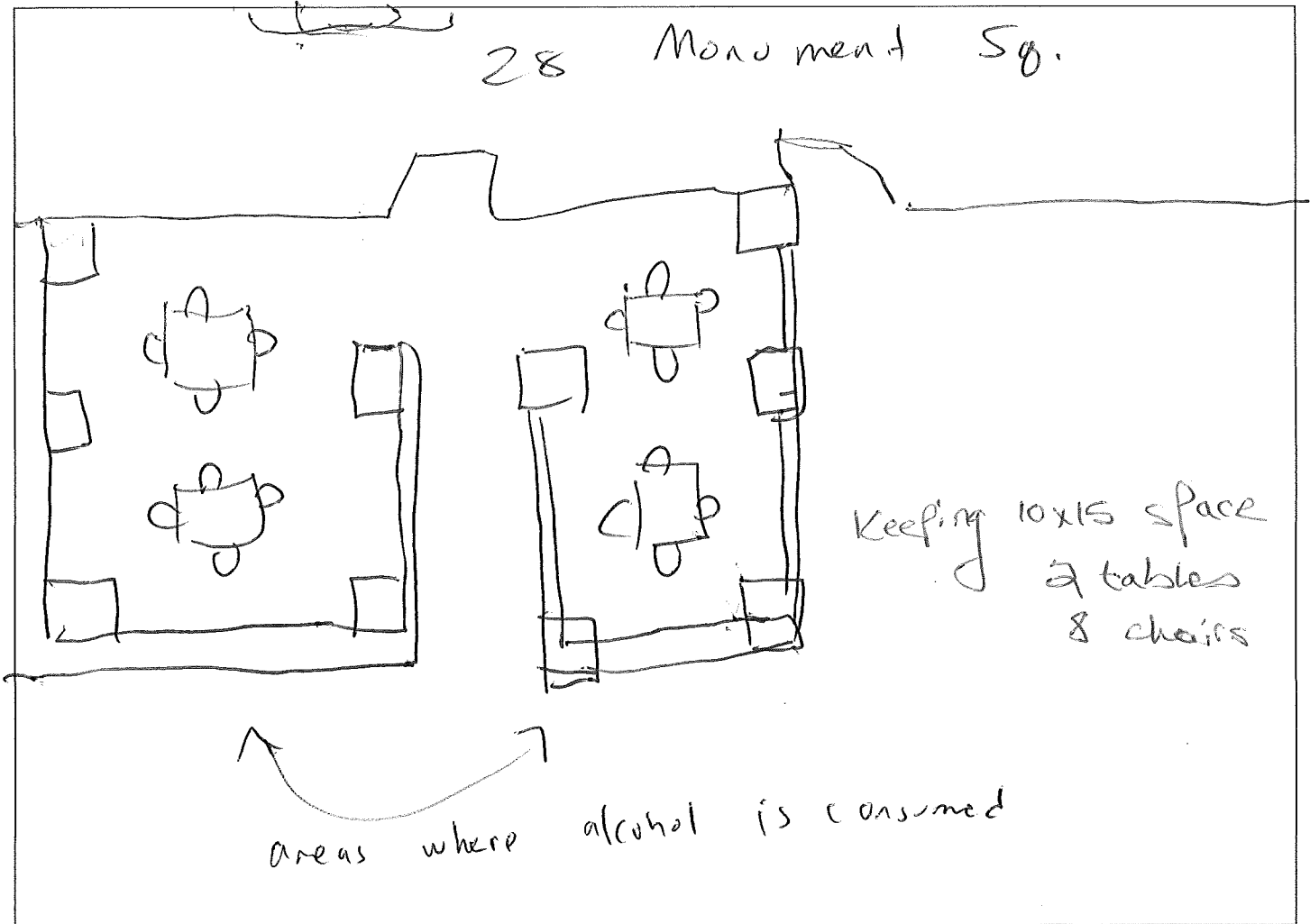
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Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).



For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

☐ Approved

☐ Not Approved

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

RESOLUTION SUPPORTING THE RIGHT TO ABORTION

WHEREAS, the Women Mayors' Group, of which Mayor Snyder is a member, Planned Parenthood, NARAL Pro-Choice America, Governor Mills, Pro-Choice America, Governor Mills, and many other individuals, leaders, organizations and groups across the United States have stated unequivocal opposition to the Supreme Court decision in Dobbs v. Jackson Women's Health Organization overturning Roe v. Wade and that decision's devastating blow to reproductive freedom, stripping away a right that citizens in of the United States have relied upon for over 49 years; and

WHEREAS, the leaked Supreme Court decision in May appalled so many in this country, creating public outrage, and yet the Court did not reconsider its stance in the month that followed the leak; and

WHEREAS, a majority of Americans do not believe that the States should limit the reproductive choices of their citizens; and

WHEREAS, a majority of Americans believe that the right to control one's own body is a fundamental right, and that the ability to decide one's own future is a fundamental American value; and

WHEREAS, we believe that few decisions are more significant and personal than the choice of whether and when to have children; and

WHEREAS, this Supreme Court ruling will not only result in a patchwork of unequal laws among the states, but the impact of the decision will reverberate deeply and be felt most painfully by the least empowered of our citizens; and

WHEREAS, the Supreme Court has failed us, and it now up to the people of this country to make our views clear;

NOW, THEREFORE, LET IT BE RESOLVED, the City Council and the Mayor of the City of Portland denounce the Supreme Court's decision to overturn Roe v. Wade, and we implore the residents of the City of Portland to vote; and

BE IT FURTHER RESOLVED, we commit to taking all the meaningful actions that are available to us as local elected officials: specifically, actions that

safeguard health clinics and any person who is seeking abortion services, or helping others do so; and

BE IT FURTHER RESOLVED, we recognize that the constitutional argument that *Roe vs. Wade* was based on was also fundamental in other decisions concerning other rights and people in our communities, including, but not limited to, the right to contraception, LGBTQ+ rights, and the right to marry someone of another race, and we recognize these intersectional threats require our commitment to organizing across movements to protect these rights in the years ahead.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**RESOLUTION AMENDING COUNCIL RULES OF PROCEDURE
FOR 2022**

BE IT RESOLVED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Rules and Orders of the City Council, as amended and attached hereto, as the Rules of Procedure of the City Council.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended ~~December 6, 2021~~ July 11, 2022

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:00 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 6:00 PM on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the Mayor or the City Manager, as the case may be, for

obtaining legal, administrative or policy guidance or for the presentation of information by the City Manager, the City Clerk or Corporation Counsel or their staff. The City Council shall not take votes in workshop sessions; however, the Council may be polled at the workshop to obtain an unofficial sense of the position of the Council on an issue being discussed at the workshop. To the maximum extent possible, materials for such sessions shall be provided to the City Council at least two (2) business days prior to the scheduled workshop. All such workshop sessions shall be open to the public, in accordance with 1 M.R.S. §400 et seq. ("FOAA").

Rule 2. Quorum; Adjourned Meetings

A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least twenty-four (24) hours' notice of the time and place of holding such adjourned meeting shall be given to all members who are not present at the meeting from which adjournment is taken.

Rule 3. Enactments

The Council shall act only by ordinance, order, or resolve. Final passage of or amendments to any item shall require five (5) affirmative votes except where a greater number is required by Charter or Ordinance. All ordinances, orders, and resolves, except orders and resolves making an appropriation of money, shall be confined to one subject, which shall be clearly expressed in the title. The appropriation order or resolve shall be confined to the subject of appropriations only.

Rule 4. Ordinance; Style

All ordinances passed by the Council shall be termed "amendments to the Portland City Code" and the enacting style shall be: "Be it ordained by the City Council of the City of Portland, Maine, in City Council assembled."

Rule 5. Order and Resolve; Style

In all votes of command, the form of expression shall be "ordered"; and of opinions, principles, facts or purposes, the form shall be "resolved".

Rule 6. Readings

The reading of any ordinance, order, or resolve shall be by title of the ordinance, order or resolve only, if no member objects.

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

No ordinance shall take effect until thirty (30) days after its passage by the Council, except in the case of emergency ordinances.

Rule 10. Order, Resolve; Effective When

No order or resolve shall take effect until ten (10) days after its passage, except in the case of emergency orders and resolves.

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda.

Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall have a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy.

Rule 13. Sponsorship.

Items listed on the Council agenda shall be sponsored as follows:

A. The Mayor shall sponsor any proclamations or resolutions; provided, however, that any Councilor may request

the opportunity to sponsor a proclamation that is not deemed "standing" hereunder; and

B. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.

C. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.

Rule 14. Presiding Officer to Chair Meetings

The Presiding Officer shall take the chair at the time appointed for the meeting, call the members to order, cause the roll to be called, and, a quorum being present, cause the minutes of the preceding meeting to be read and proceed to business.

Rule 15. Preserve Order Decide All Questions of Order

The Presiding Officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.

Rule 16. Declare Votes; Cause Return of Votes

The Presiding Officer shall declare all votes, but if any member doubts a vote, the Presiding Officer shall cause a return of the members voting in the affirmative and in the negative; without debate.

Rule 17. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely, or to call the question; which several motions shall have precedence in the order in which they stand arranged.

Rule 18. Motion to Adjourn; Lay on Table

The Presiding Officer shall consider a motion to adjourn as always in order except on immediate repetition; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.

Rule 19. Reconsideration

When a vote is passed, it shall be in order for any member who voted on the prevailing side to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's final action on the original petition. A member voting on the prevailing side on the original petition, however, shall be privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received

by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

Rule 20. Failure to Pass for Lack of Required Votes

When an item fails to finally pass for lack of the required five (5), or seven (7) affirmative votes, as applicable, and is not otherwise disposed of, the item shall appear on the Agenda as unfinished business at the next succeeding meeting.

Rule 21. Motion for Previous Question

Upon the motion for the previous question being made and seconded, the Presiding Officer shall put the question in the following form: "Shall the main question be now put?". And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the Council shall be forthwith taken upon all pending amendments and then upon the main question. Neither is it susceptible of amendment. All questions of order arising incidentally thereon must be decided without discussion whether appeal be had from the Presiding Officer or not.

Rule 22. Manner of Speaking

When a member is about to speak at a Council meeting, that member shall rise in place, if physically able to do so, to be recognized and may afterward, while either sitting or standing, respectfully address the Presiding Officer. All comments by a member under this Rule shall be confined to the question under debate, and shall avoid personalities.

Rule 23. Length of Statements by Members

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of five (5) minutes. In the event that an item is divided or amended, each member shall be entitled to an additional five (5) minutes of remarks and/or questions. For purposes of clarity, this shall not apply to Councilor questions posed to staff or others prior to the "public comment" portion of any item.

Rule 24. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

Rule 25. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until the member he ~~or she~~ has done so.

Rule 26. Member Excused From Voting; When

Every member present when a question is put shall vote unless the member is precluded from participation therein because of interest or the appearance of interest or unless the ~~membershe or he~~ is otherwise prohibited by law from participation.

(a) Any member abstaining on grounds of interest or the appearance of interest must do so at the commencement of deliberations on the item under discussion and shall not participate in said deliberations or vote on such item.

(b) Any member abstaining as permitted hereunder shall clearly state such intent, the reason for such abstention and

the legal or factual basis therefor prior to the commencement of deliberation on such item.

Rule 27. Motion to be Reduced to Writing; When

Any motion shall be reduced to writing if the Presiding Officer shall so direct.

Rule 28. Division of a Question

Any member may move that a question be divided.

Rule 29. Motion for Referral

Any member can make a motion for referral of any item to a Committee or administrative official. A motion for referral to a Committee or administrative official, until it is decided, shall preclude all amendments of the main question.

Rule 30. Priority of Business

All questions relating to priority of business to be acted upon shall be decided without debate.

Rule 31. Suspension of Rules; Amendment or Repeal

The rules shall not be dispensed with or suspended unless two-thirds as of those present and voting consent thereto; provided, however, that when these rules expressly require a vote larger than said two-thirds such rules shall not be suspended except by an equal or greater vote. No rule of procedure shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Rule 32. Procedure for Addressing Council

Any person wishing to address the Council will be given an opportunity to do so in accordance with the following procedure:

1. No public comment shall be permitted on the following agenda items: informational reports or communications from boards and commissions, staff or other organizations or

entities; and administrative action implementing prior action of the Council where that prior action had permitted public comment.

2. On items other than those set forth in 1. above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the second reading of such item by the Council, where the item requires a second reading on a separate date.

3. Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under 1. and 2. above, shall wait until the Clerk announces the consideration of such item, at which time they may address the Council on that particular item. However, once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

4. Persons wishing to address the Council on an item not appearing on the Council agenda shall only do so at the 5:00 p.m. public comment period reserved on the Council agenda for non-agenda items. Such public comment period shall not extend beyond 5:45 p.m.; provided, however, that upon a vote of a majority of the Council, the public comment period may be reopened at the end of end of the Council's consideration of all other agenda items, excepting adjournment. Notwithstanding the foregoing, the public comment period reserved on the Council agenda for non-agenda items shall not be reopened after 11 p.m.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her first and last name and -city of residence, and/or district, organization or individual represented, if any, designate the subject matter on which they ~~he or she desires~~ to address the Council, respectfully address only the Presiding Officer, and avoid personalities.

6. When any person or entity is being honored or recognized by the Council, applause shall be permitted. In all

other matters, persons present at Council meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

7. Any and all signs shall not be permitted in the Council Chambers.

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer shall limit or cut off any commentary that is not germane or that is abusive or disrespectful. No clapping, cheering, jeering, or booing will be tolerated.

10. Any person who shall continue to violate these rules, after warning by the Presiding Officer, may be ejected for the remainder of the meeting then in progress.

Rule 33. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order" (Newly Revised, 11th Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

Rule 34. Council Committees

At the commencement of the municipal year members shall be appointed to the following standing Committees, ~~each Committee, except the Housing & Economic Development Committee and the Health & Human Services and Public Safety Committee, which shall have four (4) members, to consist of three (3) members of the Council:~~

:

1. Housing & Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee; ~~and~~
5. Sustainability & Transportation Committee; and
6. Ethics Committee.

The Housing & Economic Development, Ethics, ~~and~~ Health & Human Services and Public Safety Committees shall each have four (4) members, and the Finance, Legislative & Nominating, and Sustainability & Transportation Committees shall each have three (3) members of the Council. A majority of the members of the above standing Committees shall constitute a quorum for the transaction of business.

Rule 35. Council Committees; How Chosen

The members of the Council to serve on the above Committees shall be appointed by the Mayor. The Council may override one or more of such appointments by a vote of at least six (6) members.

Rule 36. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council

Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her first and last name and -city of residence, and/or district, organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

1. Housing & Economic Development Committee;
2. Finance Committee;
3. Health and Human Services and Public Safety Committee;
4. Legislative & Nominating Committee;~~and~~
5. Sustainability and Transportation Committee; and
6. Ethics Committee.

Nothing herein shall prevent or prohibit any other Committee from accepting public comment if said Committee determines that it wishes to do so.

Notwithstanding the foregoing, no public comment shall be required on the following items: informational reports or communications from boards and commissions, staff or other organizations or entities; and administrative action implementing prior Committee action where that prior action had permitted public comment.

Rule 37. Smoking at Meetings

No person shall smoke in the Council Chamber or at any public meeting in the Portland City Hall. Any person continuing to smoke after warning by the Presiding Officer shall be ejected for the remainder of the meeting then in progress.

Rule 38. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

Confidential information includes statements made by individuals participating in executive sessions and includes any documents prepared specifically for an executive session, unless otherwise designated by the City Council in cases where the Council has the exclusive right to waive confidentiality.

Any Councilor who, following a due process hearing, is found to have violated this rule may be disciplined by reprimand.