



PERMANENT FOOD SERVICE APPLICATION

Town of Falmouth - Code Enforcement Office

Phone - 207-699-5310

Permit # 4853 Check # 0992 Fee: \$50 Int am
Map/Lot 1905-044-001 Zone WFC
Received 2-26-2020 Issued _____
Address of food service establishment: 65 Conway Rd - Madden's

Property Owner Information

Name WFC Joint Venture
Address 374 US Route One
Yarmouth, Me 04096

Phone (207) 846-6380 Email ed_libby@msn.com

Applicant Information

Name Andrew Mortensen / NMS VENTURES IV
Address 19 Brookside Drive
Falmouth, ME 04105

Phone 504-723-4334 Email andym3@gmail.com

Applicant Signature Upon Submittal [Signature] Date: 2/26/20

Please provide the following information

- Written consent of property owner (see attached)
- Copy of state license (see attached)
- Demonstration of sufficient parking (see attached)
- Fees paid (Permanent food service license - \$50)

(Please read below. The permit is not considered issued until signed and dated below by the applicant.)

No license shall be issued unless the applicant has submitted a copy of a current State of Maine Department of Health and Human Services license to the code enforcement officer. No license shall be valid if such state license has expired. The town and state licenses shall be posted in a conspicuous place. No license shall be approved, either new or renewal, without a public hearing by the town council. Such hearing shall be noticed no later than 7 days prior to the hearing date by publication in a local newspaper. Licenses shall be valid for a one year period, commencing July 1 and ending June 30. Any license issued after July 1 shall expire on June 30 of the following year.

On this date 2/26/20 [Signature] have read and understand the above statement and attached ordinance requirements as well as paid for my completed permit application.

License Conditions:

Signature of Code Enforcement Officer _____ Date _____

Department review comments

Police:

Fire:

Public Works:

Community Development:

Town Council Hearing Date : ____/____/____

Approval: Yes ____ No ____

Conditions:

FALMOUTH

TOWN CHARTER AND CODE OF ORDINANCES

PART II CODE OF ORDINANCES

CH. II-8 LICENSES, PERMITS AND BUSINESS REGULATIONS

FOOTNOTE(S):

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Cross reference— Administration, Ch. II-2; provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; buildings and building regulations, Ch. II-4; condominium conversion regulations, § 4-100 et seq.; marine activities, structures and ways, Ch. II-9; shellfishing, § 9-50; municipal shellfish license required, § 9-55; mobile homes and mobile home parks, Ch. II-11; nuisances, Ch. II-12; streets, sidewalks and other public places, Ch. II-14; taxation and finance, Ch. II-16; parking restrictions at the town landing and requirements for permits for residence, § 17-94; zoning and site plans and flood prevention and protection regulations, Ch. II-19.

State Law reference— Licenses and permits, 30-A M.R.S.A. 3701 et seq.

ART. II-8-4. FOOD SERVICE

Sec. 8-150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Catering - Providing food and drink at a social event or other gathering lasting one week or less.

Effective on: 7/23/2018

Mobile food vendor shall mean a motor vehicle, trailer or like conveyance capable of being transported from place to place which is constructed to contain, store, prepare and properly preserve food for sale and/or distribution.

Effective on: 7/23/2018

Permanent food service establishment shall mean any food service establishment located in a permanent structure which has received all requisite approvals as required by this Code of Ordinances.

Effective on: 7/23/2018

Sec. 8-151. Enforcement.

This article shall be enforced by the code enforcement officer.

(Code 1966, Ch. 314, § 23)

Effective on: 7/23/2018

Sec. 8-152. Penalty.

Any person violating any of the provisions of this article or obstructing the code enforcement officer in the performance of his required duties or failing, neglecting or refusing to comply with the provisions of this article or operating a food service establishment without a license or after a license shall have been suspended or revoked shall be subject to a fine of not more than one hundred dollars (\$100.00) and each day's violation shall be considered to be a separate offense. (Code 1966, Ch. 314, § 24)

Effective on: 7/23/2018

Sec. 8-153. Approval and License required.

Permanent food service establishments and mobile food vendors shall not operate without a license issued by the code enforcement officer. The following application procedures shall apply. Persons are exempt from this license for business conducted as part of a licensed farmers' market under ART. II-8-14. A. General.

1. No license shall be issued unless the applicant has submitted a copy of a current State of Maine Department of Health and Human Services license to the code enforcement officer. No license shall be valid if such state license has expired.
 2. The town and state licenses shall be posted in a conspicuous place.
 3. No license shall be approved, either new or renewal, without a public hearing by the Town Council. Such hearing shall be noticed no later than 7 days prior to the hearing date by publication in a local newspaper.
 4. Licenses shall be valid for a one year period commencing July 1 and ending June 30. Any license issued after July 1 shall expire on June 30 of the following year.
- B. Application. A complete application on a form from the Community Development Department shall be submitted with the necessary fee and a completed checklist of submittal items. The code enforcement officer shall have the authority to develop an application form and submittal checklist to assure that the necessary information is submitted.
- C. Renewals. License holders may submit an application for renewal provided that there have been no substantive changes to the location, nature of the operation or any other change as determined by the code enforcement officer. Request for license renewals shall be submitted to the code enforcement officer on or before April 30 of each year. Any renewal request after this date will be considered a new application.
- D. Review. Upon such time as the Code Enforcement Officer or their designee deems the application complete it shall be circulated to the Police, Fire, Public Works, and Community Development Departments for a review. Departments shall submit their review to the Code Enforcement Officer no later than 8 business days from receipt. The Code Enforcement Officer shall forward the review to the applicant. They shall also forward the reviews and application with any recommendations from staff to the Town Manager for placement on the next regularly scheduled Council meeting unless the applicant requests additional time to modify or add to the application based on staff review.
- E. Approval. The Town Council shall have the sole authority to approve a food service establishment or mobile food vendor license.
- F. Issuance. Should the Town Council approve such license, the Code Enforcement Officer shall issue a license containing the conditions and restrictions as imposed by the Town Council.
- G. Posting. The license holder shall post the license in a conspicuous place at the approved location.

Effective on: 7/23/2018



Andrew Mortensen <andym3@gmail.com>

RE: Madden's Pub & Grill

1 message

Edward F. Libby <Ed_Libby@msn.com>

To: Andrew Mortensen <andym3@gmail.com>, Craig Church <cchurch@balfourcommercial.com>

Wed, Feb 26, 2020 at 10:44 AM

Andy,

I was in the Town Office this morning so I popped in to see Justin about this. We are able to provide consent for your application for a food service license associated to continuing Madden's in its current form as a pub and restaurant. That consent being contingent on the current owners meeting their obligations for the transfer of the business as spelled out in the lease as well as consent of the assignment of the current lease to you, including review and approval of your financials. We are currently awaiting written request from the existing tenant for the proposed assignment, along with the required/requested documentation. We received the requested financial documents from you and are currently reviewing them.

I believe the above statements will be sufficient for your application to move forward. If not, please let us know.

Best regards,

Ed

From: Andrew Mortensen <andym3@gmail.com>

Sent: Wednesday, February 26, 2020 8:20 AM

To: Edward F. Libby <ed_libby@msn.com>; Craig Church <cchurch@balfourcommercial.com>

Subject: Madden's Pub & Grill

Hi Ed,

I met with Justin Brown, the Falmouth code enforcement officer yesterday. I indicated to him that I intend to purchase the Madden's Pub & Grill business and desire to continue running it as is.

He stated it's sufficient for "landlord consent" to give an affirmative response to this email indicating that you will be allowing me to assume the lease, subject to the current owners meeting their lease obligations.

Please let me know if you have any questions.

Thanks Andy Mortensen

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 7884

EATING PLACE TIER 3 90 Seats (in)

MADDENS
65 GRAY RD
FALMOUTH ME 04105

ATTN PHILIP & SIMONE RYLE
RYLE ENTERPRISES LLC
MADDENS
142 WAYSIDE RD
PORTLAND ME 04102

EXPIRES: 10/10/2020

FEE: \$230.00



Jaime A. Lombard

Commissioner

NON-TRANSFERABLE

