

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND BUILDING PERMIT

This is to certify that MICHELLE A KELLEY - SILLY'S  
WITH A TWIST

Located At 38 WASHINGTON AVE

CBL: 013- E-016-001

Job ID: 2011-09-2271-CH OF USE

has permission to Do 1st floor restaurant fit up, 24'x17.5' rear deck with landing & steps, add steps to rear of ramp  
provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of  
the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of  
the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured  
before this building or part thereof is lathed or otherwise  
closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner  
before this building or part thereof is occupied. If a  
certificate of occupancy is required, it must be

\_\_\_\_\_  
Fire Prevention Officer

*[Signature]* 11/2/11  
\_\_\_\_\_  
Code Enforcement Officer / Plan Reviewer

THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY  
PENALTY FOR REMOVING THIS CARD

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

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

Job No: <i>Alterations</i> 2011-09-2271- <del>CH</del> OF USE <i>additions</i>	Date Applied: 9/16/2011	CBL: 013 - - E - 016 - 001 - - - - -	
Location of Construction: 38 WASHINGTON ST	Owner Name: MICHELLE A KELLEY	Owner Address: 38 WASHINGTON AVE PORTLAND, ME 04101	Phone: 207-415-7507
Business Name:	Contractor Name: Ken Anderson	Contractor Address: 265 Preble ST SOUTH PORTLAND ME 04106	Phone: (207) 318-8798
Lessee/Buyer's Name:	Phone:	Permit Type: BLDG - Building - Additions & Alterations	Zone: B-2b
Past Use: 1 <sup>st</sup> floor restaurant, 2 <sup>nd</sup> floor one dwelling unit - 3 <sup>rd</sup> floor storage only	Proposed Use: Same - fit up first floor for restaurant (change of use #2011-06-1529) add steps to back of ramp (8' x 4') & build rear deck - 24' x 17.5' with 8' x 5' landing & steps	Cost of Work: 3000.000000	CEO District:
		Fire Dept: <input checked="" type="checkbox"/> Approved w/ conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Inspection: Use Group: <i>A-2/R-2</i> Type: <i>SB</i> <i>DEC-2009</i> Signature: <i>AMB</i>
Proposed Project Description: Interior Tenant fit-up, Deck & Stairs		Pedestrian Activities District (P.A.D.) <i>11/2/11</i>	
Permit Taken By:	<b>Zoning Approval</b>		

<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building Permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False informatin may invalidate a building permit and stop all work.</p>	<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetlands <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>admission number 2011-342</i> <input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM Date: <i>OK w/ conditions 9/22/11 AMB</i>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	<b>Historic Preservation</b> <input checked="" type="checkbox"/> Not in Dist or Landmark <input type="checkbox"/> Does not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>AMB</i>
	<b>CERTIFICATION</b>		

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

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE



# PORTLAND MAINE

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

Director of Planning and Urban Development  
Penny St. Louis

Job ID: 2011-09-2271-CH OF USE

Located At: 38 WASHINGTON  
AVE

CBL: 013- E-016-001

## **Conditions of Approval:**

### **Building**

1. Application approval based upon information provided by applicant, including dated revisions. Any deviation from approved plans requires separate review and approval prior to work.
2. All conditions of approval apply from previous permit (2011-06-1529).
3. Residential occupancy or storage in the 3<sup>rd</sup> floor is prohibited due to non compliance with egress requirements. This floor shall remain vacant and is not allowed to be used.
4. Any proposed cooking appliances shall be vented in accordance with the manufacturer's specifications and adopted codes. The appliance specifications shall be submitted to this office for review and approval. A separate permit is required for kitchen hood systems.
5. Equipment must be installed in compliance per the manufacturer's specifications.
6. The following details were agreed on with Mike H. on 10/21/11:
  - The stair profile detail shall be 90 degrees with no nosing projection
  - The deck construction shall be as the original design on plan A1.1, the alternate design is not approved

### **Zoning**

1. This permit is being approved on the basis of plans submitted including the revised site plan received 9/22/11. Any deviations shall require a separate approval before starting that work.
2. This property shall remain a restaurant on the 1<sup>st</sup> floor, one dwelling unit on the 2<sup>nd</sup> floor and storage only on the 3<sup>rd</sup> floor. Any change of use shall require a separate permit application for review and approval.

### **Fire**

1. This permit is for tenant fit up. See conditions from permit 2011-06-1529.
2. All construction shall comply with City Code Chapter 10.
3. Plans are approved for bar with 42 seats.

## BUILDING PERMIT INSPECTION PROCEDURES

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

or email: [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov)

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the city of Portland Inspections Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
  - **Permits expire in 6 months. If the project is not started or ceases for 6 months.**
  - **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**
1. Footings/Setbacks prior to pouring concrete
  2. Close In Elec/Plmb/Frame prior to insulate or gyp
  3. Final Inspection/Certificate of Occupancy

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OF CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.

B-2b/R6

# 2011-09-2371



# General Building Permit Application

9/20/11 entered.

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

Location/Address of Construction: <b>38 WASHINGTON AVENUE</b>		
Total Square Footage of Proposed Structure/Area <b>1056 SF</b>		Square Footage of Lot <b>6,600 SF +/-</b>
Tax Assessor's Chart, Block & Lot Chart#      Block#      Lot# <b>013      E06      001</b>	Applicant *must be owner, Lessee or Buyer* Name <b>MICHELLE KELLEY</b> Address <b>38 WASHINGTON AVE</b> City, State & Zip <b>PORTLAND, ME 04101</b>	Telephone: <b>(207)</b> <b>415.7507</b>
Lessee/DBA (If Applicable) <b>"SILLY'S WITH A TWIST" (FIRST FLOOR INTERNAL TENANT FIT-UP)</b>	Owner (if different from Applicant) Name <b>SAME</b> Address City, State & Zip	Cost Of Work: \$ <b>2,500.00</b> <del>Block Permit: \$0.00</del> C of O Fee: \$ <del>75.00</del> Total Fee: \$ <b>125.00</b>
Current legal use (i.e. single family) <b>ASSEMBLY @ 1ST FLOOR</b>	<b>\$ 50</b>	
If vacant, what was the previous use? <b>N/A</b>		
Proposed Specific use: <b>PIZZA PUB</b>		
Is property part of a subdivision? <b>NO</b>	If yes, please name <b>N/A</b>	
Project description: <b>INTERIOR TENANT FIT UP + DECK / STAIRS</b>		
Contractor's name: <b>KEN ANDERSEN</b>		
Address: <b>265 PEBBLE ST.</b>		
City, State & Zip: <b>SOUTH PORTLAND, ME 04106</b>	Telephone: <b>207-318-8798</b>	
Who should we contact when the permit is ready: <b>KEN ANDERSEN</b>	Telephone: <b>207-318-8798</b>	
Mailing address: <b>265 PEBBLE STREET ; SO PORTLAND, ME 04106</b>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov) or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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

Signature: **Michael F. Hays, P.A.** Date: **9-15-11**

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

Mike Hays - 877-5900

RECEIVED  
SEP 21 8 20 AM '11  
Dept. of Building & Code  
City of Portland, Maine



# PORTLAND MAINE

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Receipts Details:

**Tender Information:** Check , BusinessName: 38 Washington, Check Number: 612  
**Tender Amount:** 125.00

Receipt Header:

**Cashier Id:** Ldobson  
**Receipt Date:** 11/2/2011  
**Receipt Number:** 11871

Receipt Details:

Reference ID:	3516	Fee Type:	BP-Constr
Receipt Number:	0	Payment Date:	
Transaction Amount:	125.00	Charge Amount:	125.00
Job ID: Job ID: 2011-09-2271-CH OF USE - Interior Tenant fit-up, Deck & Stairs			
Additional Comments: Additional fee for 38 Washington Made adjustments to fee			

Thank You for your Payment!

**Cost for work done at Silly's with a twist**

**Phase one demo and rebuild bathrooms install ramp and build  
new basement stairs**

**\$22,500.00**

**Phase two build stairs on back of ramp build bar and bankets**

**Back deck \$19,850.00**

**Anderson Works LLC**



# Commercial Interior & Change of Use Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

## One (1) complete set of construction drawings must include:

Note: Construction documents for costs in excess of \$50,000.00 must be prepared by a Design Professional and bear their seal.

- Cross sections w/framing details
- Detail of any new walls or permanent partitions
- Floor plans and elevations
- Window and door schedules
- ~~Complete electrical and plumbing layout.~~
- ~~Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment or other types of work that may require special review~~
- Insulation R-factors of walls, ceilings, floors & U-factors of windows as per the IEEC 2003
- Proof of ownership is required if it is inconsistent with the assessors records.
- Reduced plans or electronic files in PDF format are required if originals are larger than 11" x 17".
- Per State Fire Marshall, all new bathrooms must be ADA compliant.

Separate permits are required for internal and external plumbing, HVAC & electrical installations.

For additions less than 500 sq. ft. or that does not affect parking or traffic, a site plan exemption should be filed including:

- The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines.
- Location and dimensions of parking areas and driveways, street spaces and building frontage.
- Dimensional floor plan of existing space and dimensional floor plan of proposed space.

A Minor Site Plan Review is required for any change of use between 5,000 and 10,000 sq. ft. (cumulatively within a 3-year period)



**Fire Department requirements.**

The following shall be submitted on a separate sheet:

- Name, address and phone number of applicant **and** the project architect.
- Proposed use of structure (NFPA and IBC classification)
- Square footage of proposed structure (total and per story)
- Existing and proposed fire protection of structure.
- ~~Separate plans shall be submitted for~~
  - ~~a) Suppression system~~
  - ~~b) Detection System (separate permit is required)~~
- A separate Life Safety Plan must include:
  - a) Fire resistance ratings of all means of egress
  - b) Travel distance from most remote point to exit discharge
  - c) Location of any required fire extinguishers
  - d) Location of emergency lighting
  - e) Location of exit signs
  - f) NFPA 101 code summary
- ~~Elevators shall be sized to fit an 80" x 24" stretcher.~~

For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405.

**Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.**

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

**Permit Fee: \$30.00 for the first \$1000.00 construction cost, \$10.00 per additional \$1000.00 cost**

**This is not a Permit; you may not commence any work until the Permit is issued.**



# Certificate of Design Application

From Designer: \_\_\_\_\_

MICHAEL F. HAYS

Date: \_\_\_\_\_

9.15.11

Job Name: \_\_\_\_\_

SUM'S WITH A TWIST

Address of Construction: \_\_\_\_\_

38 WASHINGTON AVENUE, PORTLAND, ME.

## 2003 International Building Code

Construction project was designed to the building code criteria listed below:

Building Code & Year IBC 2009 Use Group Classification (s) A-2 & P-2

Type of Construction VP

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC NOT REQUIRED

Is the Structure mixed use? YES If yes, separated or non separated or non separated (section 302.3) SEPARATED

Supervisory alarm System? N/A Geotechnical/Soils report required? (See Section 1802.2) NOT REQUIRED

### Structural Design Calculations

N/A Submitted for all structural members (106.1 - 106.11)

### Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use	Loads Shown
<u>100 PUP</u>	<u>ASSEMBLY STAIRS &amp; RAMP &amp; DECK</u>
_____	_____
_____	_____

### Wind loads (1603.1.4, 1609)

- \_\_\_\_\_ Design option utilized (1609.1.1, 1609.6)
- \_\_\_\_\_ Basic wind speed (1809.3)
- \_\_\_\_\_ Building category and wind importance Factor,  $w$  table 1604.5, 1609.5)
- \_\_\_\_\_ Wind exposure category (1609.4)
- \_\_\_\_\_ Internal pressure coefficient (ASCE 7)
- \_\_\_\_\_ Component and cladding pressures (1609.1.1, 1609.6.2.2)
- \_\_\_\_\_ Main force wind pressures (7603.1.1, 1609.6.2.1)

**NOT APPLICABLE**

### Earth design data (1603.1.5, 1614-1623)

- \_\_\_\_\_ Design option utilized (1614.1)
- N/A Seismic use group ("Category")
- \_\_\_\_\_ Spectral response coefficients,  $S_D$ s &  $S_1$  (1615.1)
- \_\_\_\_\_ Site class (1615.1.5)

- \_\_\_\_\_ Live load reduction
- \_\_\_\_\_ Roof live loads (1603.1.2, 1607.11)
- \_\_\_\_\_ Roof snow loads (1603.7.3, 1608)
- \_\_\_\_\_ Ground snow load,  $P_g$  (1608.2)
- \_\_\_\_\_ If  $P_g > 10$  psf, flat-roof snow load  $P_f$
- \_\_\_\_\_ If  $P_g > 10$  psf, snow exposure factor,  $C_e$
- \_\_\_\_\_ If  $P_g > 10$  psf, snow load importance factor,  $I_s$
- \_\_\_\_\_ Roof thermal factor,  $C_t$  (1608.4)
- \_\_\_\_\_ Sloped roof snowload,  $P_s$  (1608.4)
- \_\_\_\_\_ Seismic design category (1616.3)
- \_\_\_\_\_ Basic seismic force resisting system (1617.6.2)
- \_\_\_\_\_ Response modification coefficient,  $R_f$  and deflection amplification factor,  $C_d$  (1617.6.2)
- \_\_\_\_\_ Analysis procedure (1616.6, 1617.5)
- \_\_\_\_\_ Design base shear (1617.4, 1617.5.1)

### Flood loads (1803.1.6, 1612)

- N/A Flood Hazard area (1612.3)
- \_\_\_\_\_ Elevation of structure

### Other loads

- N/A Concentrated loads (1607.4)
- \_\_\_\_\_ Partition loads (1607.5)
- \_\_\_\_\_ Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)

**NOT APPLICABLE**



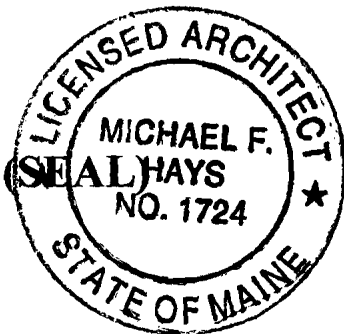
# Accessibility Building Code Certificate

Designer: MICHAEL F. HAYS

Address of Project: 38 WASHINGTON AVENUE

Nature of Project: FIRST FLOOR ASSEMBLY TENANT  
PIT-UP; NEW DECK; TOILET  
MODIFICATION FOR "SILLY'S  
WITH A TWIST."

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



Signature: Michael F. Hays

Title: PRINCIPAL / ARCHITECT

Firm: ERANT HAYS ASSOCIATES

Address: P.O. BOX 6129  
PLYMOUTH, MAINE 04105

Phone: 207-871-5900

For more information or to download this form and other permit applications visit the Inspections Division on our website at [www.portlandmaine.gov](http://www.portlandmaine.gov)



# Certificate of Design

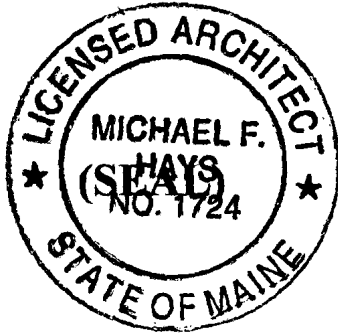
Date: 9.15.11

From: MICHAEL F. HAYS - ARCHITECT

These plans and / or specifications covering construction work on:

"SUN'S WITH A TWIST" 38 WASHINGTON AVENUE  
INTERIOR TENANT FIT-UP & EXTERIOR WALK / STAIRS

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the **2003 International Building Code** and local amendments.



Signature: Michael F. Hays

Title: Principal / Architect

Firm: GRANT HAYS ASSOCIATES

Address: P.O. BOX 6179

FALMOUTH ME 04105

Phone: 207-871-5900

For more information or to download this form and other permit applications visit the Inspections Division on our website at [www.portlandmaine.gov](http://www.portlandmaine.gov)

Applicant: Michelle Kelley

Date: 9/21/11

Address: 38 Washington Ave.

C-B-L: 13-E-16

permit # 2011-09-2271

CHECK-LIST AGAINST ZONING ORDINANCE

\*change of use permit 2011-06-1529

Date - built 1910

Zone Location - B-2b/R-6

Interior or corner lot -

Proposed Use/Work - interior work - add stairs to ramp back of ramp -  $8' \times 24' = 32'$   
- add deck on rear -  $17.5' \times 24' = 420$   
- w/  $5' \times 8' = 40$  landing stairs

Savage Disposal -

Lot Street Frontage -

Front Yard - N/A

Rear Yard - 20' (abides residential zone) - 89' setback (OK)

Side Yard - none - 34 Washington & 40 Washington - 1st floor use for business (OK)

Projections -

Width of Lot -

Height - <sup>max</sup> 50' - (OK)

Lot Area - 5090  $\phi$

B-2b area -  $36.5' \times 100' = 3650$   $90\% = 3285 \phi$

Lot Coverage of Impervious Surface - 90%

$22 \times 49 = 1078$

Area per Family - N/A

$4 \times 6 = 24$

Off-street Parking - "

any  $18 \times 4 = 72$

$12 \times 4 = 48$

Loading Bays - "

1222 existing

Site Plan - Administrative authorization

492 adding

Shoreland Zoning/Stream Protection - N/A

1714 (OK)

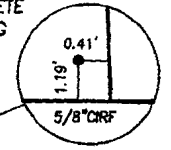
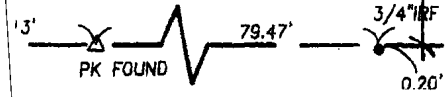
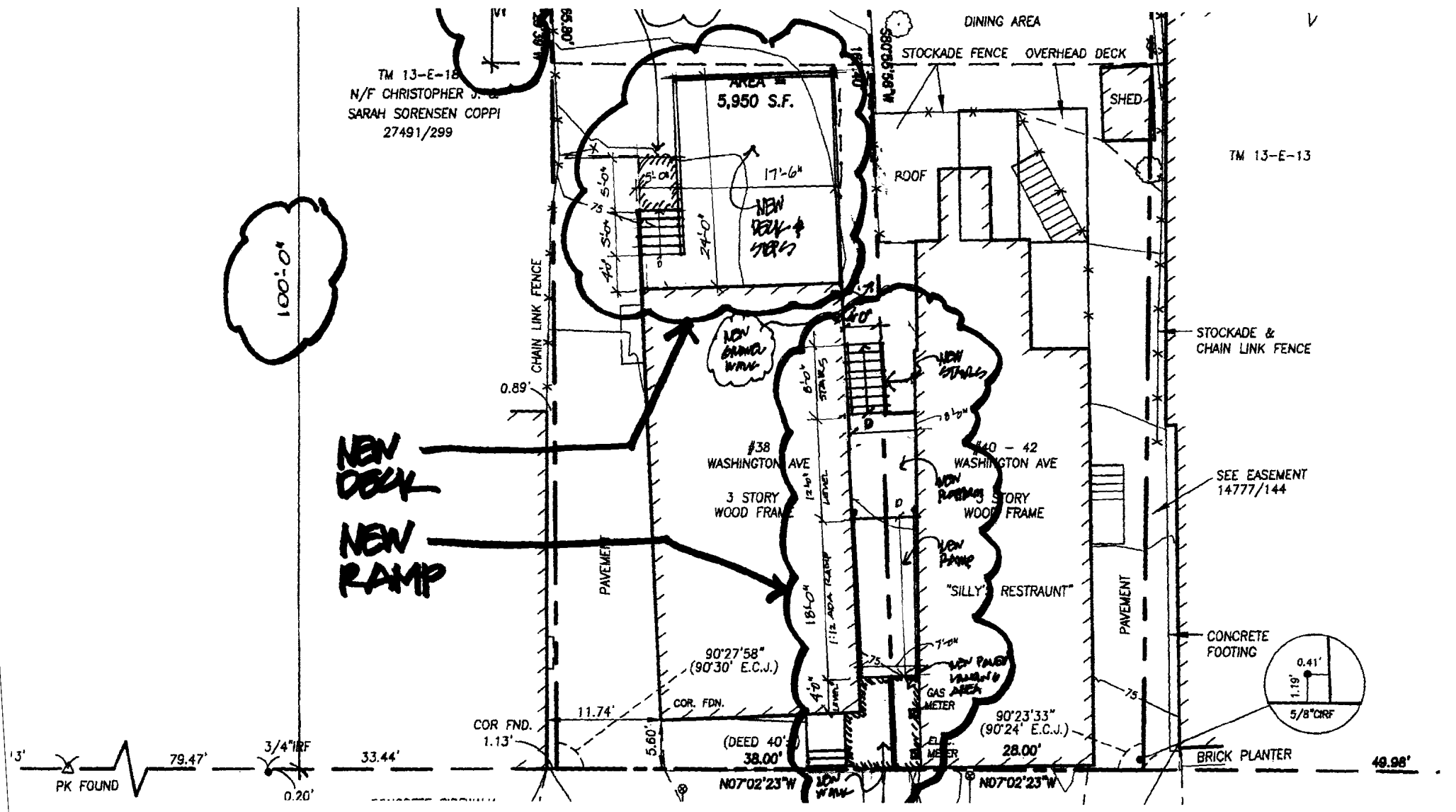
Flood Plains -

TM 13-E-12  
N/F CHRISTOPHER J. ...  
SARAH SORENSEN COPPI  
27491/299

TM 13-E-13

100'-0"

**NEW DECK**  
**NEW RAMP**



49.98'

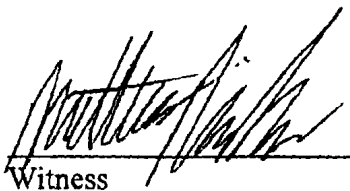
EASEMENT DEED

EPS BEAGLE, LLC, a Maine limited liability company with its principal place of business in Portland, County of Cumberland and State of Maine, for consideration paid, grants to MICHELE A. KELLEY, of Portland, County of Cumberland and State of Maine, whose mailing address is 38 Washington Avenue, Portland, ME 04101, her heirs and assigns, the following easement to be appurtenant to the real estate of the grantee herein described in the Warranty Deed of Christopher Lamb to the grantee dated June 11, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27840, Page 313:

The perpetual right and easement, in common with the grantor, its successors and assigns, to utilize for commercial purposes, and for pedestrian and business invitee ingress and egress, and for the installation of underground utilities, over, upon and under that certain common alley way between the existing buildings of the grantor and grantee herein running westerly from the westerly sideline of Washington Avenue to the westerly boundaries of parties' properties, such alley way and easement being approximately five (5) feet in width measured building-to-building and then being five (5) feet in width (i.e., two and one-half feet in width and contiguous on each of the adjoining properties of the grantor and grantee herein) to the westerly boundaries of the parties' properties. This perpetual right and easement shall be of a scope and nature sufficient for the installation, repair and maintenance of a ramp in conformity with applicable City of Portland land-use requirements to allow pedestrians and business invitees to gain ingress and egress to the building on the land of the grantee herein from Washington Avenue and to the rear area of the land of the grantee, which building the grantee utilizes for the operation of a restaurant and related facilities. The grantor and grantee, and their respective heirs, successors and assigns, shall coordinate with one another for the construction of the ramp and equally share the cost of constructing, repairing and maintaining the ramp in a good and safe condition for its intended purposes.

Reference is hereby made to, and exception is hereby taken for, the Easement Deed from the grantee to the grantor herein of near or even date to be recorded herewith. The foregoing easement shall burden the property of the grantor described in the Warranty Deed of Nice Foods, Corp. to the grantor dated November 1, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18372, Page 319. FOR SOURCE OF TITLE, reference is hereby made to the foregoing Warranty deed of Nice Foods, Corp. to the grantor herein.

IN WITNESS WHEREOF, EPS BEAGLE, LLC has executed, acknowledged and delivered this Easement Deed by and through Colleen E. Kelley, its Member, this 13<sup>th</sup> day of July, 2011 hereunto duly authorized.

  
\_\_\_\_\_  
Witness

EPS BEAGLE, LLC

By: \_\_\_\_\_

  
Colleen E. Kelley  
Its Member

**RECEIVED**

JUL 26 2011

Dept. of Building Inspections  
City of Portland Maine

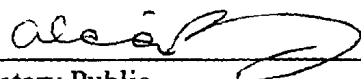
STATE OF MAINE  
Cumberland, ss.

July 13, 2011

Personally appeared the above-named Colleen E. Kelley, Member of EPS Beagle, LLC, and acknowledged the foregoing Easement Deed to be her free act and deed in her said capacity and the free act and deed of EPS Beagle, LLC.

Before me,

**ALAINA IRVING**  
Notary Public, Maine  
My Commission Expires May 4, 2016

  
\_\_\_\_\_  
Notary Public

SEAL

Received  
Recorded Register of Deeds  
Jul 13, 2011 04:01:22P  
Cumberland County  
Pamela E. Lovley



EASEMENT DEED

MICHELLE A. KELLEY, of Portland, County of Cumberland and State of Maine, for consideration paid, grants to EPS BEAGLE, LLC, a Maine limited liability company with its principal place of business in Portland, County of Cumberland and State of Maine having a mailing address of 40 Washington Avenue, Portland, ME 04101, its successors and assigns, the following easement to be appurtenant to the real estate of the grantee herein described in the Warranty Deed from Nice Foods, Corp. to the grantee dated November 1, 2002 and recorded in the Cumberland County Registry of Deeds in Book 18372, Page 319:

The perpetual right and easement, in common with the grantor, her heirs and assigns, to utilize for commercial purposes, and for pedestrian and business invitee ingress and egress, and for the installation of underground utilities, over, upon and under that certain common alley way between the existing buildings of the grantor and grantee herein running westerly from the westerly sideline of Washington Avenue to the westerly boundaries of parties' properties, such alley way and easement being approximately five (5) feet in width measured building-to-building and then being five (5) feet in width (i.e., two and one-half feet in width and contiguous on each of the adjoining properties of the grantor and grantee herein) to the westerly boundaries of the parties' properties. This perpetual right and easement shall be of a scope and nature sufficient for the installation, repair and maintenance of a ramp in conformity with applicable City of Portland land-use requirements to allow pedestrians and business invitees to gain ingress and egress to the building on the land of the grantee herein from Washington Avenue and to the rear area of the land of the grantee, which building the grantee utilizes for the operation of a restaurant and related facilities. The grantor and grantee, and their respective heirs, successors and assigns, shall coordinate with one another for the construction of the ramp and equally share the cost of constructing, repairing and maintaining the ramp in a good and safe condition for its intended purposes.

Reference is hereby made to, and exception is hereby taken for, the Easement Deed from the grantee to the grantor herein of near or even date to be recorded herewith. The foregoing easement shall burden the property of the grantor described in the Warranty Deed of Christopher Lamb to the grantor dated June 11, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27840, Page 313. FOR SOURCE OF TITLE, reference is hereby made to the foregoing Warranty deed of Christopher Lamb to the grantor herein.

IN WITNESS WHEREOF, MICHELE A. KELLEY has executed, acknowledged and delivered this Easement Deed this 13<sup>th</sup> day of July, 2011.



Witness



Michelle A. Kelley

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JUL 26 2011

Dept. of Building Inspections  
City of Portland Maine

STATE OF MAINE  
Cumberland, ss.

July 13, 2011

Personally appeared the above-named Michelle A. Kelley and acknowledged the foregoing Easement Deed to be her free act and deed.

Before me,



Notary Public

PAUL F. DRISCOLL  
Attorney-at-Law

Received  
Recorded Register of Deeds  
Jul 13, 2011 04:01:59P  
Cumberland County  
Pamela E. Lovley

**Jeanie Bourke - Re: 38 Washington Avenue**

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**From:** Jeanie Bourke  
**To:** Michael Hays; Shelley Kelley; colleen kelley  
**Subject:** Re: 38 Washington Avenue

---

Thank you Mike, these calculations meet the standards for natural ventilation systems. A mechanical system will not be required.  
Jeanie

>>> Michael Hays <mhays@earthlink.net> 10/25/2011 10:48 AM >>>  
Shelley, Colleen & Jeanie,

The natural ventilation provided by the first floor operable windows provides free ventilation area exceeding the minimum 4% required by ASHRAE standards. The calculations are as follows:

Net Floor Area for Silly's with a Twist: 916.25 sf  
Net Free Opening Ventilation Area at Double Hung Windows: 86.25 sf  
Percentage of Free Ventilation to Floor Area: 9.4% (11.5% if the Slider is taken into consideration).

It would appear supplemental ventilation is not required by code based on this criteria.

Regards,

Mike

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OCT 25 2011  
Dept. of Building Inspections  
City of Portland Maine



# Administrative Authorization Application

Portland, Maine

Planning and Urban Development Department, Planning Division

PROJECT NAME: SILLY'S WITH A TWIST TENANT FIT-UP

PROJECT ADDRESS: 38 WASHINGTON AVE CHART/BLOCK/LOT: 013 E016 001

APPLICATION FEE: \$50.00 (\$50.00)

PROJECT DESCRIPTION: (Please Attach Sketch/Plan of the Proposal/Development)

NEW 17' x 24' REAR DOCK AT FIRST FLOOR FIT UP & <sup>NEW</sup> STAIR AT EXISTING PERMITTED KAMP

### CONTACT INFORMATION:

#### OWNER/APPLICANT

Name: MURKIN KELLEY  
Address: 38 WASHINGTON AVE  
PORTLAND, ME 04101  
Work #: 207-415-7507  
Cell #: SAME  
Fax #: N/A  
Home #: N/A  
E-mail: N/A

#### CONSULTANT/AGENT

Name: MICHAEL F HAYS - ARCHITECT  
Address: P.O. BOX 6179  
PORTLAND, ME 04105  
Work #: 207-871-5900  
Cell #: 207-318-7972  
Fax #: N/A  
Home #: N/A  
E-mail: mhays@earthlink.net

### Criteria for an Administrative Authorizations: (see section 14-523(4) on pg. 2 of this appl.)

### Applicant's Assessment Planning Division Y(yes), N(no), N/A

- a) Is the proposal within existing structures?
- b) Are there any new buildings, additions, or demolitions?
- c) Is the footprint increase less than 500 sq. ft.?
- d) Are there any new curb cuts, driveways or parking areas?
- e) Are the curbs and sidewalks in sound condition?
- f) Do the curbs and sidewalks comply with ADA?
- g) Is there any additional parking?
- h) Is there an increase in traffic?
- i) Are there any known stormwater problems?
- j) Does sufficient property screening exist?
- k) Are there adequate utilities?
- l) Are there any zoning violations?
- m) Is an emergency generator located to minimize noise?
- n) Are there any noise, vibration, glare, fumes or other impacts?

(stamp) YES & NO (ASAP)

Applicant's Assessment	Planning Division
Y(yes), N(no), N/A	Y(yes), N(no), N/A
YES (ASAP)	NO
YES (ASAP)	deck + stairs
YES	at 500 SF
NO	N
YES	Y
YES	Y
NO	N
NO	Y
YES	Y
YES	Y
NO	N
N/A	NA
NO	N

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OCT 11 2011

Dept. of Building Inspections  
City of Portland Maine

Signature of Applicant: <u>Michael F. Hays (for Shelley Kelley)</u>	Date: <u>9-15-11</u>
--	-------------------------

**Planning Division Use Only** Authorization Granted \_\_\_\_\_ Partial Exemption \_\_\_\_\_ Exemption Denied \_\_\_\_\_

*Bushwa Burhydt, Dev Rev Section Mgr 10/4/11*

**Standard Condition of Approval:** The applicant shall obtain all required City Permits, including building permits from the Inspection Division (Room 315, City Hall (874-8703)) prior to the start of any construction.

**IMPORTANT NOTICE TO APPLICANT:** The granting of an Administrative Authorization to exempt a development from site plan review does not exempt this proposal from other approvals or permits, nor is it an authorization for construction. You should first check with the Building Inspections Office, Room 315, City Hall (207)874-8703, to determine what other City permits, such as a building permit, will be required.

**PROVISION OF PORTLAND CITY CODE**

**14-523 (SITE PLAN ORDINANCE)**

**RE: Administrative Authorization**

**Sec. 14-523 (b). Applicability**

No person shall undertake any development identified in Section 14-523 without obtaining a site plan improvement permit under this article. (c) Administrative Authorization. Administrative Authorization means the Planning Authority may grant administrative authorization to exempt a development proposal from complete or partial site plan review that meets the standards below, as demonstrated by the applicant.

1. The proposed development will be located within existing structures, and there will be no new buildings, demolitions, or building additions other than those permitted by subsection b of this section;
2. Any building addition shall have a new building footprint expansion of less than five hundred (500) square feet;
3. The proposed site plan does not add any new curb cuts, driveways, or parking areas; the existing site has no more than one (1) curb cut and will not disrupt the circulation flows and parking on-site; and there will be no drive-through services provided;
4. The curbs and sidewalks adjacent to the lot are complete and in sound condition, as determined by the public works authority, with granite curb with at least four (4) inch reveal, and sidewalks are in good repair with uniform material and level surface and meet accessibility requirements of the Americans with Disabilities Act;
5. The use does not require additional or reduce existing parking, either on or off the site, and the project does not significantly increase traffic generation;
6. There are no known stormwater impacts from the proposed use or any existing deficient conditions of stormwater management on the site;
7. There are no evident deficiencies in existing screening from adjoining properties; and
8. Existing utility connections are adequate to serve the proposed development and there will be no disturbance to or improvements within the public right-of-way.
9. There are no current zoning violations;
10. Any emergency generators are to be located to minimize noise impacts to adjoining properties and documentation that routine testing of the generators occur on weekdays between the hours of 9 a.m. to 5 p.m. Documentation pertaining to the noise impacts of the emergency generator shall be submitted; and
11. There is no anticipated noise, vibration, glare, fumes or other foreseeable impacts associated with the project.

- a. **Filing the Application.** An applicant seeking an administrative authorization under this subsection shall submit an administrative authorization application for review, detailing the site plan with dimensions of proposed improvements and distances from all property lines, and stating that the proposal meets all of the provisions in standards 1-11 of Section 14-423 (b)1. **The application must be accompanied by an application fee of \$50.**
- b. **Review.** Upon receipt of such a complete application, the Planning Authority will process it and render a written decision of approval, approval with conditions or denial, with all associated findings.
- c. **Decision.** If a full administrative authorization is granted, the application shall be approved without further review under this article, and no performance guarantee shall be required. In the event that the Planning Authority determines that standards a and b of Section 14-523 (b) (1) and at least four (4) of the remaining standards have been met, the Planning Authority shall review the site plan according to all applicable review standards of Section 14-526 that are affected by the standards in this subsection that have not been met. If an exemption or partial exemption from site plan review is not granted, the applicant must submit a site plan application that will undergo a full review by the Planning Board or Planning Authority according to the standards of Section 14-526.

**Criteria for an Administrative Authorizations:**  
 (See Section 14-523 (4) on page 2 of this application)

**Applicant's Assessment**  
 Y(yes), N(no), N/A

**Planning Division**  
 Use Only

a) Is the proposal within existing structures?	Yes/no	No
b) Are there any new buildings, additions, or demolitions?	Yes	Deck and stairs
c) Is the footprint increase less than 500 sq. ft.?	Yes	At 500 sf
d) Are there any new curb cuts, driveways or parking areas?	No	N
e) Are the curbs and sidewalks in sound condition?	Yes	Y
f) Do the curbs and sidewalks comply with ADA?	Yes	Y
g) Is there any additional parking?	No	N
h) Is there an increase in traffic?	No	N
i) Are there any known stormwater problems?	No	Y
j) Does sufficient property screening exist?	Yes	Y
k) Are there adequate utilities?	Yes	Y
l) Are there any zoning violations?	No	N
m) Is an emergency generator located to minimize noise?	n/a	NA
n) Are there any noise, vibration, glare, fumes or other impacts?	No	N

The request for an administrative authorization for the deck and stairs at 38 Washington Avenue as shown on Sheet S.1 revised to be in agreement with sheet A1.1 was granted by Barbara Barhydt, Development Review Services Manager on October 4, 2011 with the following (conditions and/or standard condition of approval)

**Standard Condition of Approval**

The applicant shall obtain all required City Permits, including building permits from the Inspection Division (Rm. 315, City Hall (874-8703) prior to the start of any construction.

# GRANT HAYS ASSOCIATES

ARCHITECTURE # INTERIOR DESIGN

## MEMO

DATE: October 18, 2011

TO: Jeannie Bourque

FROM: Mike Hays

RE: 38 Washington Avenue – Phase II  
Silly's with a Twist

CC: Colleen Kelley, Shelley Kelley, Ken Andersen, file

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Attached are the revised drawings and a CD of PDF's reflecting the additional information requested for the Construction Permit approval.

I have also included a catalog cut of the gas tabletop pizza oven, which has a direct-vent exhaust.

Colleen & Shelley have indicated the menu is the same as originally submitted. All food items can be prepared in the pizza oven or the microwave oven. The tabletop steamer will be used as a warmer to keep prepared items fresh & warm.

Please contact Colleen or Shelley directly with any questions regarding food preparation or equipment.

Please do not hesitate to contact me with any other questions.

Thanks,

Mike



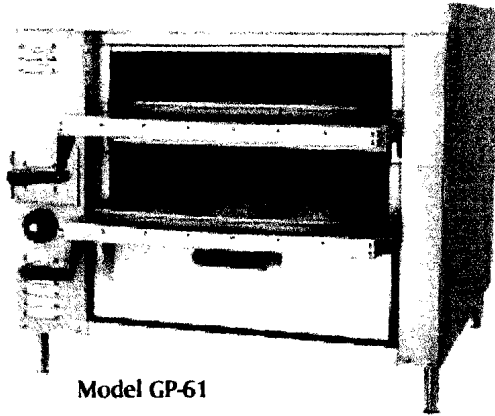
**RECEIVED**

OCT 19 2011

Office of Building Inspections  
Portland Maine



## HEARTHBAKE GP SERIES GAS COUNTER TOP OVENS



Model GP-61

### SPECIFICATIONS

Natural or LP gas heated counter top ovens. Standard specifications include two bake chambers each with 1" thick Cordierite ceramic hearth decks with independent bottom hinged doors, reversible side mounted handles, 40,000 to 60,000 BTUH per oven, 3/4" NPT (ISO7) rear gas connection, and unique heat flow system that optimizes top and bottom heat. Bottom deck is best for rapid baking while the upper deck is for slower baking.

Modulating thermostat saves energy and assures balanced heat. Standard thermostat has a temperature range up to 650° F (343°C) and is ideal for pizza while a no charge optional 550° F (287° C) thermostat is ideal for baking and roasting. A standard combination valve incorporates a manual gas valve, pilot safety and gas regulator.

The oven exterior is constructed of durable stainless steel. Model GP-51 measures 32 5/8" wide (829mm) and model GP-61 measures 41 5/8" wide (1,057mm). Both models measure 31 1/4" deep (794mm) by 25 1/8" high (638mm) and may be double stacked. 4" (102mm) adjustable chrome plated legs are standard.

The combustion chamber is constructed of 18 gauge type 304 stainless steel and features easily removable slide out flame diverter. The baking chamber is heavy gauge high heat aluminized steel. Interior bake chambers are 26 1/4" (667mm) deep and will each accommodate a full size sheet pan lengthwise. Bake chamber heights are 6" (152mm) on the lower deck and 5" (127mm) on the upper deck.

Job \_\_\_\_\_ Item # \_\_\_\_\_

### GAS COUNTER TOP OVENS

- Model GP-51 Single
- Model GP-52 Double
- Model GP-61 Single     Model GP-61HP Single
- Model GP-62 Double     Model GP-62HP Double

### STANDARD FEATURES

- 40,000 BTUH per oven model GP-51 and 45,000 BTUH per oven model GP-61 - 60,000 BTUH available on GP-61HP
- Stackable for double production capacity
- Natural or propane gas
- Energy efficient modulating thermostat and combination gas control valve
- Unique heat flow system for optimum flexibility
- Standard 300° F (149°C) to 650° F (343°C) temperature range
- Two bake chambers per oven with 1" thick Cordierite ceramic hearth bake decks
- Two independent stainless steel, bottom hinged doors with field reversible handles for left or right hand operation
- 4" adjustable chrome plated legs
- All stainless steel exterior
- Stainless steel combustion chamber
- Aluminized steel bake chambers
- Slide-out flame diverter
- Front mounted, hinged control-valve access panel
- Heavy-duty industrial grade insulation in top, sides, back, bottom and doors

### OPTIONS & ACCESSORIES

- 60,000 BTUH on GP-61 / 12,000 BTUH on GP-62
- Single door in lieu of double doors
- Removable upper deck on single door unit for 12" (308mm) bake and roast chamber height
- Bake and roast thermostat with 150 F (65 C) to 550 F (288 C) temperature range
- Automatic oven starter
- Draft hood for direct venting
- 16" (406mm) legs in stainless or Baker tone for stacked units
- 30" (762mm) legs in stainless or Baker tone for floor use
- Stainless steel under shelf for use with 30" (762mm) legs
- Heavy-duty caster set, two with locks, for use with 16" (406mm) or 30" (762mm) legs
- 48" (1219mm) quick-disconnect gas hose with or without restraining cable

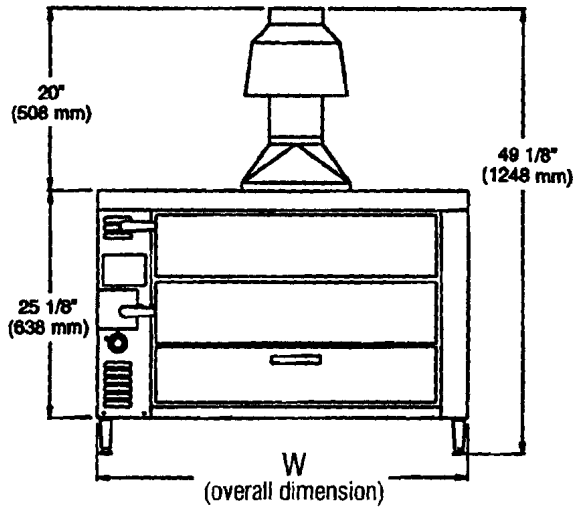
### CERTIFICATIONS



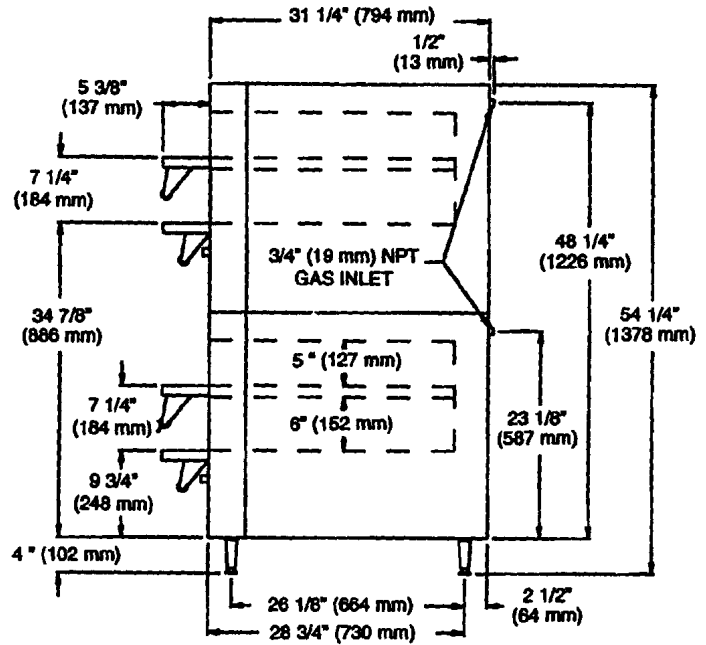
BAKERS PRIDE OVEN COMPANY, INC.  
30 Pine Street, New Rochelle, NY 10801  
914/576-0200 • 1-800-431-2745 • fax 914/576-0605  
www.bakerspride.com

*Continuous product improvement is a policy of Bakers Pride Oven Company. Therefore, specifications and design are subject to change without notification.*

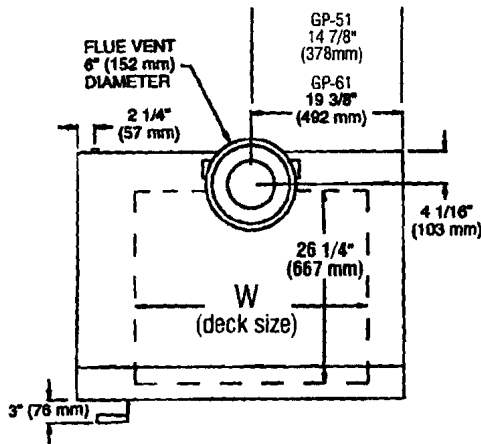




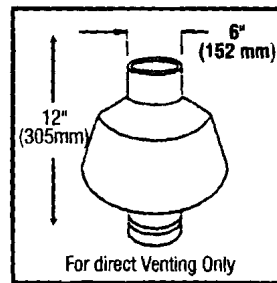
**FRONT VIEW**



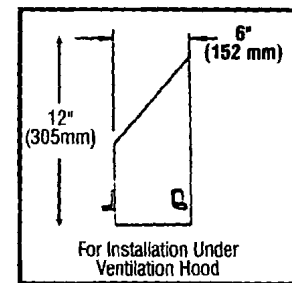
**STACKED UNIT SIDE VIEW**



**TOP VIEW**



**MUST BE SPECIFIED AT TIME OF ORDER**



**STANDARD**

SHIPPING INFORMATION										
Model	Shipping Weight		Carton Dimensions				Crate Size		Cubic Feet	Cubic Meter
	Lbs.	Kilos	Width inches	Depth inches	Height inches	mm	mm	mm		
GP-51	405	205	52	1321	39	991	36	915	43.8	1.2
GP-52	shipped in two GP-51 cartons									
GP-61	525	483	52	1321	39	991	36	915	43.8	1.2
GP-62	shipped in two GP-61 cartons									

Shipping Class # 70

GAS SUPPLY — 3/4" NPT GAS CONNECTION		
Model	BTU/H	HP
GP-51	40,000	11.72
GP-52	80,000	23.44
GP-61	45,000	13.19
GP-62	90,000	26.37
GP-61HP	60,000	17.58
GP-62HP	120,000	35.16

CE certification not available in LP gas  
Each oven requires separate gas connection

Model	Deck Size		# of Decks	# Cooking Chambers	Overall Dimensions*					
	in.	mm			Width inches	mm	Depth inches	mm	Height inches	mm
GP-51	20 5/8x26 1/4	524x667	2	2	32 5/8	829	31 1/4	794	29 1/8	740
GP-52	20 5/8x26 1/4	524x667	4	4	32 5/8	829	31 1/4	794	54 1/4	1378
GP-61	29 5/8x26 1/4	752x667	2	2	41 5/8	1057	31 1/4	794	29 1/8	740
GP-62	29 5/8x26 1/4	752x667	4	4	41 5/8	1057	31 1/4	794	54 1/4	1378

NOTE: GP61 / 62 HP same dimensions as standard GP-61 / 62

\*Height includes 4" (102 mm) standard legs

	Combustible Construction		Non-Combustible Construction	
	inches	mm	inches	mm
Right	2	51	2	51
Left	1	25	0	0
Rear	5	127	2	51

\* From non-combustible construction



BAKERS PRIDE OVEN COMPANY, INC.  
30 Pine Street, New Rochelle, NY 10801  
914/576-0200 • 1-800-431-2745 • fax 914/576-0605  
www.bakerspride.com

Continuous product improvement is a policy of Bakers Pride Oven Company. Therefore, specifications and design are subject to change without notification.

TS: 03/04

- easily accessible.
- (j) When stacking with another oven, two shut-off valves, one for each of the two ovens, must be provided.

After the Gas Supply has been connected, it is extremely important to check all the piping for leaks. Use a soap and water solution or a product expressly made for this purpose. Do not use Matches, Candles or a flame etc to check leaks since these methods are extremely dangerous.

## 6. FLUE CONNECTION - VENTILATION:

### (a) INSTALLATION UNDER VENTILATION HOOD (STANDARD):

If the oven is not vented directly and is installed under a collection hood, use the flue diverter (fig.1) supplied. Local inspectors and ventilation and environmental specialists should be consulted so that the design and the installation of the hood conforms to the local / municipal codes (see fig.3).

### (b) DIRECT VENTING (Optional) NOT AVAILABLE FOR EUROPEAN COMMUNITY COUNTRIES:

If direct venting, it is necessary to install a draft hood (fig.2). The flue pipe from the draft hood must not run downwards at any point from the oven to the final outlet. It should always slant slightly upwards. For best results it should rise straight up.

**NOTE: Do not put a damper in the flue and do not connect a blower directly to the flue.** If the flue runs directly to the free air outside the building, use a wind deflector or a UL listed vent cap at the end of the flue pipe. Termination of the vent must be at least 2 feet above the highest part of the roof within 10 feet (Ref: American Gas Association Catalog No. Xh0474)

## 7. MAIN BURNER SAFETY PILOT OPERATION:

The purpose of the safety pilot system is to lock the gas supply to the main burner at the combination valve, if for any reason the pilot burner is not lit. Oven should be relighted by following the steps given below. However, in normal service, the pilot flame stays lit indefinitely, day and night or weekends. This prolongs the life of the safety valve.

The safety pilot valve is in effect a two-stage control. After initial lighting, the pilot burner stays on without the gas cock dial being held pressed in. After 1-2 minutes, the valve opens fully to let the gas flow past the safety pilot valve into the burner system.

### A. PILOT BURNER LIGHTING PROCEDURE:

- Partially depress and turn the gas cock dial to 'OFF'() position.
  - Wait for five minutes to allow gas, which may have accumulated in the burner compartment, to escape.
  - Turn gas cock dial to 'PILOT'() position.
  - Depress gas cock dial and light Pilot Burner. Hold in pressed position for about ½ minute (30 Seconds), and release the gas cock dial. The Pilot Burner should now remain lit.
- If Pilot Burner fails to ignite or does not remain lit, repeat the steps (a) through (d).**

### B. PILOT BURNER FLAME ADJUSTMENT:

It is important to have the correct Pilot Burner Flame size as shown in Fig.5. If necessary, adjust the Pilot Burner Flame by turning Pilot Adjust Screw (See fig. 6) clockwise to reduce or counter-clockwise to increase.

