# Administrative Authorization Application <br> Portland, Maine <br> Planning and Urban Development Department, Planning Division 

PROJECT NAME:


PROJECT ADDRESS:
 CHART/BLOCKJLOT:
 APPLICATION FEE: $\qquad$ (\$50.00)

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

OWNER/APPLICANT


Address: $\qquad$

Work \#: $\qquad$
Cell \#: $\qquad$
Fax \#:
Home \#:
E-mail: shell_Kcleshotmail. com E-mail: $\qquad$
$\qquad$

Criteria for an Adminstrative Authorizations: (see section 14-523(4) on pg . 2 of this apple.)
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?
I) 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?

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

$$
Y(\text { yes }), N(\text { no }), N / A
$$




| Planning Division Use Only $\quad$ Authorization Granted |
| :--- |
| Standard Condition of Approval: The applicant shall obtain all required City Permits, imcluding building permits <br> 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 <br> from site plan review does not exempt this proposal fro other approvals or permits, nor is it an authorization for <br> construction. You should first check with the Building Inspections Office, Room 315, City Hall (207)874-8703, to <br> 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 withour further review under this article, and no performance guarantee shall be required. In the event that the Planning Authority determines that standards a and bof 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 revicw 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 Adminstrative Authorizations: (See Section 14-523 (4) on page 2 of this application)

Applicant's Assessment
$\mathrm{Y}(\mathrm{yes}), \mathrm{N}(\mathrm{mo}), \mathrm{N} / \mathrm{A}$

Planning Division Use Only

| a) Is the proposal within existing structures? | Y | No |
| :--- | :--- | :--- |
| b) Are there any new buildings, additions, or demolitions? | N | Yes |
| c) Is the footprint increase less than 500 sq. ft.? | Y | Yes - ramp |
| d) Are there any new curb cuts, driveways or parking areas? | N | No |
| e) Are the curbs and sidewalks in sound condition? | Y | Yes |
| f) Do the curbs and sidewalks comply with ADA? | Y | Yes |
| g) Is there any additional parking? | N | Yes |
| h) Is there an increase in traffic? | N | No |
| i) Are there any known stormwater problems? | N | No |
| 1) Does sufficient property screening exist? | $\mathrm{n} / \mathrm{a}$ | Yes |
| k) Are there adequate utilities? | $\mathrm{n} / \mathrm{a}$ | Yes |
| l) Are there any zoning violations? | N | No |
| m)Is an emergency generator located to minimize noise? | $\mathrm{n} / \mathrm{a}$ | $\mathrm{N} / \mathrm{A}$ |
| n) Are there any noise, vibration, glare, fumes or other impacts? | N | No |

The request for an administrative authorization for 38 Washington Avenue was granted on 8-3-11 by Barbara Barhydt with the following standard condition of approval.

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

The applicant provided recorded easements granting cross easement rights for the installation of the ramp and shared access.

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## Doct : 33900 Bk:28820 Pg: 108

## 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 $13^{\text {th }}$ day of July, 2011.


Witness


## Dock : $33900 \mathrm{Bk}: 28820 \mathrm{Pg}: 109$

STATE OF MAINE
July 13, 2011
Cumberland, ss.
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


Received
Recorded Register of Deeds
Jul 13.2011 04:01:59P
Cumberland County
Pamela E. Lovey

## 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 $13^{\text {th }}$ day of July, 2011 hereunto duly authorized.


## STATE OF MAINE

 Cumberland, ss.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,



















