

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
 Application And
 Notes, If Any,
 Attached

BUILDING INSPECTION

PERMIT

Permit Number: 080084

This is to certify that LARKIN ROBERT /property owner

has permission to Change of use from storage to Furniture Room # 2 New ADA Restrooms

AT 84 PORTLAND ST

036 1001001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission procured before this building or part thereof is placed or otherwise closed-in. 24 HOUR NOTICE REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. Greg Case

Health Dept. _____

Appeal Board _____

Other _____

Department Name

Edward Bonita 12/30/08
 Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 08-0084	Issue Date:	CBL: 036 I001001
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Location of Construction: 84 PORTLAND ST	Owner Name: LARKIN ROBERT	Owner Address: 2 COTTAGE RD	Phone:
Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-2b

Past Use: Commercial - Storage Area	Proposed Use: Commercial - Bar/ Restaurant/Function Room - Change of use from storage area to Function Room + 2 New ADA Bathrooms	Permit Fee: \$745.00	Cost of Work: \$65,000.00	CEO District: 1
Proposed Project Description: Change of use from storage area to Function Room + 2 New ADA Bathrooms "Subtract Sully Lounge"		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied See Conditions	INSPECTION: Use Group: A-2 Type: SB IRC-2003	
		Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i> 12/30/08	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: ldobson	Date Applied For: 01/28/2008	Zoning Approval		
<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. 		Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> OK w/cond. hat Date: 10/21/08 ABA	Zoning Appeal <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:	Historic Preservation <input checked="" type="checkbox"/> Not in District 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 AGM Date:

CERTIFICATION

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

SIGNATURE OF APPLICANT ADDRESS DATE PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

City of Portland, Maine - Building or Use Permit

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

Permit No: 08-0084	Date Applied For: 01/28/2008	CBL: 036 I001001
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Location of Construction: 84 PORTLAND ST	Owner Name: LARKIN ROBERT	Owner Address: 2 COTTAGE RD	Phone:
Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial - Bar/ Restaurant/Function Room - Change of use from storage area to Function Room and 2 new ADA bathrooms	Proposed Project Description: Change of use from storage area to Function Room and 2 new ADA bathrooms
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 10/21/2008

Note: The change of use from storage to a function room requires the need for 8 spaces. Previously the requirement was 33 spaces (#04-1626), so the total number of parking spaces needed is 41 spaces. 43 are shown on the siteplan. **Ok to Issue:**

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Jeanine Bourke **Approval Date:** 12/30/2008

Note: **Ok to Issue:**

- 1) This approves the O/L and layout of the plan submitted on Nov. 24, 2008 as approved by the State Fire Marshal and City of Portland Fire Dept.
- 2) Inspections are required prior to occupancy of the previous storage area. No occupancy for assembly allowed until the Certificate of Occupancy is issued, which includes all required site work conditions.
- 3) Separate permits are required for any electrical, plumbing, HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.
- 4) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Capt Greg Cass **Approval Date:** 10/21/2008

Note: **Ok to Issue:**

- 1) The occupant load limits shall be posted in each room or area.
- 2) The plans submitted show the approved seating diagram. Any change requires approval by the SFMO and the Portland Fire Dept.
- 3) Emergency lights are required to be tested at the electrical panel.
- 4) Fire extinguishers required. Installation per NFPA 10
- 5) All means of egress to remain accessible at all times
- 6) Emergency lights and exit signs are required. Additional fixtures may be required. To be determined at site visit.
- 7) Occupancies with an occupant load of 100 persons or more require panic hardware on all doors serving as a means of egress.
- 8) The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance. Compliance letters are required.
- 9) Installation of a Fire Alarm system requires a Knox Box to be installed per city ordinance

Location of Construction: 84 PORTLAND ST	Owner Name: LARKIN ROBERT	Owner Address: 2 COTTAGE RD	Phone:
Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Comments:

1/30/2008-amachado: Permit is on hold until all the conditions from site plan 2004-0221 are met. The bottle storage area at the left front of the building also has to be permitted.

10/3/2008-amachado: Planning has not received all the required information to meet the siteplan approval (2004-0221).

10/20/2008-amachado: Received stamped approved siteplan & letter.

11/3/2008-jmb: Tried unsuccessfully to contact John L. John came into the office and we discussed the review items. Missing total occupant load including dance floors, need to include plans for the 2 new ADA bathrooms(this is after the fact), and remove or relocate the one in the electrical panel closet, show where the water heater is on the plans as this was previously noted at inspection in the electrical closet less than 3' from the panels.

11/12/2008-jmb: John L. Submitted revised plan and letter stating the scope of the work covered on this permit. He also paid the \$200 belated fee for work without permits for the bathrooms and the bottle storage. I called him as we are missing the reduced plan. The letter states the total occupant load of 497, gave back to Greg to review.

11/24/2008-jmb: John L. Submitted a revised O/L seating diagram, this needs to be reviewed by Greg C. And the SFM for approval. Total O/L = 292

12/30/2008-jmb: Note from Greg C. That he and the SFM have approved the seating plan for O/L of 292, ok to issue permit



General Building Permit Application

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: <u>92 Portland St</u>		
Total Square Footage of Proposed Structure/Area		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# <u>36</u> Block# <u>I</u> Lot# <u>1</u>	Applicant * must be owner, Lessee or Buyer * Name <u>Robert Larkin</u> Address <u>2 Cottage Rd</u> City, State & Zip <u>Portland, ME 04106</u>	Telephone:
Lessee/DBA (If Applicable) <u>Bubba's Salkeyhouse</u>	Owner (if different from Applicant) Name Address City, State & Zip	Cost of Work: \$ <u>65,000</u> C of O Fee: \$ <u>75</u> Total Fee: \$ _____
Current legal use (i.e. single family) <u>Bar/Restaurant</u> If vacant, what was the previous use? Proposed Specific use: Is property part of a subdivision? _____ If yes, please name _____ Project description: <u>Change of use from Storage to function Room</u>		<u>670</u> <u>75</u> <u>745</u>
Contractor's name: <u>Prop. Owner</u> Address: City, State & Zip _____ Telephone: <u>267-4600</u> Who should we contact when the permit is ready: <u>John Leasue</u> Telephone: _____ Mailing address: _____		

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, 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: John Leasue

Date: JAN 28, 2008

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



Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

October 20, 2008

Robert Larkin
Bubba's Sulky Lounge
92 Portland Street
Portland, ME 04101



RE: Bubba's Building Addition / 92 Portland Street
Revised Application #2004-0221, CBL #036 I001001

Dear Mr. Larkin:

On October 20, 2008 the Portland Planning Authority approved revisions to Bubbas Sulky Lounge at 92 Portland Street, which included exterior lighting, removal of CMP lights and final paving and striping of the parking lot, as shown on the approved plan with the following conditions:

1. The lighting plan is approved with a waiver of the maximum standard exceeded at the light poles, not to exceed an illumination level of 10 directly under each pole and all exterior lights shall have house shields to against light trespass on adjoining properties. The proposed lights are full cut offs. The lights and lighting plan are attached.
2. Central Maine Power (CMP) will receive instructions from the applicant to remove the three existing lights on electrical poles prior to the issuance of a certificate of occupancy.
3. The Parking Plan layout is approved as shown on the approved plan and must be striped according to this approved layout with spaces marked at 9 by 19 feet.

The approval is based on the submitted site plan dated September 19, 2008 and 11 x17's dated September 22, 2008. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A performance guarantee is in place for the remainder of the site work. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt at 874-8699.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. Applicant's lighting plan

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Katherine Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Public Services
Jim Carmody, City Transportation Engineer
Jane Ward, Public Services
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File



Central Maine Power

October 1, 2008

To: Barbara Barhyte, City of Portland, 389 Congress St, Portland ME 04101
From: Breanna Pierce, Customer Service Advisor, Central Maine Power Company
CC: David Laurie Fax 207-221-1688
CC: FILE 162 Canco Rd, Portland, ME 04103
Reg: 3 lights at Bubba's 92 Portland St Portland (1 Park, 2 Mechanic)

Dear Ms Barhyte,

This letter is to confirm that when instructed, I will create the order to remove these three lights. There will be no charge to the City or the customer for the removal.

The contract terms have been met.

If you should have any questions please contact me at 842-2304.

Sincerely,

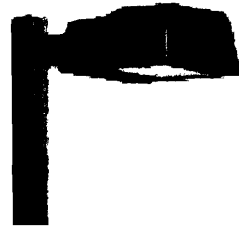
Breanna Pierce

An equal opportunity employer

162 Canco Road | Portland, ME 04103
tel 1-800-750-4000 | fax (207) 791-1026

www.cmpco.com

RAB LIGHTING ALH175QT



JOB NAME: _____

DATE: _____

TYPE: _____

DESCRIPTION

Type III distribution Area Light with pole top fixed arm mount. Factory wired with QT CWA-HPF ballast. Fixed mounting at 90° to pole. Drilling 2" on center. Factory wired for 277V, except 175W. Lamp supplied.

SPECIFICATIONS

Finish:

Chip and fade resistant bronze polyester powder coat finish.

Housing:

One-piece precision die cast aluminum housing and door held captive when opened. Removable hinge pins for door removal.

Lens Gasket:

High temperature extruded silicone set in die cast retaining groove. Remains in place during relamping.

Lens:

Thermal, tempered shock resistant glass, 5/32" thick.

Mounting Arm:

Mounts with two 5/16 -18 threaded rods at 2" on center.

Reflector:

Hydroformed Type 3 reflector.

Patents:

RAB sensor and fixture designs are protected under U.S. and International Intellectual Property Laws

Socket:

Porcelain socket pulse rated 4kv, 1500 watts and 600 volts, reinforced with cat's eyes for added durability. Silicone and fiberglass #14 gauge socket leads rated for 200° C. Plated screw shell designed to resist corrosion with spring loaded center contact.

UL Listing:

Suitable for we locations. Suitable for mounting within 4' of the ground.

EPA:

1

Color:

Bronze

Weight:

30.71

ORDERING INFORMATION

Metal Halide Lamp supplied with fixture	Total Watts	Lamp Type	Lamp Base	Ballast	Starting Amps/ Operating Amps				Input Watts	LAMP ANSI	Initial Lumens	Lamp Hours
					120V	208V	240V	277V				
	175	ED28	Mogul	CWA HPF QT	1.3/1.8	0.8/1.0	0.7/0.9	0.6/0.8	210	M57	13500	10000

Factory Installed Options
Add suffix to Catalog Number

Swivel Photocontrol (/PCS)	Button Photocontrol (/PC)
Single fusing for 120 and 277 volt (/F)	480 volt ballast (consult factory) (/480)
Double fusing for 208 and 240 volt (/FF)	

Note: Specifications may change without notice

RAB Lighting, Inc. • 170 Ludlow Ave • Northvale, NJ 07647 • Tel: 888 RAB-1000 • Fax: 888 RAB-1232 • www.rabweb.com
© 2008

RAB
LIGHTING
MEGH9



JOB NAME: _____

DATE: _____

TYPE: _____

DESCRIPTION

Accessories for the "AL" Area Light.

SPECIFICATIONS

Shield:

9" deep heavy duty shield cuts down on glare and directs light where you need it.
Easy field installation.

Color:

Bronze

Weight:

0

Note: Specifications may change without notice

RAB Lighting, Inc. • 170 Ludlow Ave • Northvale, NJ 07647 • Tel: 888 RAB-1000 • Fax: 888 RAB-1232 • www.rabweb.com

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COPY PAID



Application for Construction Permit

Department of Public Safety
State Fire Marshal's Office
52 State House Station
Augusta, Maine 04333-0052

Tel: 207-626-3870
Fax: 207-287-6251

SHADED AREAS ARE FOR OFFICE USE ONLY (B/C4)

Project Information	
Project Name: "BUBBA'S" <u>SULKY LOUNGE</u>	
Street Location: <u>92 PORTLAND ST</u>	Town Location: <u>PORTLAND</u>
County: <u>CUMBERLAND</u>	Number of Stories: <u>1</u>
New Building: <input type="checkbox"/>	Renovation: <input checked="" type="checkbox"/>
Addition: <input type="checkbox"/>	Occupancy Change: <input checked="" type="checkbox"/>
Sprinkler System: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Supervised: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Date of Construction Start-up: <u>NOV 1, 05</u>	Square Footage: <u>8125 + 1490 ADDON</u>
Disc Included: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Estimated Project Cost: <u>\$65,000.00</u>
<u>PLANS INCL.</u>	Construction Permit Fee: <u>745.</u>

Occupancy Classification		
Apartments <input type="checkbox"/>	Nursing Home <input type="checkbox"/>	Educational <input type="checkbox"/>
Hotel / Motel <input type="checkbox"/>	Industrial <input type="checkbox"/>	Daycare <input type="checkbox"/>
Rooming & Lodging <input type="checkbox"/>	Residential Care Level I <input type="checkbox"/>	Detention <input type="checkbox"/>
Congregate Housing <input type="checkbox"/>	Residential Care Level II <input type="checkbox"/>	Business <input checked="" type="checkbox"/>
Hospital <input type="checkbox"/>	Assembly Class ≥1000 <input type="checkbox"/> ≥300≤1000 <input type="checkbox"/> ≤300 <input type="checkbox"/>	Other <input type="checkbox"/>
Limited Care <input type="checkbox"/>	Mercantile A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/>	

Construction Type	
Fire Resistive: Type I (443), (332) <input type="checkbox"/>	Unprotected Ordinary: Type III (200) <input type="checkbox"/>
Protected Non-Combustible: Type II (222), (111) <input type="checkbox"/>	Heavy Timber: Type IV (2HH) <input type="checkbox"/>
Unprotected Non-Combustible: Type II (000) <input type="checkbox"/>	Protected Wood Frame: Type V (111) <input type="checkbox"/>
Protected Ordinary: Type III (211) <input type="checkbox"/>	Unprotected Wood Frame: Type V (000) <input type="checkbox"/>

Addresses	
Owner's Name: <u>ROBERT LARKIN</u>	Telephone: <u>776 6634</u> Fax: <u>—</u>
Mailing Address: <u>92 PORTLAND ST</u>	
Town: <u>PORTLAND</u>	State: <u>ME</u> Zip Code: <u>04101</u>
Design Professional: <u>JOHN H. LEASURE ARCHIT^{PC}</u>	Telephone: <u>767 4600</u> Fax: <u>DITE</u>
Maine Registration Number: <u>ME 310</u>	E-mail: <u>jleasure@maine.vr.com</u>
Mailing Address: <u>SIX R ST.</u>	
Town: <u>SO. PORTLAND</u>	State: <u>ME</u> Zip Code: <u>04106</u>
General Contractor: <u>OWNER</u>	Telephone: <u>776-0634</u> Fax: <u>—</u>
Mailing Address: <u>—</u>	
Town: <u>—</u>	State: <u>—</u> Zip Code: <u>—</u>

Signature of Applicant: John H. Leasure

Preliminary Approval: <input type="checkbox"/>	Date: <u>—</u>	Approved By: <u>—</u>
Construction Permit: <input checked="" type="checkbox"/>	Date: <u>—</u>	Approved By: <u>—</u>
Approval Letter: <input type="checkbox"/>	Date: <u>—</u>	Approved By: <u>—</u>

-When a permit is not required

LOG #	DATE PLANS RECEIVED	REVIEW FEE	DATE FEE RECEIVED	CHECK #	PLAN REVIEWER	DATE PERMIT ISSUED	PERMIT #

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES



Owner: LARKIN ROBERT
Location: 84 PORTLAND ST
CBL: 036 I001001
Invoice Date: 11/05/2008

Fee Description	Fee Charge
11/03/2008 AFTER THE FACT FOR ADA BATHROOMS	\$100.00
11/03/2008 AFTER THE FACT FOR BOTTLE ROOM & KITCHEN	\$100.00
Amount Due Now	\$200.00

Owner: LARKIN ROBERT
Location: 84 PORTLAND ST
CBL: 036 I001001
Invoice Date: 11/05/2008

Fee Description	Fee Charge
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sent for RVST 4/26/07

John Elias Daldacci Governor Phone 207-626-3880		Maine Department of Public Safety State Fire Marshal's Office 52 State House Station Augusta, Maine 04333-0052		Anne H. Jordan Commissioner Chief John C. Dean State Fire Marshal Fax 207-287-6251
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Statement of Deficiencies and Plan of Corrections

Facility Name: BUBBA'S SULKY LOUNGE Location: 92 PORTLAND ST PORTLAND, ME 04106 Facility Type ASSEMBLY Telephone: 207-828-0549 Resource ID: FMO #94243	Owner Name: ROBERT LARKIN Address: 2 COTTAGE RD SOUTH PORTLAND, MAINE 04106
During an inspection of your facility a certified State Inspector has found the following violations.	In this right hand column you are required to indicate how and when you will have these violations corrected. Complete this information and return this "Plan of Correction" to the above address within 10 days of receipt of this statement.

RECEIVED
APR 26 2007

The following inspection was conducted as a revisit inspection of the 3 October 2006 initial Dance License inspection done by this inspector. The inspection was accomplished using Life Safety Code 101 (2003 edition) as a reference. The following deficiencies were found:

Not completed
4/16/07

1. Main entrance to the facility is not sprinkler protected. as05 Provide an approved sprinkler system throughout facility.

See note #1

SPECIAL DRY HORIZONTAL SPRINKLER
HEMOS- SPECIAL ORDER- PLACES ON
ORDER SHOULD RECEIVE AND INSTALL
WITH IN NEXT TWO WEEKS done

2. Sprinkler system installed by Freedom Fire Protection of Cusco Maine - Not secured/supervised as required by LIFE SAFETY CODE 101, section 9.7.1; Supervisory Signals. Where supervised automatic sprinkler systems are required by another section of this Code, supervisory attachments shall be installed and monitored for integrity in accordance with NFPA 72, National Fire Alarm Code, and a distinctive supervisory signal shall be provided to indicate a condition that would impair the satisfactory operation of the sprinkler system. Monitoring shall include, but shall not be limited to, monitoring of control valves, fire pump power supplies and running conditions, water tank levels and temperatures, tank pressure, and air pressure on dry-pipe valves. Supervisory signals shall sound and shall be displayed either at a location within the protected building that is

FREEDOM FIRE PROVIDED CONNECTION AT
POINTS OF CONCERN. OWNER TO
MAKE FINAL CONNECTION TO FIRE
ALARM BUILDING SYSTEM. done

RECEIVED
JUN 01 2007

Date of inspection: 3 APRIL 2007
Inspector: HECTOR CYR/NELSON
COLLINS
Date Sent: 10 April, 2007

Owner/Occupant Signature: *[Signature]*
Date: 4/20/07
5/29/07

sent for RVST: 6/4/07



State of Maine
Department of Public Safety
Construction Permit



Reviewed
for Barrier
Free

17403

Sprinkled
Sprinkler Supervised

BUBBA'S SULKY LOUNGE
Located at: 92 PORTLAND ST.
PORTLAND

Occupancy/Use: ASSEMBLY CLASS B

Permission is hereby given to:

MR. ROBERT LARKIN

2 COTTAGE ROAD
SOUTH PORTLAND, ME 04106

to construct or alter the afore referenced building according to the plans hitherto filed with the Commisioner and now approved.

No departure from application form/plans shall be made without prior approval in writing. This permit is issued under the provision of Title 25, Chapter 317, Section 2448 and the provisions of Title 5, Section 4594 - F.

Nothing herein shall excuse the holder of this permit for failure to comply with local ordinances, zoning laws, or other pertinent legal restrictions. Each permit issued shall be displayed/available at the site of construction.

This permit will expire at midnight on the 24 th of July 2008

Dated the 25 th day of January A.D. 2008

Commissioner

Copy-2 Architect

Comments:

JOHN H. LEASURE

SIX Q ST.
SOUTH PORTLAND, ME 04106



666 5673



To: [unclear]
[unclear]

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

5
~~February 15, 2004~~

Robert Larkin
Bubba's Sulky Lounge
92 Portland Street
Portland, ME 04101

RE: Bubba's Building Addition / 92 Portland Street
Application #2004-0221, CBD #036 1001001

Dear Mr. Larkin:

On February 14, 200~~4~~⁵, the Portland Planning Authority approved the above referenced site plan application based findings that, with certain conditions of approval satisfied, all applicable City codes and standards of will be met. The approval is based on plans dated October 20, 2004 and supplemental information presented November 17 and 18, 2004.

The approval is for a 1,490 square foot building addition to the rear of an existing building (Bubba's Sulky Lounge) and related site improvements at 92 Portland Street.

Conditions of Approval:

1. The applicant shall present a survey of the site prepared by a professional land surveyor. Proposed site plans shall be based on said survey.
2. The project shall provide stormwater treatment for the entire site, to City standards, subject to final review and approval by the City's development review engineer and Department of Public Works.
3. The site plan shall be revised so as to resolve major inconsistencies between the parking lot plan presented in the October 20, 2004 submissions and described as "existing conditions" and the actual parking lot layout as it exists today.
4. The project shall demonstrate conformance with the City's exterior lighting standards

subject to final review and approval of the Planning Authority.

5. The applicant shall present a letter from the Department of Public Works demonstrating adequate sewer and stormwater capacity for the proposed project.

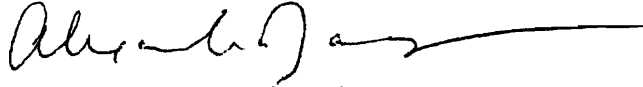
Please note the following provisions and requirements for all site plan approvals:

1. The applicant shall submit seven (7) sets of the final plans to the Planning Authority. ~~Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater.~~
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions or concerns, please contact Ethan Boxer-Macomber at 756-8083 or ebm@portlandmaine.gov.

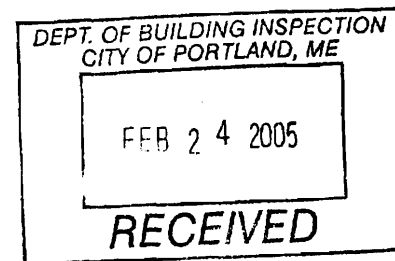
Sincerely,



Alex Jaegerman, Planning Division Director

cc:

Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Eric Labelle, City Engineer
Approval Letter File





PORTLAND MAINE

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Lee Urban - Director of Planning and Development
Jeanie Bourke - Inspection Division Services Director

December 27, 2007

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

COPY

CBL: 036 I001001
Located at 84 PORTLAND ST

Certified 70070710000135792506

PERMIT DENIED/ POSTING NOTICE

Dear Robert Larkin,

An examination of permit # 07-1010 for 84 Portland Street revealed that the application fails to comply with § 14-523 of Article V Site Plan of the Land Use Ordinance of the City of Portland.

An evaluation of your property on the 21st day of December, 2007 with your staff member confirmed the commercial addition for storage space (Permit #041626) and function room addition (Permit Application # 07-1010) are occupied without approval from this office.

Our files indicate that a letter sent to Mr. Larkin on the 15th day of February, 2004 from Alex Jaegerman, Planning Division Director specified conditions of approvals by the Development Review Coordinator prior to issuance of a Certificate of Occupancy for permit # 04-1626. Permit application # 07-1010 "Change of use from storage space (Permit #041626) to function room and build addition for bottle storage" is denied due to failure to comply with site regulations under permit #041626 pursuant to § 105.3.1 (Action on Application).

Based on that list, and pursuant to § 120.(e), and § 110.1 (Use and Occupancy), this office is authorized to prevent occupancy or use of the space specified in permit application # 07-1010 in violation of this code or of any other ordinances of this jurisdiction. You shall not occupy the "storage space" area as specified in permit application # 07-1010 until a Certificate of Occupancy is issued.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Code and in Title 30-A M.R.S.A. § 4452.

This constitutes an appealable decision within (10) ten days of the date of this letter pursuant to § 14-527 of the Land Use Ordinance of the City of Portland Code of Ordinances. Please feel free to contact me at 207.874.8702, if you wish to discuss the matter or have any questions.

Sincerely,

Jon Rioux,
Code Enforcement Officer

CC: Alex Jaegerman, Planning Division Director, Marge Schmuckal, Zoning Administrator, Greg Cass, Captain, Jeannie Bourke, Inspection Services Division Director, Andrews B. Campbell, Esq., & Penny Littell, Associate Corporation Counsel.

From: Jeanie Bourke
To: Ann Machado
Date: 1/29/2008 11:41:31 AM
Subject: Fwd: Re: Bubba's

FYI

Jeanie Bourke
Inspection Services Division Director

City of Portland
Planning & Development Dept./ Inspections Division
389 Congress St. Rm 315
Portland, ME 04101
jmb@portlandmaine.gov
(207)874-8715

>>> Jeanie Bourke 01/25 9:24 AM >>>

My concern is where does that leave the permit process and the occupancy of that storage area? I know they are preparing to apply for a change of use again. The license is up for renewal.

Jeanie Bourke
Inspection Services Division Director

City of Portland
Planning & Development Dept./ Inspections Division
389 Congress St. Rm 315
Portland, ME 04101
jmb@portlandmaine.gov
(207)874-8715

>>> Barbara Barhydt 01/24 1:15 PM >>>

Hi Penny:

John Leasure just called. He claims Bubba has someone lined up to the stormwater improvements, but the work cannot be done until March or April. John is working on the plans to get them ready for approval. He wants to know if an extension can be granted, particularly since we still hold a performance guarantee for this.

Can we grant an extension or Phil wondered if we could require them to submit an executed contract or other evidence that this work will be accomplished by a particular date? What do you think?

Thanks.

Barbara



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Corporation Counsel
Gary C. Wood

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

February 1, 2008

Andrews Campbell, Esq.
45 Kalers Corner Road
Waldoboro, ME 04572-6000

Re: Bubba's Sulky Lounge/ 92 Portland Street

Dear Mr. Campbell:

This letter is intended to reflect how the City will address the non-compliance issues at the property located at 92 Portland Street, which property contains the business establishment known as Bubba's. In an attempt to bring the property into compliance the City will address the liquor license and the Special Entertainment License (SEL) for Bubba's, as well as its site plan status and the pending application for a change of use on the site.

History

This property received conditional site plan approval for a storage addition on the rear of the existing establishment from the City in February 2005. The conditions of approval which needed to be met before the addition was to be occupied include the following:

1. the installation of a stormwater treatment facility to handle the stormwater from the parking lot and the site; and
2. clarification of the existing condition of the parking lot and the proposed parking scheme which was required to meet City standards for parking lot layout; and
3. a lighting plan, with photometrics, which met the City's lighting standards; and
4. a sewer capacity letter from the City's Public Works Department.

In 2007 the City discovered that the addition on the rear of the building was not only being occupied without having received a Certificate of Occupancy (which would not have been issued in light of the fact that essential site plan issues had not been addressed), but it was being used as an extension of the restaurant/bar establishment


Fire Issues

The City is unclear what you have proposed to bring the rear addition into compliance with Life Safety Codes. Although something has apparently been submitted to the State Fire Marshall's Office regarding its inspection, please be in touch with Captain Greg Cass of the Portland Fire Department to ensure you have met all of the City's requirements for fire prevention issues.

Summary

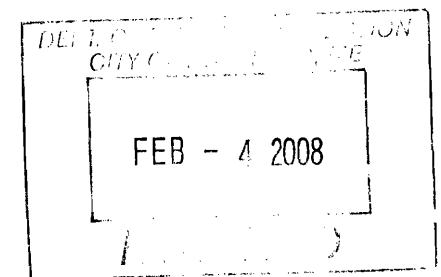
I trust this letter assists you in coming into compliance with the Codes of the City. As you know, at this time, the Stop Work Order remains in effect for the rear addition to the property so that no use of this space is permitted until a Certificate of Occupancy is obtained. We are willing to work with you to remedy the existing, longstanding violations.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Joe Gray, City Manager
Gary Wood, Corporation Counsel
Alexandra Murphy, License Administrator
Alex Jaegerman, Planner
Barbara Barhydt, Planner
Jon Rioux, Inspections
Ann Machado, Inspections ✓
Captain Greg Cass, Fire Dept.





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Corporation Counsel
Gary C. Wood

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

May 6, 2008

Andrews Campbell, Esq.
45 Kalers Corner Road
Waldoboro, ME 04572-6000

Re: Bubba's Sulky Lounge/ 92 Portland Street

Dear Mr. Campbell:

Please know that over the last two weeks I have attempted to contact you by telephone, only to receive an answering machine message. I did not leave a message. To follow up on the status of Bubba's Sulky Lounge, the following outlines the progress (or lack thereof) that has been made at the 92 Portland Street property.

Progress

a. Fire Inspection

As you know from being present, the fire inspector visited this property on no less than **six** occasions to conduct a routine inspection of the property. There was much difficulty in your client's ability to demonstrate the emergency lighting was functional. When the system was capable of being tested, it needed repair. That repair was undertaken and the fire department has signed off on the structure not including the back "addition" which continues to be posted against use or occupancy of any kind.

b. Food Service Inspection

Likewise of food inspection was undertaken. This, too, proved anything but routine. Bubba admitted on the initial inspection that he did not serve food. The kitchen located within the building was dusty and not code compliant. It obviously had not been used in quite some time. After the inspections department repeatedly explained the need for some level of food service, your client produced a hot dog machine and represented that he would be selling hot dogs to patrons. Based on these representations and an observation of the hot dog service, the food license was signed off on. There is an

explicit condition of the food service license that the kitchen portion of the establishment is not to be used unless it passes further inspection.

c. Site Plan Inspection

This property received conditional site plan approval for a storage addition on the rear of the existing establishment from the City in February 2005. Several conditions of approval have not yet been completed. The following is the present status of each condition:

done

1. the installation of a stormwater treatment facility to handle the stormwater from the parking lot and the site. **Not yet done. The City has approved the installation of a downstream defender as opposed to the original treatment unit. The downstream defender has not been installed.**
2. clarification of the existing condition of the parking lot and the proposed parking scheme which was required to meet City standards for parking lot layout. **A meeting was held on the stripping of the parking lot. At that meeting Mr. Leasure represented that a large number of the parking spaces were being rented out to adjacent property owners. This is not allowed as those spaces are required for parking for the patrons of Bubba's Sulky Lounge. The stripping of the lot is purported to occur after the downstream defender is installed. We do not have a date as to when this will take place.**
3. a lighting plan, with photometrics, which met the City's lighting standards. **No lighting plan has been submitted. Mr. Leasure has represented that bubba's intends on using existing lights mounted on CMP poles. No photometric plan has been submitted so staff has not been able to determine compliance with the City's lighting standards.**
4. a sewer capacity letter from the City's Public Works Department. **This has been received and is complete.**

done

In 2007 the City discovered that the addition on the rear of the building was not only being occupied without having received a Certificate of Occupancy (which would not have been issued in light of the fact that essential site plan issues had not been addressed), but it was being used as an extension of the restaurant/bar establishment known as Bubba's. This area was supposed to be used as storage. Even as storage the use was not given a certificate of occupancy because the site plan standards had not been completed. The City posted the space against occupancy of any kind until a Certificate of Occupancy is issued. **This posting is still in effect and the space cannot be occupied.**

In addition to observing the addition being used in violation of City Code, it was also observed that a "bottle storage room" was added to the front of the building without having received necessary permits. **A revised site plan must be submitted showing this addition and a building permit must be submitted for this addition.**

d. Change of Use Application

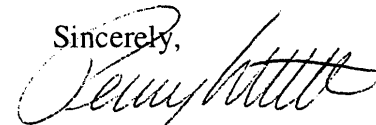
At the present time, Bubba's has requested approval to change the use of the rear addition from storage to "function room." The City will take no action on your change of use application until you have complied with the approved site plan.

e. Liquor License

In my letter to you of February 1, 2008 I indicated that bringing the site into compliance by May 1 was a necessary precursor to obtaining the liquor and special entertainment license for Bubba's. The City has determined to issue the liquor license for the previously approved portion of the building. However, no use of the rear addition or the bottle room may occur until the site plan issues noted above are addressed. Any unauthorized use of those two areas for the service of alcohol will be considered a violation of your state liquor license, as well as a violation of City Code.

If the site plan requirements are not addressed in the near term, you will be subject to an 80K Land Sue action. As a result, let me know when the site plan issues will be professionally addressed and rectified.

Sincerely,



Penny Littell
Associate Corporation Counsel

Cc: Alexandra Murphy, License Administrator
Barbara Barhydt, Planner
Jon Rioux, Inspections
Captain Greg Cass, Fire Dept.

From: Barbara Barhydt
To: Littell , Penny; Machado, Ann; Rioux, Jonathan
Date: 8/19/2008 2:03:14 PM
Subject: Fwd: Bubba's Portland Street Lighting Plan

I received this from David yesterday. It appears Mr. Lourie is not familiar with the letter from Inspections. Shall we meet to discuss.

>>> "David A. Lourie" <david@lourielaw.com> Monday, August 18, 2008 11:20 AM >>>
Please review and advise as to the request for a temporary C/O

--
This message was sent from the Law Office of David A. Lourie. Any questions should be addressed to David A. Lourie, 189 Spurwink Avenue, Cape Elizabeth, ME 04107; (207)799-4922/cell phone (207)749-3642/Fax (207)221-1688.

If you received this communication in error, please "reply" and advise us of its receipt to avoid any repetition. This communication may contain attorney-client privileged or confidential matters, if received in error, dissemination or further distribution is prohibited.

emailed Barbara - f happy Janet.

DAVID A. LOURIE
ATTORNEY AT LAW
189 SPURWINK AVENUE
CAPE ELIZABETH, MAINE 04107
(207) 799-4922 (Fax) 221-1688
david@lourielaw.com

Advance Copy Via E-mail
August 18, 2008

Barbara Barhyte, City Planner
389 Congress Street
Portland, Maine 04101

Re: Temporary C/o Pending Lighting Change at Bubba's Larkins Sulky Lounge Parking Lot

Dear Barbara:

Mr. Larkin has reluctantly agreed to the removal of the street light he rents from CMP on Portland Street. He has agreed that he will order CMP to remove all three lights attached to street poles in the vicinity of his establishment as soon as the new lighting is operational. CMP could not provide an estimate of time for the work to be accomplished, as it will be done on a first-come basis once the order is received. It is my understanding that you will approve the lighting plan recently submitted by Gilman Electric (as modified) upon receipt of this letter.

Mr. Larkin would really like to open the back room for business ASAP. I therefore request that the City issue a temporary certificate of occupancy conditioned upon the installation of the lighting and striping of the lot by a date certain? I am certain that Bubba will agree to any reasonable conditions on this permit.

Please advise.

Sincerely,

David A. Lourie

cc: client

From: Barbara Barhydt
To: Littell, Penny; Rioux, Jonathan
Date: 8/19/2008 4:16:57 PM
Subject: Fwd: Re: Bubba's Portland Street Lighting Plan

I sent this to David today.

>>> Barbara Barhydt Tuesday, August 19, 2008 4:16 PM >>>
David:

I need to review this with Penny. I am not sure your letter alone is sufficient. When is the final paving and striping going to be complete? I would like this work done before I sign off on a temporary certificate of occupancy. I also believe you had stated that your client would post a performance guarantee for the removal of the lights.

Lastly, I would recommend that you check with Jonathan Rioux regarding the requirements from the Inspection Division.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> "David A. Lourie" <david@lourielaw.com> Monday, August 18, 2008 11:20 AM >>>
Please review and advise as to the request for a temporary C/O

--

This message was sent from the Law Office of David A. Lourie. Any questions should be addressed to David A. Lourie, 189 Spurwink Avenue, Cape Elizabeth, ME 04107; (207)799-4922/cell phone (207)749-3642/Fax (207)221-1688.

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From: Ann Machado
To: Barbara Barhydt; Jonathan Rioux; Penny Littell
Date: 8/20/2008 9:11:36 AM
Subject: Re: Thursday the 21st, 10:00 AM MTG

10:00 tomorrow works for me.

The permit (08-0084) to change the use from storage to function room has been on hold with zoning since 1/30/08 pending completion of the sitework required from 2005. The bottle storage room that was added in the left front of the building also has to be permitted.

Once you determine that the conditions of the 2005 siteplan approval have been met then we can move the change of use permit forward. Bubba will need to add the bottle storage area to the permit. We also need a current siteplan that shows the final parking arrangement approved by planning. The permit will have to be reviewed by Captain Cass and building inspections before it is issued.

Ann

>>> Jonathan Rioux 08/20 8:33 AM >>>
Re: Bubba's, CBL: 036 1001001, Located at 84 PORTLAND ST

Morning,

Jen set up a time for us to meet at 10:00 Tomorrow Morning, the 21st.

Planning, Zoning, Legal, & Building all sent violation notices to Andrews Campbell within the past year.

I would recommend that our "Department" drafts a final action-plan-letter to avoid confusion.

Building w/o Benefit of a Permit and Site Work appear to be the enduring deficiency. After we meet I'll schedule an appoint. with David Lourie and convey our action plan. JGR.

Jon Rioux,
Code Enforcement Officer

City of Portland
Inspection Services Division
389 Congress St. Rm 315
Portland, ME 04101
Office: 207.874.8702
jrioux@portlandmaine.gov

- bottle storage - separate permit after the fact. - it is on April 7, 2008 site plan
- for 08-0084 - need ~~final~~ scalable site plan - April 7, 2008
- move it on to Greg.

September 2, 2008

David Lourie, Esq.
189 Spurwink Avenue
Cape Elizabeth, ME 04107-9604

7 copies.
* stamped site plan by planning of front
parking layout etc.

Re: Bubba's Sulky Lounge

Dear Attorney Lourie:

City staff from Building Inspections and Planning got together to discuss the outstanding issues related to Bubba's Sulky Lounge in order to document those issues in one letter. I know you have been working with Barbara Barhydt in Planning on site issues. Jon Rioux has been dealing with building issues. Ann Machado has been dealing with zoning requirements. Below is a list of items that must be addressed prior to the lifting of the posting for the rear of Bubba's building.

Site Plan Issues

The stormwater issues have been addressed and are satisfactory to the City. The sewer capacity letter has been submitted. Barbara Barhydt has reviewed the photometric plan submitted for the site. She will waive the requirements regarding the maximum light levels under the rear parking lot lights as shown on the site plan as the increased levels shown are minimal. The striping of the parking lot still needs to be addressed.

The Planning Department will not hold up occupancy of the rear of the building if the following conditions are met:

- needed w/
Barbara
9/25 for.
- no 1. The City is provided with a letter from CMP identifying the lights to be removed from their poles. These lights are as shown on the attached. We understand CMP will place this project on its work order list and there may be a delay in the actual removal. As a result, the City will accept the letter from CMP indicating their intent to remove the lights.
 - no 2. Because the parking lot paving/striping is not complete, we will require the posting of a performance guarantee to cover this work. Please submit a cost estimate for the remaining site work and either a performance guarantee or escrow account must be established to cover the remaining work. The performance guarantee for the stormwater work has been reduced to a defect guarantee. The packet for performance guarantees is attached for your use. If your client chooses, we can convert that guarantee to cover cost of the remaining site work and increase the funding level to match the pending work. I enclose an authorization for conversion if your client chooses to execute the same.

Zoning Issues