



PORTLAND MAINE

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

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

known as Bubba's, and not as its approved use as storage. The City posted the space against occupancy of any kind until a Certificate of Occupancy is issued.

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.

At the present time, Bubba's is seeking a liquor license and a Special Entertainment License and is requesting approval to change the use of the rear addition from storage to "function room." Last week a number of City staff met with John Leasure, your architect, in an attempt to explain just what is required in order to bring the site into compliance with Codes and to allow you to continue operating your liquor establishment.

Site Plan Compliance

You will have until **May 1, 2008** to bring the site at 92 Portland Street into compliance with the 2005 site plan approval for that site. That means that by that date you will need to have installed the stormwater treatment system, received and submitted your sewer capacity letter, received approval for your lighting plan, and received approval for your parking schematic. In the meantime, no sue of that rear addition may occur until a certificate of occupancy is obtained from the City. It would behoove you to contract now with a contractor who will install the treatment system by mid-April to assure you meet this deadline.

The City will take no action on your change of use application until you have complied with the approved site plan.

Status of Special Entertainment License Application

You applied for the renewal of Bubba's liquor license and Entertainment With Dance license with the Portland City Clerk's Office on January 10, 2008. If you fail to bring your site at 92 Portland Street into compliance with the 2005 approved site plan by May 1, 2008, then staff will recommend to the City Council that its approval of these licenses be denied. Title 28-A sec 653(2)(B) makes noncompliance with local land use laws a basis for denial of a liquor license. The SEL is only relevant to a facility that has a liquor license. The final decision in this regard will be up to the Council unless you meet the May 1, 2008 deadline. If you meet that deadline we will renew your licenses administratively and not put them on the May 5th Council agenda.

Pending Change of Use Application

The City will not undertake a review of the recently filed change of use application until the above conditions are met. A change of use (from Storage to function room) will require at least the same improvements required for the approved storage facility. In addition, it should be noted that you have never received any approvals, or an approved exemption, for the "bottle storage room" that was added on to the building.

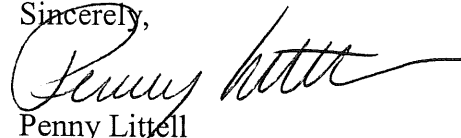
Fire Issues

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.

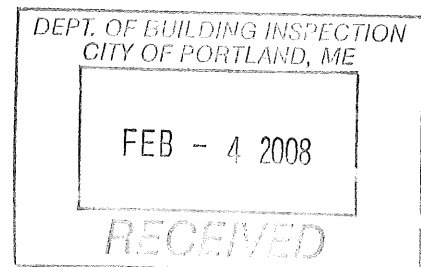
Sincerely,

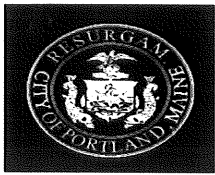


Penny Littell
Associate Corporation Counsel

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.

O:\OFFICE\PENNY\Letters2008\Campbell 013008.doc





PORTLAND MAINE

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

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.

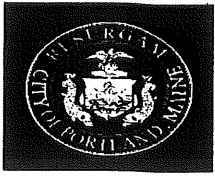
Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Code and in Title 30-A M.R.S.A. § 4452.

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.



PORTLAND MAINE

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

December 27, 2007

Amended: Date of Notice Added

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

CBL: 036 I001001
Located at 84 PORTLAND ST

Certified 70070710000135792506

PERMIT DENIED/ NOTICE OF VIOLATION

Dear Robert Larkin,

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This is a Permit Denial letter pursuant to § 105.3.1 (Action on Application) of the International 2003 Building Code®. Permit application # 07-1010 is rejected until an application for site plan is filed and approved.

§ 105.3.1 Action on Application. The building officials shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building officials shall reject such applications in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

This is a Violation Notice pursuant to § 14-52, stating:

§14-52 (Conformity Required) No building or structure shall be erected, altered, enlarged rebuilt, moved or used, and no premises shall be used unless in conformity with the provisions of this article.

You shall not occupy the "storage space" area as specified in permit application # 07-1010 until a Certificate of Occupancy is issued.

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Sincerely,

Jon Rioux,
Code Enforcement Officer

Cc: Barbara Barhydt, Development Review Services Manager, Marge Schmuckal, Zoning Administrator, Greg Cass, Captain, Jeannie Bourke, Inspection Services Division Director

CAMPBELL LAW OFFICES
A Professional Corporation

207LEGAL.COM

Andrews Bruce Campbell, Attorney 919 Ridge Road, Bowdoinham, ME 04008
207-666-5601; fax 207-666-5633

December 26, 2007

COPY

Jon Rioux
Code Enforcement Officer
Room 315, 389 Congress Street
Portland ME 04101
874-8715; fax 874-8716
874-8702

FAX AND REGULAR MAIL

Re: CBL 036 1001001
Located at 84 Portland Street
Robert Larkin - APPEAL

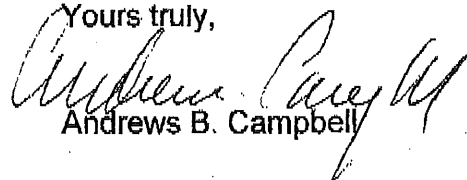
Dear Mr. Rioux:

I represent Robert Larkin. Please accept this letter as appeal of undated hand delivered "PERMIT DENIED/ NOTICE OF VIOLATION" recently received. It is unclear whether there is an intended permit denial or intended violation citation. The communication is unclear to Mr. Larkin because he says he has already been granted a permit and his payment was accepted from the City for existing usages, that is storage. This would be permit # 07-1010 for Storage P[ace].

Mr. Larkin, as you know, is in the process of working out his permit with the State Fire Marshall's office and filing enlarged construction plans. He is not permitted to occupy or use for his business operations the enlarged area behind Bubba's existing use.

I look forward to speaking with you. Thank you for your attention.

Yours truly,


Andrews B. Campbell

c: Robert Larkin



PORTLAND MAINE

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

COPY

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

CBL: 036 I001001
Located at 84 PORTLAND ST

Hand Delivered

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Sincerely,

Jon Rioux,
Code Enforcement Officer

Cc: Barbara Barhydt, Development Review Services Manager, Marge Schmuckal, Zoning Administrator, Greg Cass, Captain, Jeannie Bourke, Inspection Services Division Director

FAX



To: Andrews Campbell Esq

Fax Number : 666-5633

From: Jon Rioux

Fax Number:

Date: 6/02/08

Regarding:

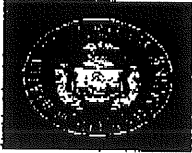
Total Number Of Pages Including Cover: 4

Phone Number For Follow-Up:

Comments:

City Of Portland, Maine
Inspections Division Services
389 Congress St Room 315 Portland Me 04101-3509
Phone: (207) 874-8703 or (207)874-8693
Fax: (207) 874-8716
<http://www.portlandmaine.gov/>

file
Bubba
Amirval



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

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

Sublime
City of Portland

666
5600

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

CBL: 036 I001001
Located at 84 PORTLAND ST

Hand Delivered

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Code Enforcement Officer

Cc: Barbara Barhydt, Development Review Services Manager, Marge Schmuckal, Zoning Administrator, Greg Cass, Captain, Jeannie Bourke, Inspection Services Division Director



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

036 I 601

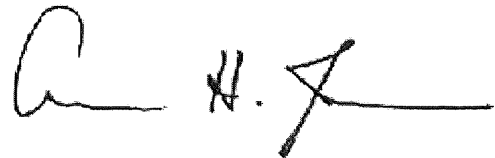
Permission is hereby given to:
 MR. ROBERT LARKIN

2 COTTAGE ROAD
 SOUTH PORTLAND, ME 04106

to construct or alter the afore referenced building according to the plans hitherto filed with the Commissioner 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

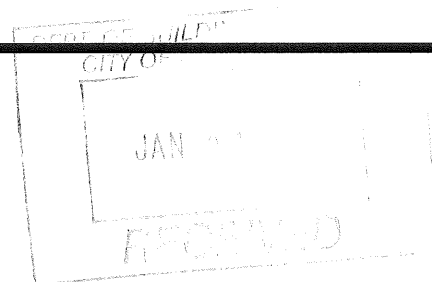
Dated the 25 th day of January A.D. 2008


 Commissioner

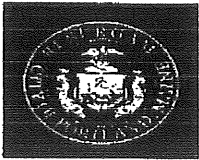
Copy-3 Code Enforcement Officer

Comments:

Code Enforcement Officer
 PORTLAND, ME



file
Bubba
approval



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

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

Sublime
City of Portland

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

666
5600

CBL: 036 I001001
Located at 84 PORTLAND ST

Hand Delivered

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Sincerely,

Jon Rioux,
Code Enforcement Officer

Cc: Barbara Barhydt, Development Review Services Manager, Marge Schmuckal, Zoning Administrator, Greg Cass, Captain, Jeannie Bourke, Inspection Services Division Director



CITY OF PORTLAND, MAINE
Department of Building Inspection

Feb. 06 2001

Received from Bureau's Building Service a fee

of entry fee /100 Dollars \$ 1,500

for permit to inspect
install
erect
alter

at 9 1/2 Portland St Est. Cost \$ —
demolish

KR
Cash
CB2 036 I 001

Inspector of buildings
Per Gray

THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Auditors Copy

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bubba's Sully Lounge
 92 Portland Street
 Portland, ME
 04101

2. Article Number (Copy from service label)

700016 700003071 7649

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-095

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **JOANNE MARTIN**
 B. Date of Delivery
 C. Signature *Joanne Martin* Agent Addressee
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: No

FEB 01 2001

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

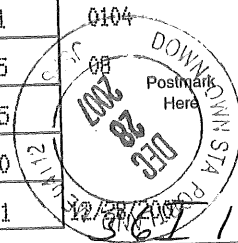
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
 SOUTH PORTLAND ME 04106

Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 5.21

Sent To: **Robert Larkin -**
 Street, Apt. No., or PO Box No.: **2 Cottage Rd**
 City, State, ZIP+4: **South Portland, ME 04106**

PS Form 3800, August 2006 See Reverse for Instructions

7007 0710 0001 3579 2506



SECTION ON DELIVERY

Joanne Martin Agent Addressee
 (Printed Name) C. Date of Delivery

Address different from item 1? Yes No
 delivery address below: No



Express Mail Return Receipt for Merchandise C.O.D.
 Restricted Delivery? (Extra Fee) Yes

3579 2506

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Inspection Services
Michael J. Nugent
Manager

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

January 29, 2001

Bubba's Sulky Lounge
92 Portland Street
Portland, Maine 04101

RE: 036-I-001

Certified Mail # 70001670000030717649

Dear Sir or Madame,

Please find attached a copy of a prior billing notice that was sent pursuant to our Food Service Inspection Program. Our records show that payment has not been received.

Pursuant to Section 15-8 of the City Licensing Ordinance, this office is referring a recommendation to the City Clerk that your license renewal be denied until all fees due to the City are paid.

Section 15-3 of the Ordinance disallows operation of the business without said license.

This constitutes an appealable decision pursuant to Section 15-9 of the Ordinance. Please feel free to contact me at 874-8700, if you wish to discuss the matter or have any questions.

Sincerely,

A handwritten signature in cursive script that reads "M. Nugent".

Mike Nugent
Manager of Inspection Services

Cc: City Clerk

Inspection Services
Michael J. Nugent
Manager



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND BILLING NOTICE

April 4, 2000

Bubba's Sulky Lounge
92 Portland Street
Portland, Maine 04101

RE: Bubba's
CBL: 036-I-001

Dear Sir/Madam:

The City Council passed the following amendment on May 17, 1999:

Sec 11-37. Inspection Performance Requirements.

All licensed Food Service Establishments shall be inspected annually on forms approved by the State of Maine Dept. of Health Engineering. Establishments which obtain a score between 79 and 84 may be inspected monthly until the establishment has achieved the score of 85 or above. Establishments with a score of 78 or less may be reinspected within 10 days of the original unsatisfactory score. Establishments that score below 78 on two consecutive inspections shall be referred to the City Clerk for action pursuant to Chapter 15; provided, however, the foregoing shall not be construed to be a limitation on the authority of the City to refer violations to the City Clerk for action pursuant to Chapter 15.

Reinspection fee for FSE \$75.00 per Re-inspection

Since that date, the City of Portland Inspection Services Team has inspected the above Food Service Establishment on the following dates with the following results:

1/18/00 78 1/31/00 93

Based on this standard your establishment has been reinspected 1 time. You now owe the City of Portland \$75.00 in reinspection fees. Failure to pay the reinspection fee will cause this office to notify the City Clerk for action pursuant to Chapter 15. Please feel free to contact me at 874-8700, if you wish to discuss this.

Sincerely,

Mike Nugent
Manager of Inspection Services



DEPARTMENT OF PLANNING AND DEVELOPMENT

February 19, 2004

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

CBL: 036 I001001
Located at 84 PORTLAND ST

Mail

Dear LARKIN ROBERT,

The City has received a complaint that you did not remove the snow accumulation on the public sidewalk in front of your property. This condition is a violation of Section 25-173 of the Code of Ordinances of the City of Portland, Removal of Snow and Ice.

This is a notice of violation pursuant to the Ordinance. A four foot path must be properly cleared the length of your frontage along the public street (s) within 5 days of the date of this notice. A re-inspection of the premises will occur, at which time compliance is required. 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 Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 25-204 of the Code.

Enclosed is a copy of an informational brochure that outlines Property owner's responsibility with regard to the removal of snow and ice from the public sidewalk in front of the property. Please review the material and feel free to contact me at 874-8700 if you have questions.

Sincerely,

Mike Nugent @ (207) 874-8700
Inspection Service Manager

CAMPBELL LAW OFFICES
A Professional Corporation

207LEGAL.COM

Andrews Bruce Campbell, Attorney 919 Ridge Road, Bowdoinham, ME 04008
207-666-5601; fax 207-666-5633

December 26, 2007

Jon Rioux
Code Enforcement Officer
Room 315, 389 Congress Street
Portland ME 04101
874-8715; fax 874-8716
874-8702

FAX AND REGULAR MAIL

Re: CBL 036 I001001
Located at 84 Portland Street
Robert Larkin - APPEAL

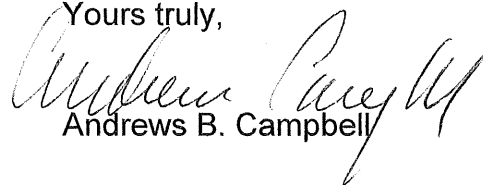
Dear Mr. Rioux:

I represent Robert Larkin. Please accept this letter as appeal of undated hand delivered "PERMIT DENIED/ NOTICE OF VIOLATION" recently received. It is unclear whether there is an intended permit denial or intended violation citation. The communication is unclear to Mr. Larkin because he says he has already been granted a permit and his payment was accepted from the City for existing usages, that is storage. This would be permit # 07-1010 for Storage P[ace].

Mr. Larkin, as you know, is in the process of working out his permit with the State Fire Marshall's office and filing enlarged construction plans. He is not permitted to occupy or use for his business operations the enlarged area behind Bubba's existing use.

I look forward to speaking with you. Thank you for your attention.

Yours truly,


Andrews B. Campbell

c: Robert Larkin



PORTLAND MAINE

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

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

LARKIN ROBERT
2 COTTAGE RD
SOUTH PORTLAND, ME 04106

COPY

CBL: 036 I001001
Located at 84 PORTLAND ST

Hand Delivered

PERMIT DENIED/ NOTICE OF VIOLATION

Dear Robert Larkin,

An evaluation 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.

This is a Permit Denial letter pursuant to § 105.3.1 (Action on Application) of the International 2003 Building Code®. Permit application # 07-1010 is rejected until an application for site plan is filed and approved.

§ 105.3.1 Action on Application. The building officials shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building officials shall reject such applications in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

This is a Violation Notice pursuant to § 14-52, stating:

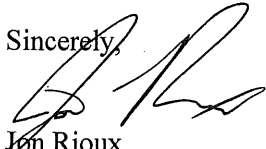
§14-52 (Conformity Required) No building or structure shall be erected, altered, enlarged rebuilt, moved or used, and no premises shall be used unless in conformity with the provisions of this article.

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 874.8702, if you wish to discuss the matter or have any questions.

Sincerely,


Jon Rioux,
Code Enforcement Officer

Cc: Barbara Barhydt, Development Review Services Manager, Marge Schmuckal, Zoning Administrator, Greg Cass, Captain, Jeannie Bourke, Inspection Services Division Director

City of Portland
Inspection Services
RETURN OF SERVICE

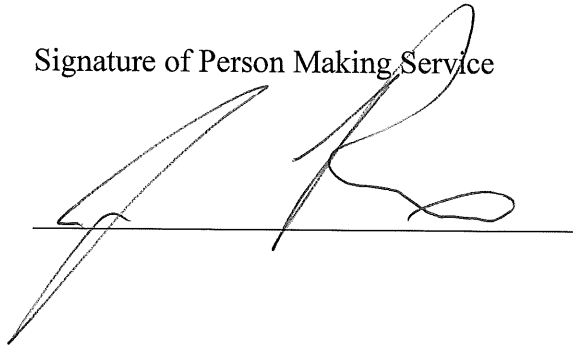
036 I001

On the 21st day of December, 2007 I made service of the building denial
upon, ^(for) Robert Larkin, Sean Jameson, at 84 Portland, St.

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is _____.
- By (describe other manner of service) _____

Signature of Person Making Service

DATED: 12/21/07



I have received the above referenced documents
Person Receiving Service

Sean Jameson

Refused to sign

Unable to sign



Strengthening a Remarkable City, Building a Community for Life

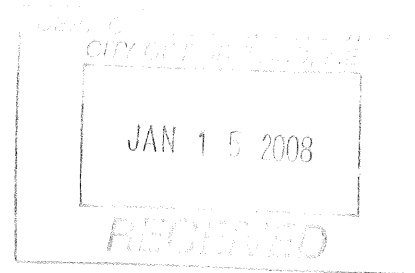
www.portlandmaine.gov

Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

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, CBL #036 I001001

Dear Mr. Larkin:

On February 14, 2004, 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.

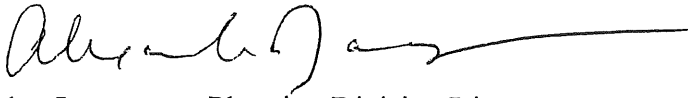
Please note the following provisions and requirements for all site plan approvals:

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.

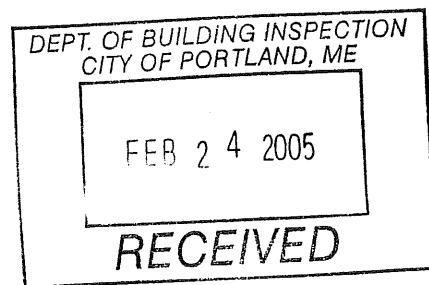
Sincerely,



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



CAMPBELL LAW OFFICES
A Professional Corporation

207LEGAL.COM

Andrews Bruce Campbell, Attorney 919 Ridge Road, Bowdoinham, ME 04008
207-666-5601; fax 207-666-5633

December 26, 2007

COPY

Jon Rioux
Code Enforcement Officer
Room 315, 389 Congress Street
Portland ME 04101
874-8715; fax 874-8716
874-8702

FAX AND REGULAR MAIL

Re: CBL 036 I001001
Located at 84 Portland Street
Robert Larkin - APPEAL

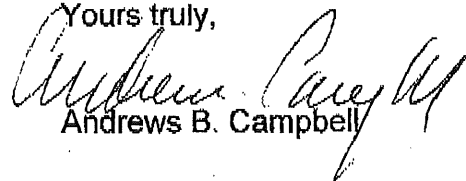
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Andrews B. Campbell

c: Robert Larkin

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A Professional Corporation

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Andrews Bruce Campbell, Attorney 919 Ridge Road, Bowdoinham, ME 04008
207-666-5601; fax 207-666-5633

December 26, 2007

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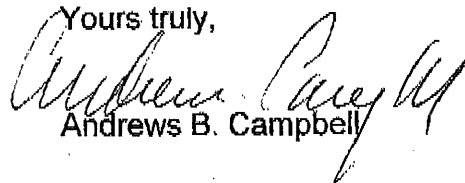
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