

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

**PERMIT ISSUED**  
Permit Number: 050726  
**JUL 18 2005**  
**CITY OF PORTLAND**

This is to certify that Munjoy Hill Restorations L  
has permission to Restaurant/ The Front Room  
AT 73 Congress St

SECTION

**PERMIT**

Application # 014 F021001

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 written permission procured before this building or part thereof is altered or closed-in.  
**FOUR NOTICE IS REQUIRED.**

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

**OTHER REQUIRED APPROVALS**  
Fire Dept Capt. Greg Cass 7-1-05  
Health Dept \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name# \_\_\_\_\_

*[Signature]*  
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: 05-0726	Issue Date: JUL 18 2005	Zone: 014 F02 001
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Location of Construction: 73 Congress St	Owner Name: Munjoy Hill Restorations Llc	Owner Address: 40 Portland Pier # 11
Contractor Name: Applicant HARD	Contractor Address: Portland	Phone: Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial
		Zone: B1b

Vacant Grocery Store	Restaurant/ The Front Road No const. 60 seat dining	Permit Fee: \$105.00	Cost of Work: \$105.00	CEO District: 1	
Proposed Project Description: Restaurant/ The Front Road No const. 60 seat dining		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>with conditions</i>	INSPECTION: Use Group: A Type: 5B <i>2/15/05</i>		
		Signature: <i>Capl Chase</i>	Signature: <i>[Signature]</i>		
		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied			
		Signature:		Date:	

Permit Taken By: Idobson	Date Applied For: 06/08/2005
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Zoning Approval		
<b>Special Zone or Reviews</b> <input type="checkbox"/> Shoreland : <i>HA</i> <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"/> Date: <i>ok 7/12/05</i>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Miscellaneous <i>for off-site parking ~ 450' away</i> <input checked="" type="checkbox"/> Conditional Use <i>restaurant use</i> <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved w/ conditions <i>that show a lease for the parking spaces</i> <input type="checkbox"/> Denied Date: <i>EBA 7/1/05</i>	<b>Historic Preservation</b> <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 Date: <i>received 7/12/05</i>

**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

Order 291-04/05      Amendment to Zoning Map Re: Rezoning from **R-6** Residential to **B-1b** Neighborhood Business Zone Vicinity of **73** Congress Street – Sponsored by the Planning Board, **Lee Lowry**, Chair. First reading. Emergency passage requested.

Motion was made by Councilor O'Donnell and seconded by Councilor Mavodones for emergency passage. Passage 9-6.

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Order 282-04/05      Granting Municipal Officer's Approval of The Front Room, LLC, d/b/a The Front Room, 73 Congress Street. Application for Class I Restaurant with Liquor License. New City and State License – Sponsored by Linda C. Cohen, City Clerk.

Motion was made by Councilor Mavodones and seconded by Councilor Gorham for emergency passage. Passage **9-0**.

**BUDGET ITEMS:**

**COMMUNICATIONS:**

Com 4-04/05      Receiving Police Citizen Review Subcommittee Third **Annual** Report 2004 – Sponsored by Joseph E. Gray, Jr., City Manager

Motion was made by Councilor O'Donnell and seconded by Councilor Gorham to receive the communication. Passage 9-0.

**IN COUNCIL REGULAR MEETING JUNE 6, 2005 VOL. 121 PAGE 131**

Com 5-04/05      Receiving Amendments to **Rules** of the Harbor Commission – Sponsored by Joseph E. Gray, Jr., City Manager.

Motion was made by Councilor Cloutier and seconded by Councilor Cohen to postpone this item to **6/20/05**. Passage 9-0.

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Order 270-04/05      Reallocating and Appropriating **\$30,000** in Community Development Block Grant (HCD) Funds and Amending the FY2003/2004 Consolidated HCD Plan Re: Parkside Community Center – Sponsored by Councilor Karen A. Geraghty. Given first reading **on 5/16/05**.

Motion was made by Councilor Gorham and seconded by Councilor Geraghty for passage. Passage 9-0.

**RESOLUTIONS:**

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

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

<b>Permit No:</b> 05-0726	<b>Date Applied For:</b> 06/08/2005	<b>CBL:</b> 014 F021001
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<b>Location of Construction:</b> 13 Congress St	<b>Owner Name:</b> Munjoy Hill Restorations Llc	<b>Owner Address:</b> 40 Portland Pier # 11	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Applicant	<b>Contractor Address:</b> Portland	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Commercial	

<b>Proposed Use:</b> Restaurant/ The Front Room No const. 60 seat dining	<b>Proposed Project Description:</b> Restaurant/ The Front Room/ No const. 60 seat dining
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 07/12/2005

**Note:** 6/6/05 The City Council approved the zone change to B1b zone      **Ok to Issue:**

7/7/05 Conditional use appeal approved by ZBA & Miscellaneous appeal approved for six off-street parking spaces approx. 450 ft away

7/12/05 received copy of the lease for 6 parking spaces

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2) Separate permits shall be required for any new signage.
- 3) All conditions stated for restaurant uses shall be maintained during the use of this establishment.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Mike Nugent      **Approval Date:** 07/15/2005**Note:**      **Ok to Issue:** 

- 1) Any fire separation assembly penetrations must be protected in accordance with Chapter 7 of the 2003 IBC

**Dept:** Fire      **Status:** Approved with Conditions      **Reviewer:** Cptn Greg Cass      **Approval Date:** 07/14/2005**Note:**      **Ok to Issue:** 

- 1) All building construction to comply with NFPA 101
- 2) On plan submitted the swing on door # 3 needs to open out.

# All Purpose 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.

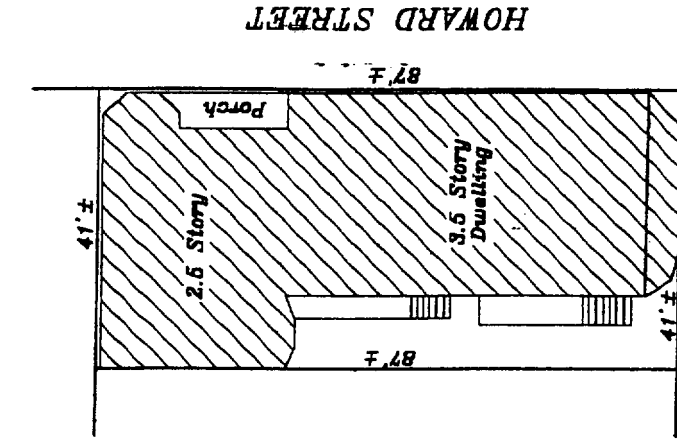
Location/Address of Construction: <u>73 Congress Street</u>		
Total Square Footage of Proposed Structure <u>1874</u>	Square Footage of Lot <u>3,563</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>14</u> Block# <u>F</u> Lot# <u>21</u>	Owner: <u>Mujoy Hill Stations</u>	Telephone: <u>653-8216</u>
Lessee/Buyer's Name (If Applicable) <u>Harding Smith</u> <u>The Front Room, LLC</u>	Applicant name, address & telephone: <u>Harding Smith</u> <u>65 Waterville St.</u> <u>Portland, ME 04101</u>	Cost Of Work: \$ <u>14,500</u> Fee: \$
Current use: <u>Storage</u>		
If the location is currently vacant, what was prior use: <u>grocery store</u> + <u>156</u> + <u>75 cofo</u>		
Approximately how long has it been vacant: <u>20 years</u>		
Proposed use: <u>Restaurant - The Front Room</u>		
Project description: <u>60 seat dining room</u>		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                 DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME   <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">                     JUN 8                       RECEIVED                 </div> </div>
Contractor's name, address & telephone:		
Who should we contact when the permit is ready: <u>Harding Smith</u>		
Mailing address: <u>65 Waterville St. #1</u> <u>Portland, ME 04101</u>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up.		
PHONE: <u>319-4368</u>		

**IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.**

*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 of applicant: <u>HS</u>	Date: <u>6/7/05</u>
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**This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4<sup>th</sup> floor of City Hall**



CONGRESS STREET

PROVIDED THE REFERENCES FOR APPLICABLE APPRO. WARRANT. ANT.

APPLICANT: ROBERT CLARK REQUESTING PARTY: LEITE & LEMIEUX  
 OWNER: SETH ATTORNEY: JAMES R. LEMIEUX  
 LENDER: \_\_\_\_\_ FILE NO. 2011067 FIELD BOOK: 280

TITLE REFERENCES: \_\_\_\_\_ YOUR FILE #: 104480

DEED BOOK: 18192, PAGE: 217  
 PLAN BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ LOT: \_\_\_\_\_  
 COUNTY: CUMBERLAND

MUNICIPAL REFERENCE: \_\_\_\_\_  
 MAP: 14 BLOCK: F LOT: 21

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA COMMUNITY MAP No. 50083 FLOOD HAZARD ZONE. DATE: APRIL 2001  
 THE DWELLING WAS  IN COMPLIANCE WITH MUNICIPAL ZONING SUBTRACT REQUIREMENTS AT THE TIME OF CONSTRUCTION

COMMENTS:

NADEAU & LODGE, INC.  
 PROFESSIONAL LAND SURVEYORS  
 235 CLARKS POINT ROAD  
 PORTLAND, ME 04102  
 (207) 878-1878

*James R. Lemieux*  
 12.3.01

The Front Room, LLC HARDING SMITH 73 Congress  
319-4368

Mary I

**Commercial Property Lease**  
(Parking at 118 Congress St.)



This lease is made between Edmond Theriault / David Landmann (TLA), of 118 Congress Street, Portland, Maine, herein referred to as Lessor, and Harding Smith, 73 Congress St., Portland ME, 04101; Owner of The Front Room at 73 Congress Street, Portland, Maine, herein referred to as Lessee.

Lessor hereby leases to lessee and lessee hereby hires the space presently known as:

Six (6) standard parking spaces located within the existing paved parking lot at 118 Congress Street, Portland, Maine, as from time to time designated by the Lessor. Lessor reserves the right to require three (3) of Lessee spaces to be "parked in" by the remaining three (3) spaces. Use of said spaces shall be subject to the following hours: From 6 AM until 11:30 PM, daily.

An "Improperly Parked Car" shall be defined as any car, on a current or previous list of Authorized Parkers, which is parked outside of authorized hours, or is parked in an improper location, or is in excess of the number permitted, or is parked such as to be in violation of Lessor's rules. Lessor shall have any and all of the following remedies:

- 1) Calling the owner and / or the restaurant,
- 2) Towing the car, at the owner's expense, or
- 3) Fining the Lessor, at the rate of \$100.00/per car per day or part thereof.

Chronic Improper Parking or failure to pay fine(s) may be considered a material breach of contract. Fines, if any, shall be paid before the next month's rent is due.

The six (6) parking spaces are to be leased for a term of 36 months, to commence on August 1, 2005 and to continue until July 31, 2008.

The total term rental is the sum of \$12,960.00, (Twelve Thousand, Nine Hundred, Sixty and & no/100 dollars) which is payable in equal monthly installments of \$360.00, in advance, on the first day of each calendar month. A security deposit, equal to three (3) months rent, shall be made upon the first day of this lease and will be applied to the last three (3) months rent.

The purpose of the parking spaces is to comply with parking requirements of the City of Portland for a new restaurant to be operated at the Lessee's building at 73 Congress Street.

Lessee shall pay rent as described above, to lessor at lessor's above stated address, or at such other place as lessor may designate in writing, without demand, and without counterclaim, deduction or setoff.

**Commercial Property Lease**  
(Parking at 118 Congress St.)  
Page 2

Lessee shall commit no act of waste and shall take good care of the premises, and shall, in the use and occupancy of the premises, conform to all laws, orders and regulations of the federal, state, and municipal government of any of their departments. The lessee shall make no improvements to the premises.

Not later than the last day of the term lessee shall surrender the premises in **as** good condition **as** they were at the beginning of the term, reasonable wear and damage by the elements, casualty, or other cause not due to the misuse or neglect by lessee or lessee's agents, servants, visitors, servants or licensees, excepted. All property of the lessee remaining on the property after the last day of the term of this lease shall be conclusively deemed abandoned and may be removed by lessor, and lessee shall reimburse lessor for the cost of such removal. Lessee shall not, without first obtaining the written consent of the lessor, make **any** alterations, additions or improvements in, to or about the premises.

Lessee shall not do or suffer anything to be done on the premises, which will cause **an** increase in the rate of fire insurance on the building.

Lessee shall not permit the accumulation of waste or refuse matter on the leased premises.

Lessee shall not, without obtaining the written consent **of** the lessor, assign, mortgage, pledge, or encumber this lease, in whole or in part, or sublet the parking spaces or any part of the parking spaces.

Lessee shall observe and comply with such reasonable rules and regulations as may be established from time to time by lessor, including, but not limited to:

- 1) Lessee shall register with Lessor the license plate numbers of not more than twelve (12) cars, which shall be permitted to use said spaces. Lessee shall provide Lessor with a typed and dated registration list and said list shall contain for each car, at minimum: color/make /model, Plate number, Owner's home/cell phone number. Lessee shall from time to time update this list, as necessary for changes in authorized parking space users. Lessor shall be able to rely upon the most recent list as authoritative.
- 2) Lessee and lessee's parkers shall comply with all reasonable requests of Lessor's snow plowing service.
- 3) Lessee nor lessee's parkers shall not block Lessor's trash dumpster's access.

If the premises or any part of the premises, or any part of the building materially affecting lessee's use of the premises, be taken by eminent domain, this lease shall terminate on the date when title vests pursuant to such taking. The rent shall be apportioned as of the



**Commercial Property Lease**  
(Parking at 118 Congress St.)  
Page 3

termination date and any rent paid for any period beyond such date shall be repaid to lessee.

If the lessee is successful in gaining City of Portland approved parking spaces on the lessee's property at 73 Congress Street, lessee may terminate this lease, provided that 1) the minimum term of this lease shall be 6 (six) months and 2) lessee shall give lessor one months notice, in writing. After the minimum 6-month term, Lessor may terminate this lease at any time, for convenience or otherwise, with one months notice, in writing to the lessee.

Lessee and lessee's parkers shall hold lessor harm less for any and all actions of lessor's snowplow service and/or lessor's towing service.


Lessor shall make all necessary repairs to the premises, except where the repair has been made necessary by misuse or neglect by lessee or lessee's agents, servants, visitors or licensors.

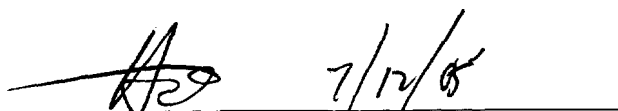
The Lessee shall at all times maintain public liability insurance with a minimum \$300,000 bodily injury liability. Lessee shall provide proof of this coverage to the lessor.

This lease may be amended, from time to time, be mutual agreement of the parties.

Dated: 7.12.05

  
Edmond Theriault - Lessor

  
David Landmann - Lessor

  
Harding Smith - Lessee