

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING PERMIT

Permit Number: 081542

Please Read Application And Notes, If Any, Attached

This is to certify that SHOEMAKER LLC/Tom Bar

has permission to Change of use from retail to Coffee Shop - interior - paint fit-up

AT 183 MIDDLE ST CE 032-H016001

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 lathed or otherwise red-in. 24 HOURS 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. Con

Health Dept. U

Appeal Board

Other

Department Name

PERMIT ISSUED
 DEC 22 2008
 CITY OF PORTLAND

12/22/08 elt & NA
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 183 MIDDLE ST CBL 032 H016001

Issued to Shoemaker Llc /Tom Bard Date of Issue 03/27/2009

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 08-1542 has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Bard Coffee

APPROVED OCCUPANCY

Coffee Shop
Use Group B
Type 2B
IBC 2003

Limiting Conditions:

Occupant load not to exceed 30.

This certificate supersedes
certificate issued

Approved:

03/30/09 *Michael A. Collins*
(Date) Inspector

[Signature]
Inspector of Buildings

CAPT. *N. Gauthier*
3/30/09

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 08-1542	Issue Date: 12/22/08	CBL: 032 H016001
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Location of Construction: 183 MIDDLE ST	Owner Name: SHOEMAKER LLC	Owner Address: 16 MOSES LITTLE DR	Phone:
Business Name: Bard Coffee	Contractor Name: Tom Bard	Contractor Address: P.O. Box 878 Kennebunk	Phone: 2078996201
Lessee/Buyer's Name: Tom Bard	Phone: 207-899-6201	Permit Type: Change of Use - Commercial	Zone: B-3

Past Use: Commercial - Retail - "circles"	Proposed Use: <i>restaurant</i> Commercial - Coffee Shop - "Bard Coffee" - Change of use from retail to Coffee Shop w/ interior tenant fit-up	Permit Fee: \$435.00	Cost of Work: \$34,000.00	CEO District: 1
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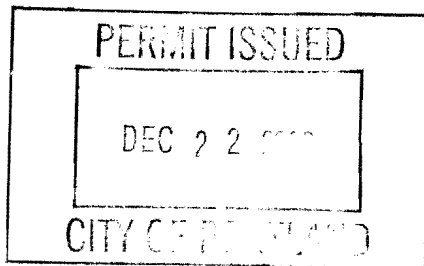
FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>See Conditions</i>	INSPECTION: Use Group: <i>A2</i> Type: <i>2B</i> <i>IBC-2003</i>
Signature: <i>Greg [unclear]</i>	Signature: <i>CHM 12/22/08</i>

Proposed Project Description:
Change of use from retail to Coffee Shop w/ interior tenant fit-up
restaurant

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: Idobson	Date Applied For: 12/11/2008	Zoning Approval	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>	<p>Special Zone or Reviews</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Wetland</p> <p><input type="checkbox"/> Flood Zone</p> <p><input type="checkbox"/> Subdivision</p> <p><input type="checkbox"/> Site Plan</p> <p>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/></p> <p><i>OK w/ cond. hair</i> Date: <i>12/11/08 ABM</i></p>	<p>Zoning Appeal</p> <p><input type="checkbox"/> Variance</p> <p><input type="checkbox"/> Miscellaneous</p> <p><input type="checkbox"/> Conditional Use</p> <p><input type="checkbox"/> Interpretation</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p>Date:</p>	<p>Historic Preservation</p> <p><i>yo</i> <input checked="" type="checkbox"/> Not in District or Landmark</p> <p><input type="checkbox"/> Does Not Require Review</p> <p><input type="checkbox"/> Requires Review</p> <p><input type="checkbox"/> Approved</p> <p><input type="checkbox"/> Approved w/Conditions</p> <p><input type="checkbox"/> Denied</p> <p><i>ABM</i> Date: <i>Any exterior work</i></p>
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requires a separate review / approval from his representative.

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

02/22/09 close-in okay } MMS
03/07/09 okay to issue C/O } MMS

City of Portland, Maine - Building or Use Permit

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

Permit No: 08-1542	Date Applied For: 12/11/2008	CBL: 032 H016001
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Location of Construction: 183 MIDDLE ST	Owner Name: SHOEMAKER LLC	Owner Address: 16 MOSES LITTLE DR	Phone:
Business Name: Bard Coffee	Contractor Name: Tom Bard	Contractor Address: P.O. Box 878 Kennebunk	Phone (207) 899-6201
Lessee/Buyer's Name Tom Bard	Phone: 207-899-6201	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial - Coffee Shop (restaurant) - "Bard Coffee" - Change of use from retail to Coffee Shop w/ interior tenant fit-up	Proposed Project Description: Change of use from retail to Coffee Shop (restaurant) w/ interior tenant fit-up
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 12/11/2008

Note:**Ok to Issue:**

- 1) ANY exterior work requires a separate review and approval thru Historic Preservation. This property is located within an Historic District.
- 2) 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:** Chris Hanson **Approval Date:** 12/22/2008

Note:**Ok to Issue:**

- 1) Approval of license is subject to health inspections per the Food Code.
- 2) New restaurant, lounge or bar must meet the requirements of the City and State Food Codes
- 3) All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.
- 4) 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.
- 5) Separate Permits shall be required for any new signage.
- 6) ANY exterior work requires separate review and approval thru Historic Preservation
- 7) 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:** 12/17/2008

Note: Seating plan approved for 30 occupants.
This remains a mercantile occupancy.

Ok to Issue:

- 1) Emergency lights and exit signs are required
- 2) The occupant load shall not exceed 49

BUILDING PERMIT INSPECTION PROCEDURES

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

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling

Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.
NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.



Signature of Applicant/Designee

12/22/08

Date

Signature of Inspections Official

Date



General Building Permit Application

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

Location/Address of Construction: <u>185 MIDDLE ST. PORTLAND, MAINE</u>		
Total Square Footage of Proposed Structure/Area: <u>1503 A</u>	Square Footage of Lot: <u>4784</u>	Number of Stories: <u>4</u>
Tax Assessor's Chart, Block & Lot Chart# <u>32</u> Block# <u>H</u> Lot# <u>16</u>	Applicant *must be owner, <u>Lessee</u> or Buyer* Name: <u>BARD COFFEE</u> <u>(Tom BARD)</u> Address: <u>PO BOX</u> City, State & Zip: <u>KEENESEBUNK, ME</u>	Telephone: <u>(207)</u> <u>899-6201</u> <u>\$134,000</u>
Lessee/DBA (If Applicable) <u>BARD COFFEE</u> <u>P.O. BOX 878</u> <u>KEENESEBUNK, ME</u> <u>04043</u>	Owner (if different from Applicant) Name: <u>SINEMARKER LLC</u> Address: <u>16 MOSES LITTLE DR.</u> City, State & Zip: <u>WINDHAM, ME</u> <u>04062</u>	Cost Of Work: \$ <u>40,000</u> C of O Fee: \$ _____ Total Fee: \$ _____
Current legal use (i.e. single family) <u>COMMERCIAL</u> Number of Residential Units <u>N/A</u> If vacant, what was the previous use? <u>RETAIL</u> Proposed Specific use: <u>COFFEE SHOP</u> Is property part of a subdivision? <u>N/A</u> If yes, please name <u>N/A</u> Project description: <u>N/A</u> DEC 11 2008		
Contractor's name: <u>CHRIS WADE - ELECTRICIAN</u> Address: <u>BOB MILES - PLUMBER</u> City, State & Zip: _____ Telephone: _____ Who should we contact when the permit is ready: <u>TOM BARD</u> Telephone: <u>207 899-6201</u> Mailing address: <u>P.O. BOX 878, KEENESEBUNK, ME 04043</u>		

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: [Signature] Date: 12/1/08

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



Commercial Interior & Change of Use Permit Application Checklist

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

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

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

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

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

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

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

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

Fire Department requirements.

The following shall be submitted on a separate sheet:

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

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

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

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

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

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



INDENTURE OF LEASE

This indenture of Lease (hereinafter referred to as "Lease") is made and entered into as of this 7th day of ~~September~~ ^{October}, 2008, by and between SHOEMAKER, LLC, a Maine limited liability company with a place of business in Windham, County of Cumberland and State of Maine (hereinafter referred to as "Landlord"), and, BARD COFFEE ROASTERS, INC. a Maine corporation with a place of business in Portland, County of Cumberland and State of Maine (hereinafter referred to as "Tenant").

WITNESSETH THAT

ARTICLE I. Premises. The Landlord, its successors and assigns, for and in consideration of the covenants and agreements herein mentioned to be kept and performed by the Tenant, has the authority to demise and lease and does demise and lease to the Tenant the following described premises, situated in the City of Portland, in the County of Cumberland and State of Maine, more particularly bounded and described as follows:

The Landlord's first floor condominium unit located in the building at 183-185 Middle Street, Portland, Maine, containing approximately 1,594 square feet of space, as more particularly described in the specifications and plans attached hereto as Exhibit A, (hereinafter collectively referred to as the "premises" or the "leased premises"). Together with the right to use, in common with others entitled thereto, if applicable, the hallways, stairways and elevators necessary for access to said leased premises, and lavatories nearest thereto, all common areas in and around the building as well as the common trash container/dumpster.


Tenant accepts the leased premises in "as is" condition.

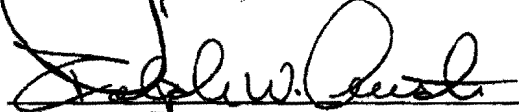
ARTICLE II.

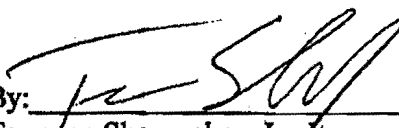
A. Term. The lease term shall commence upon completion of build-out improvements by Tenant, but no later than ninety (90) days following Tenant's obtaining all permits and licenses. Tenant shall be obligated diligently to pursue all necessary permits and approvals. If Tenant shall not have obtained all permits and licenses within ninety (90) days of the execution of this Lease, then this Lease shall be null and void.

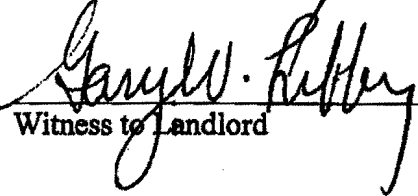
Landlord hereby leases and lets to Tenant and Tenant leases and rents from Landlord the premises herein described for an initial term of five (5) years, projected to commence on December 1, 2008 and terminating at midnight on November 30, 2013, unless sooner terminated in accordance herewith.

B. Renewal Options. So long as Tenant has not been in default of this Lease during the term hereof, and which default has not been cured by Tenant, Tenant shall have the option to

By: 
Tom Bard, Its President


Witness to Tenant

By:  *manager*
Terrence Shoemaker, Jr., Its

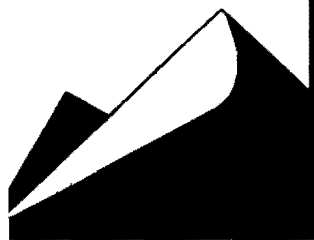

Witness to Landlord

EQUIPMENT PLAN & SCHEDULE

BARD COFFEE

PORTLAND, MAINE

PARAMOUNT

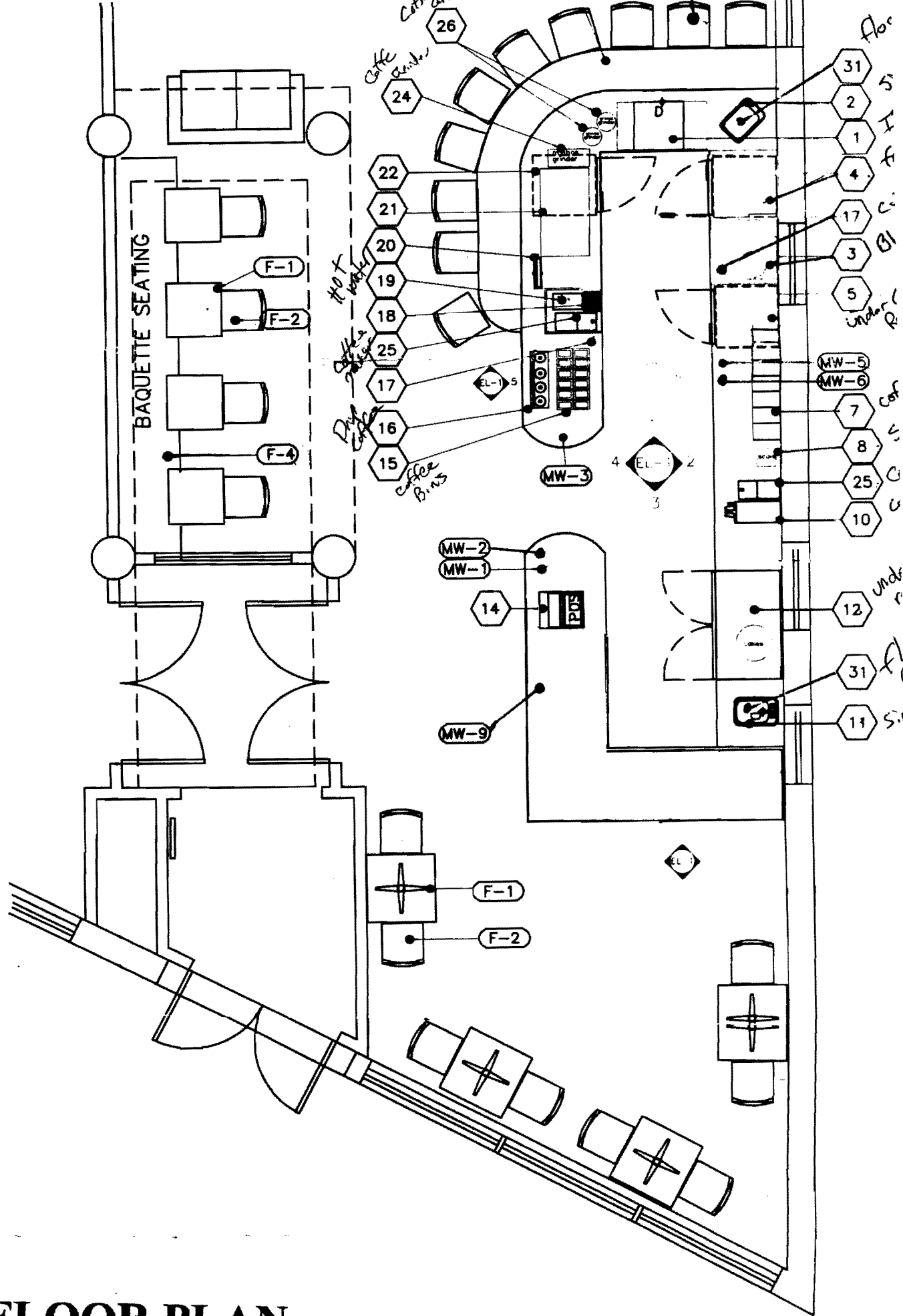


Restaurant Supply

101 Main Street
Warren, RI
02885

Phone: 401.247.6500
Fax: 401.247.6538

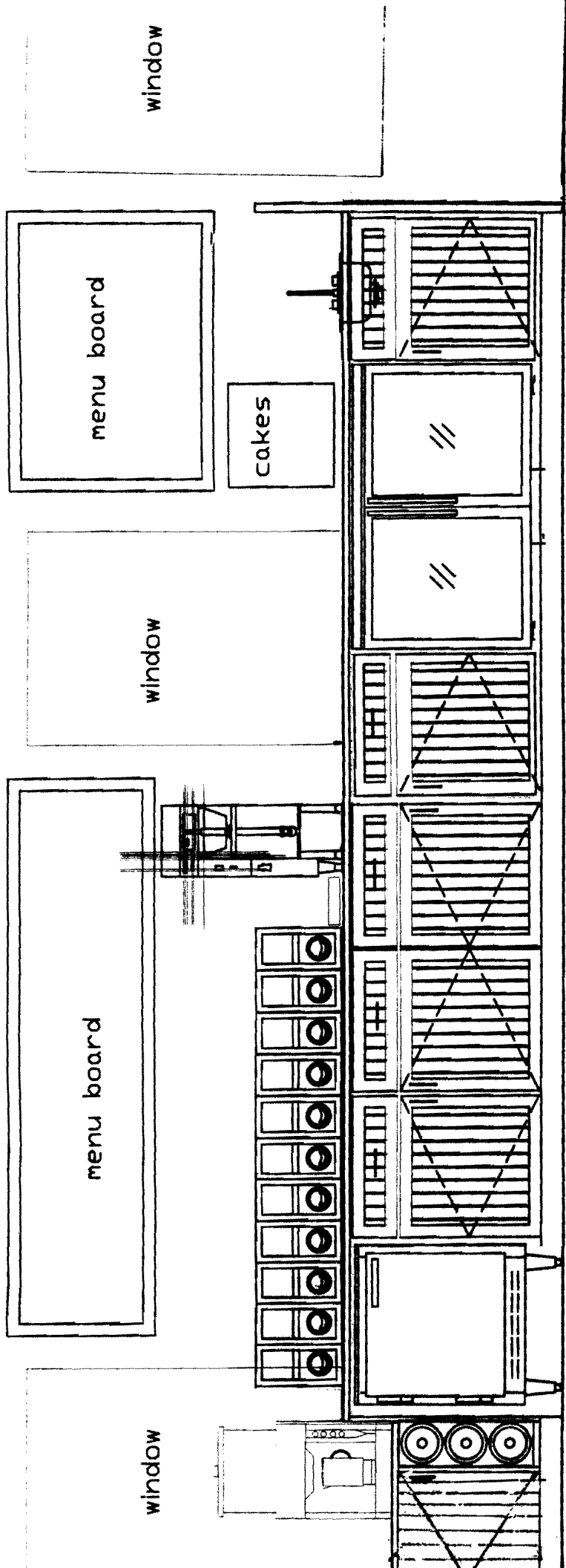
26 seats

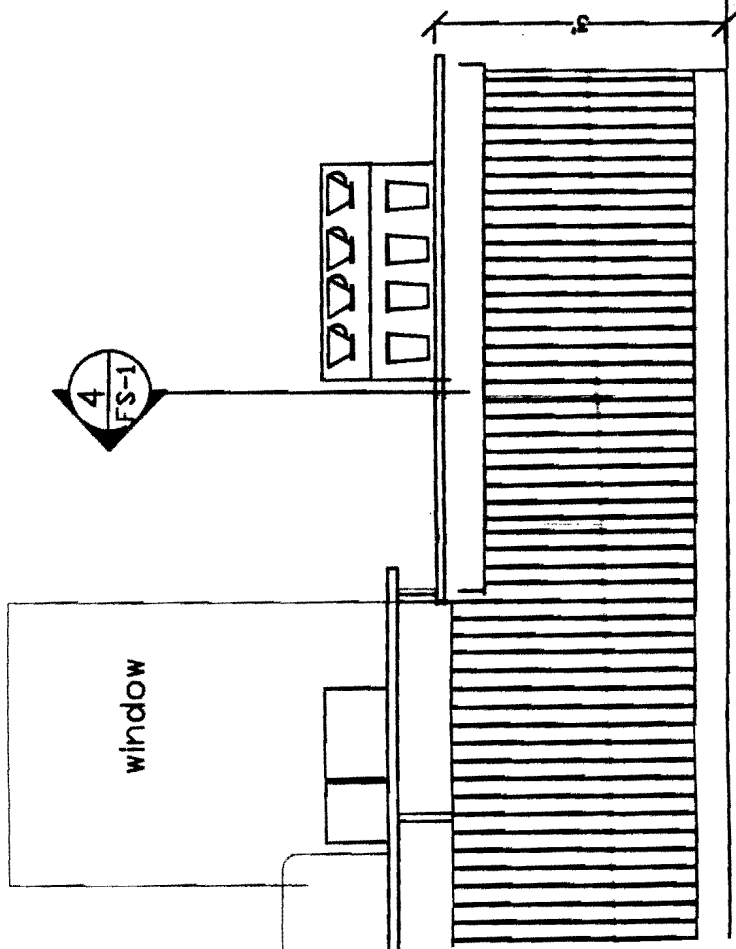
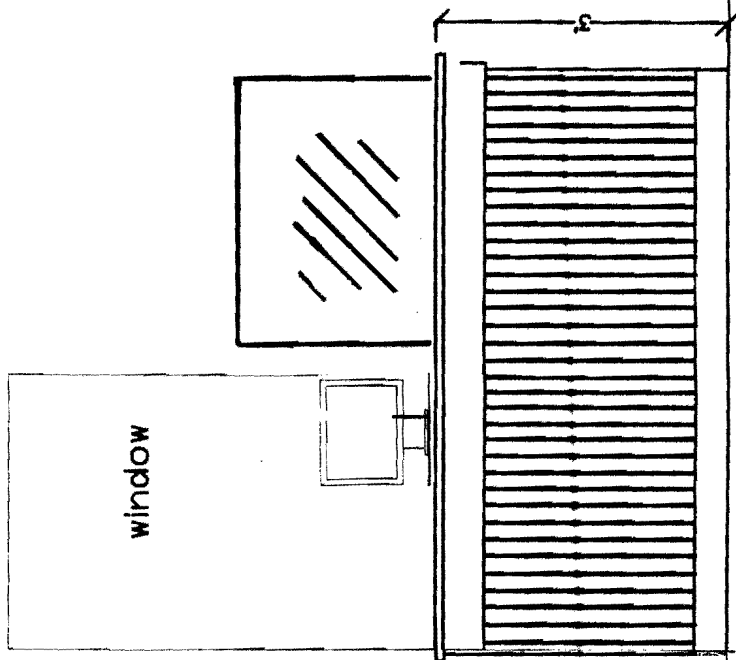
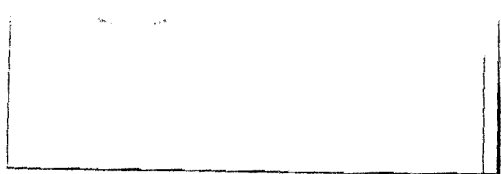


FLOOR PLAN

	1	Scale	Detecto	DS-60
		Spare Number		
0	1	Coffee Maker	Bunn	27800.0001
1	1	Sink, Drop-In	Advance Tabco	DI-1-5
2	1	Refrigerator, Undercounter	True Food Service	TUC-48G
3		Spare Number	True Food Service	TCGR-50
4	1	POS	N.I.C.	N.I.C.
5	12	Drip Bean Bins	Vullrath	1/9 th pans
6	1	Drip Coffee Station	All State Fabricators	T.B.D.
7	2	Cup Dispenser	San-Jamar	C2903BK
8	1	Drip Pan, Recessed	Perlick	C1198A
9	1	Hot Water Machine	Bunn	H5X-40-240
0	1	Barista Display System	N.I.C.	
1	2	Espresso Machine	Nuovo Simonelli	N.I.C.
2	1	Undercounter Refrigerator	True	TUC-27ADA
3		Spare Number		
4	1	Coffee Grinder	Nuovo Simonelli Mythos	N.I.C.
5		Spare Number	Bunn-O-Matic	05800.0001
6	2	Coffee Grinder	Nuovo Simonelli Grintas	N.I.C.
7		Spare Number		
8	1	Warewasher, Undercounter, low temp	Hobart	LXIH-C
9	1	Sink, Scullery, 3 Compartments	Advance Tabco	9-3-54-18RL
0	1	Pre-Rinse Faucet, Deck Mount	T & S Brass	B-0230
1	3	Floor Drain	N.I.C.	1848BK
2		Spare Number		
3	1	Sink, Mop	N.I.C.	
MW-1		POS counter		
MW-2		POS base cabinet		
MW-3		Barista Counter		
MW-4		Coffee Bar top		
MW-5		Back Bar Base Cab w drawers		
MW-6		Back Bar Base Cabinets		
MW-7		Spare Number		
MW-8		Drink ledge		
MW-9		Merchandise Display Cabinet		

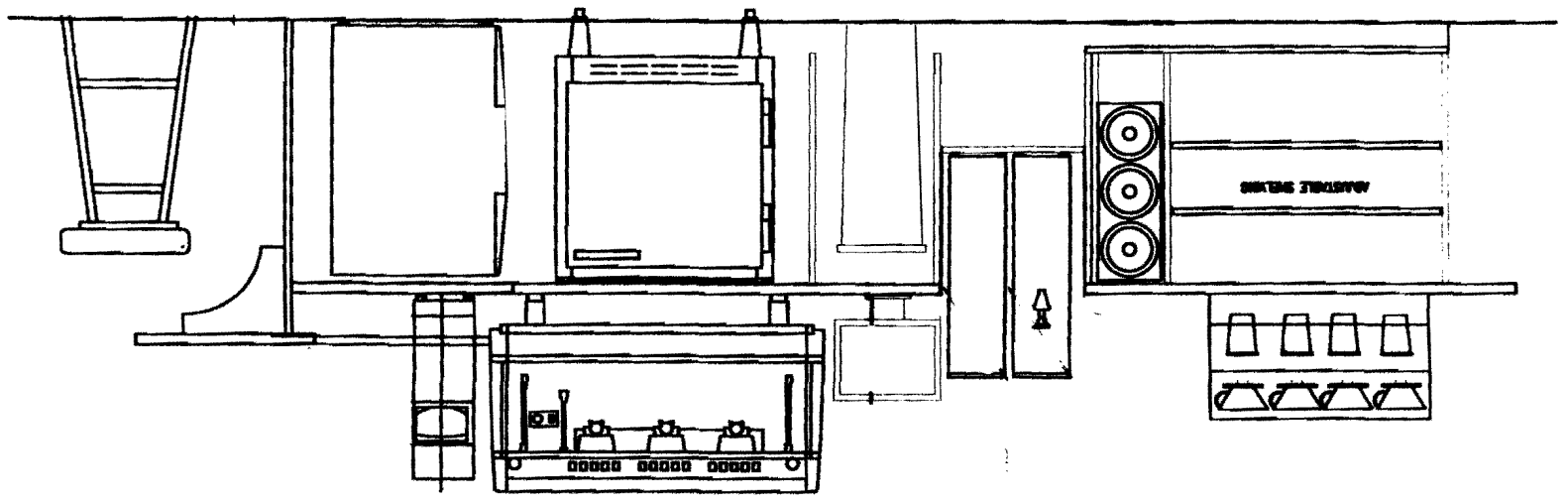
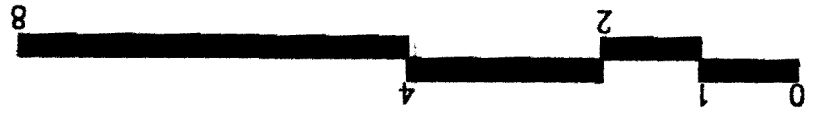
Quantity	Description	Manufacturer	Model Number
1	Table	Jays Furniture	TBD
2	Chairs	Sterling	TBD
3	Bar chairs	Sterling	TBD
4	Banquette Seating	Custom	TBD
	Fireplace		N.I.C.
	Lounge Chairs		N.I.C.





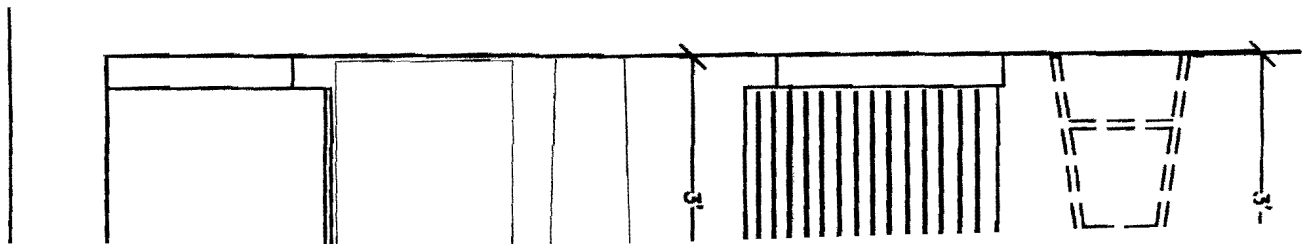
ELEVATION @ BARISTA SIDE

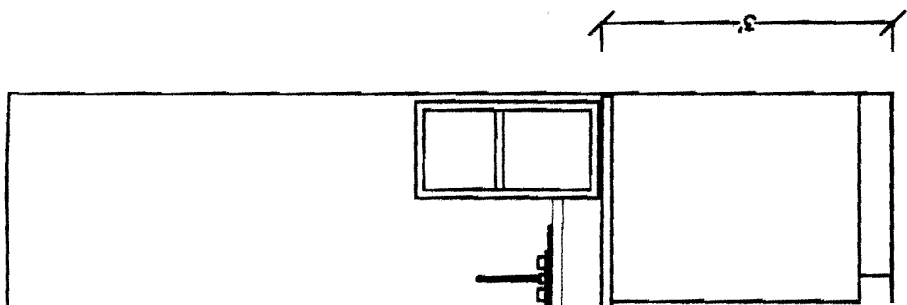
FS-2
4



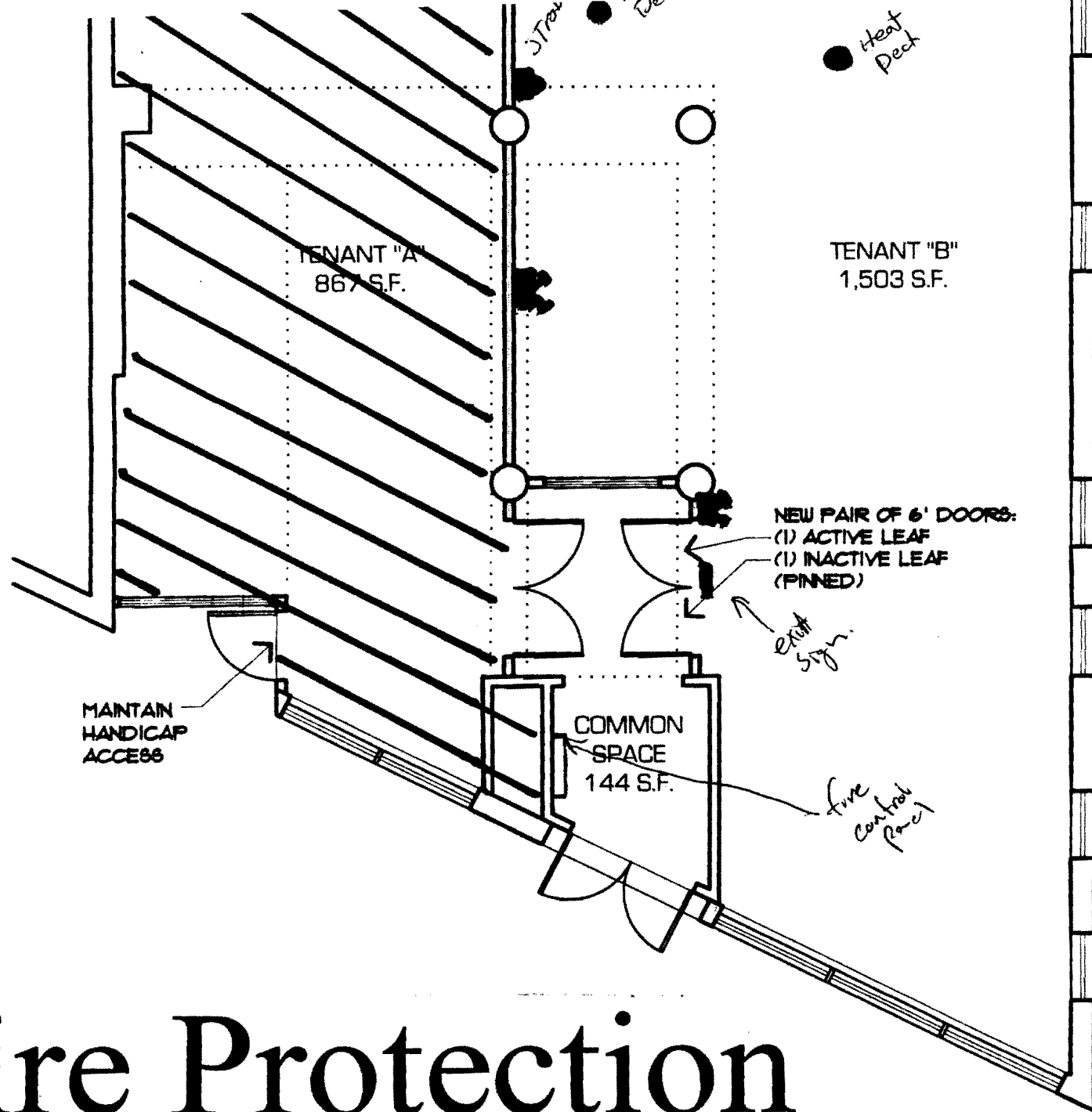
SECTION @ BARISTA COUNTER

FS-2
1





ER

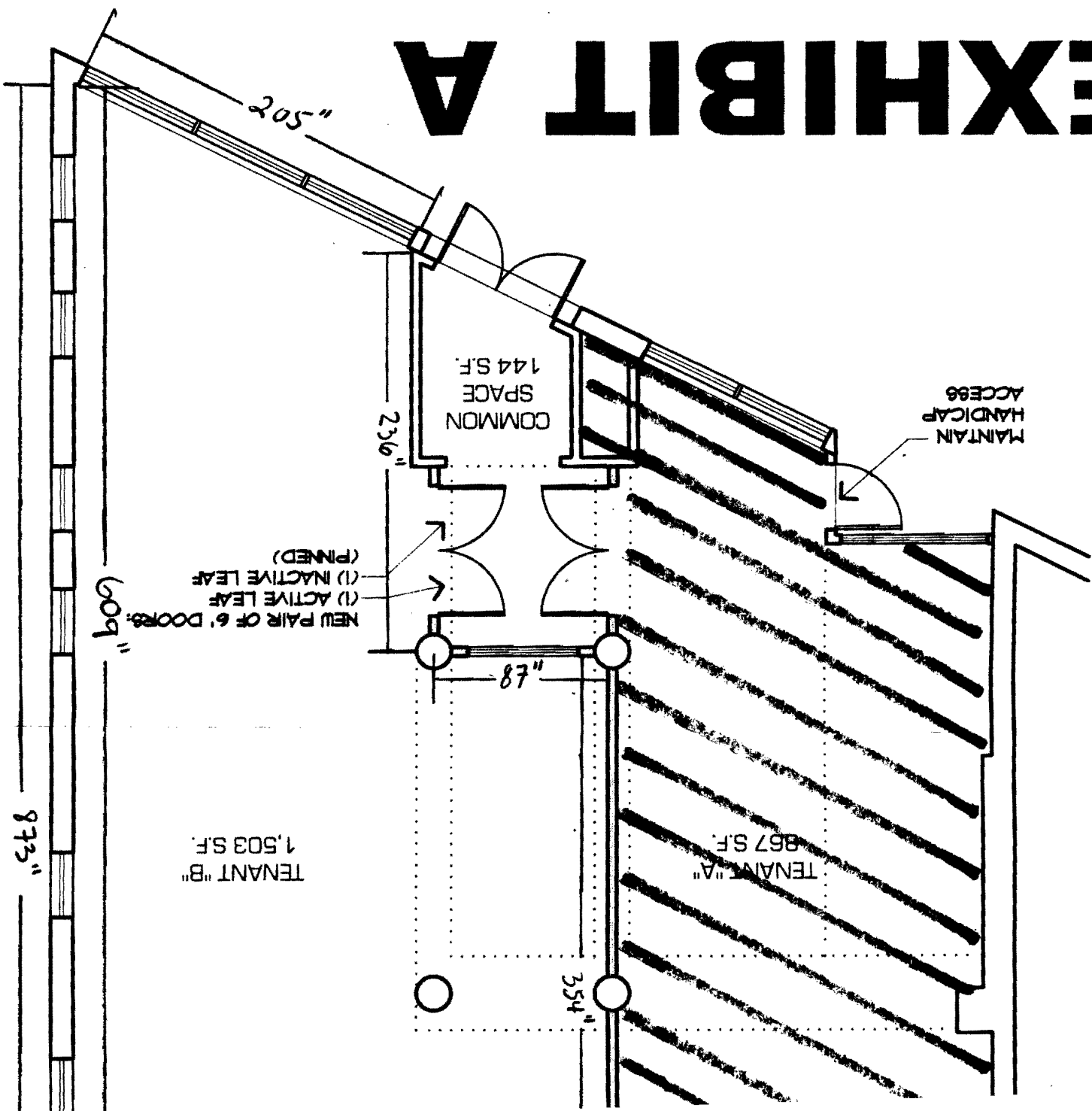


Fire Protection

CODE

- HEAT SENSOR - 5 EACH
- ☒ STROBE LIGHT - 2 EACH
- ☒ EMERGENCY LIGHT - 3 EACH
- ➡ EXIT SIGN - 2 EACH
- FIRE EXTINGUISHER - 1 EACH
- ▭ FIRE CONTROL PANEL

EXHIBIT A



185 MIDDLE ST



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

12/11 20 09

Received from David Lee

Location of Work 135 Middle St

Cost of Construction \$ _____ Building Fee: 360

Permit Fee \$ 435 Site Fee: _____

Certificate of Occupancy Fee: 75

Total: 435

Building (IL) Plumbing (I5) _____ Electrical (I2) _____ Site Plan (U2) _____

Other _____

CBL: 201116

Check #: 1053 Total Collected \$ 360

No work is to be started until permit issued.
If permit is Withdrawn or Denied, amount of the Refund is based on
\$20.00 or 20% of the fee, (whichever is greater)
In order to receive a refund, you **MUST** present the Original Receipt.

Taken by: [Signature]

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