

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING PERMIT

Permit Number: 030716

FORE + WHARF LLC

PERMIT

This is to certify that ~~Seabury~~ Fore + Wharf LLC Kimball Construction

has permission to Add bathroom, alter interior

AT 436 Fore St

032 R007001

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 is procured before this building or part thereof is occupied or closed-in. HOUR 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. *ASMS*
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: 03-0716	Issue Date:	CBL: 032 R007001
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Location of Construction: 436 Fore St	Owner Name: Sney Joseph I FOREWARD	Owner Address: Po Box 4894	Phone:
Business Name:	Contractor Name: Kimball Construction LLC	Contractor Address: 1932 Broadway South Portland	Phone: 2073296070
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	Zone: B3

Past Use: Restaurant/vacant now	Proposed Use: Restaurant with interior alterations, added bathroom	Permit Fee: \$289.00	Cost of Work: \$38,000.00	CEO District: 1
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: A3 Type: 3B	

Proposed Project Description: Add bathroom, alter interior <i>REPAIRS FROM FLOODING DAMAGE</i>	Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>
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: kwd	Date Applied For: 06/18/2003	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>NO EXPANSION APPROVED INTO NEW AREAS</i></p> <p><i>OK with conditions</i></p> <p>Date: <i>6/30/03</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><input 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>Any exterior work requires A.</i></p> <p><i>Separate Review</i></p> <p>Date: _____</p>
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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 _____

19593/229

**CONFIRMATORY
QUITCLAIM DEED WITH COVENANT
Short Form Deeds Act
33 M.R.S.A. Section 761 et seq.**

KNOW ALL PERSONS BY THESE PRESENTS, that **JOSEPH L. SOLEY**, of Portland, Cumberland County, Maine, **FOR CONSIDERATION PAID**, grants to **FORE & WHARE, LLC**, a Maine limited liability company of Falmouth, Cumberland County, Maine, with a mailing address of 6 Webber Way, Falmouth, Maine 04105, with **QUITCLAIM COVENANT**, the following described real property located in the City of Portland, County of Cumberland and State of Maine and more particularly described in Exhibits A-1 through A-6 attached hereto and made a part hereof.

This deed corrects the language in the restriction contained in Exhibit A-6 attached hereto *IN A DEED DATED JUNE 13, 2003 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 19581 PAGE 181*
WITNESS my hand and seal this 18 day of June, 2003.

[Signature]
Witness

[Signature]
Joseph L. Soley

**STATE OF MAINE
COUNTY OF CUMBERLAND, ss.**

June 18, 2003

Then personally appeared the above named Joseph L. Soley and acknowledged the foregoing instrument to be his free act and deed.

Before me, *[Signature]*
Printed Name: B. E. DANIELSON
Notary Public ATTORNEY AT LAW
My Commission Expires: _____

EXHIBIT A-1

A certain lot or parcel of land, together with the building and improvements situated thereon, located at the corner of Fore Street and Union Street in the City of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described as follows:

Beginning at a point formed by the intersection of the southerly sideline of Fore Street and the easterly sideline of Union Street; thence

Easterly along the southerly sideline of Fore Street a distance of 31.13 feet to a point in the centerline of the party wall between the building on the premises herein described and the adjacent premises now of W. Spencer, Inc.; thence

Southerly along the centerline of said party wall by an included angle of $96^{\circ} 45' 13''$ a distance of 60.76 feet; thence

Westerly by an included angle of $83^{\circ} 46' 54''$ a distance of 30.85 feet to the easterly sideline of Union Street; thence

Northerly by an included angle of $96^{\circ} 26' 22''$ along the easterly sideline of Union Street a distance of 61.08 feet to a point of beginning.

MEANING AND INTENDING TO CONVEY AND HEREBY CONVEYING the same premises which were conveyed to Joseph L. Soley, by Deed dated December 31, 1986 in Book 7576, Page 195.

The premises are conveyed subject to all easements, zoning restrictions and leases in existence as of date hereof.

The premises are conveyed subject to the obligations of Eva B. Horton as set forth in the aforesaid Deed dated December 31, 1980, from W. Spencer, Inc. to Eva B. Horton, with respect to the party wall referred to in that Deed.

EXHIBIT A-2

A certain lot or parcel of land, with the buildings thereon, situated on the southerly side of Fore Street, in the City of Portland, County of Cumberland and State of Maine, measuring about twenty (20) feet on said street and extending back southeasterly about fifty (50) feet to a common passageway and bounded easterly by land now or formerly of heirs of Stephen Frothingham and westerly by land now or formerly of heirs of Joseph Noble together with whatever rights the Grantor may have in and to said passageway.

Being the same premises conveyed to Joseph L. Soley by deed dated May 31, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8319, Page 141.

EXHIBIT A-3

A certain lot or parcel of land with the buildings thereon, situated on the southerly side of Fore Street in said Portland, and being bounded easterly by land now or formerly of A.P. Fuller, westerly by land now or formerly of the Boyd and Conant heirs and extending between these sidelines from Fore Street to a passageway running from Long Wharf to Union Wharf, together with all rights in said passageway; being premises numbered 434 on said Fore Street as delineated on plan recorded in Plan Book 5, Page 32.

Being the same premises conveyed to Joseph L. Soley by deed dated January 25, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8156, Page 116.

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EXHIBIT A-4

A certain lot or parcel of land with the buildings thereon situated on the southerly side of Wharf Street in the City of Portland, County of Cumberland and State of Maine, being bound and described as follows:

Beginning at a point, which point is on the exterior face of the northwesterly wall of the building located on the premises described in a deed from Maine National Bank, as Trustee, to Thomas E. Carr II dated August 8, 1984 and duly recorded in the Cumberland County Registry of Deeds in Book 6530, Page 229 (the "1984 Trustee Deed") and which is at the point where said wall intersects with a line which is the continuation in a southerly direction of the easterly boundary line of property now or formerly of Union Corp., said point being approximately sixty-six (66) feet from the westerly corner of said premises described in the 1984 Trustee Deed;

Thence along said easterly boundary line of property now or formerly of Union Corp. and the southerly continuation of said boundary line North $31^{\circ} 56' 35''$ West a distance of seventy-seven (77) feet, more or less, to the southerly sideline of Wharf Street;

Thence along the southerly sideline of Wharf Street North $56^{\circ} 49' 55''$ East a distance of Fifty-five and Twelve One Hundredths (55.12) feet, more or less, to the northwesterly corner of the building described in Parcel 1 in two (2) deeds to Lawrence Adlerstein dated November 18, 1992 and duly recorded in said Registry in Book 10403, Page 299 and in Book 10403, Page 314 (the "Adlerstein Deeds");

Thence southeasterly along said Parcel 1 described in the Adlerstein Deeds and along the southwesterly exterior wall of said building and in continuation of that course, a distance of Sixty-nine and Fifty-five One Hundredths (69.55) feet, more or less, to the intersection of said wall and the northwesterly wall of said building and the other buildings described in the Adlerstein Deeds;

Thence southwesterly along the parcels described in the Adlerstein Deeds a distance of Fifty-two (52.00) feet, more or less, to the northerly corner of the premises described in the 1984 Trustee Deed;

Thence southwesterly along the northwesterly exterior wall of the building on the premises described in the 1984 Trustee Deed a distance of six (6) feet, more or less, to the point of beginning.

Being the same premises conveyed to Joseph L. Soley by deed dated March 22, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11349, Page 239.

Subject to the rights and easements set forth in instrument dated March 22, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11349, Page 239.

EXHIBIT A-5**PARCEL ONE**

A certain lot or parcel of land situated on the northeasterly side of Union Street between Fore and Commercial Streets, in said Portland, being more particularly described as follows:

Beginning on said northeasterly side of Union Street at the point where the northwesterly side of a certain passageway nearest to said Commercial Street intersects said Union Street; thence northeasterly along the northwesterly side of said passageway one hundred eight (108) feet, more or less, to the point where the northeasterly face of the brick wall forming the northeasterly side of said building, if extended southeasterly in a straight line, would intersect the northwesterly side of said passageway; thence northwesterly along the line which would be formed by the northeasterly face of said brick wall as so extended, and the northeasterly face of said brick wall and the line which would be formed if said northeasterly face of said brick wall were extended northwesterly sixty-two (62) feet more or less to the point where said northeasterly face of said brick wall, if so extended northwesterly would intersect a certain other passageway northwesterly of said first named passageway and running northeasterly from Union Street approximately parallel to the first passageway above described; thence southwesterly along the southeasterly side of second named passageway one hundred eight (108) feet, more or less, to Union Street; thence southeasterly on said Union Street sixty-two (62) feet more or less, to the point of beginning.

Also granting unto Fore & Wharf, LLC, its successors and assigns, all such rights as the Grantor now has and possesses to use in common with all other persons or corporations who may now have or may hereafter acquire like rights in the above described passageways which adjoin and extend beyond the above described premises for the full length and breadth thereof, including those parts of said passageways which extend northeasterly of the premises hereby conveyed. The rights herein granted in said passageways, if any, are hereby expressly excluded and excepted from the warranties herein contained and no warranty is given by the Grantor concerning said passageways.

PARCEL TWO

A certain lot or parcel of land situated easterly of Union Street in said Portland and adjacent to the easterly sideline of PARCEL ONE above, being more particularly bounded and described as follows:

Beginning at the northeasterly corner of PARCEL ONE which corner is on the southerly sideline of a certain passageway extending easterly from Union Street to Moulton Street; thence running southerly by the easterly sideline of said lot to the southeasterly corner thereof;

Thence running easterly and parallel to said southerly sideline of said passageway twelve (12) feet to a point; thence running northerly, parallel to and maintaining a uniform distance of twelve (12) feet from said easterly sideline of said lot to the said southerly sideline of said

EXHIBIT A-6

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, in said County and State, on the southerly side of Fore Street, beginning at the northeasterly corner of land now or formerly of Morris Sacknoff & Sons, Inc. sixty-nine (69) feet easterly from Union Street; thence easterly on Fore Street forty-four (44) feet, and from these two points extending back southerly sixty-one (61) feet, more or less, to a passageway leading from Union Street easterly and bounded easterly and being Lots B and B-3 on Plan No. 7 of the Partition of the Robert Boyd Estate, recorded in the Cumberland County Registry of Deeds in Book 169, Page 478, and now numbered 436-438 Fore Street, according to City Plans, and being the same premises set off in part to William Boyd and in part to Lendall G.S. Boyd in the same partition.

Also a certain lot or parcel of land with the buildings thereon situated on the southerly side of Fore Street numbered 440-442 thereon, bounded and described as follows:

Beginning at the northeasterly corner of land formerly of McLellan, being the first parcel herein; thence northeasterly by Fore Street, thirty-nine (39) feet, six (6) inches to land now or formerly of Robert Boyd heirs; and from these two points extending back southeasterly sixty-one (61) feet to a street or passageway and including herein rights in said passageway and in the brick wall adjoining the property to the West.

Being the same premises conveyed to Joseph L. Soley by deed dated December 31, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7575, Page 315.

By his acceptance of this Deed, Grantee assumes all obligations of Grantor with respect to the party wall referred to in deed from W. Spencer, Inc. to Eva B. Horton dated December 31, 1980 and recorded in the Cumberland County Registry of Deeds in Book 4720, Page 116.

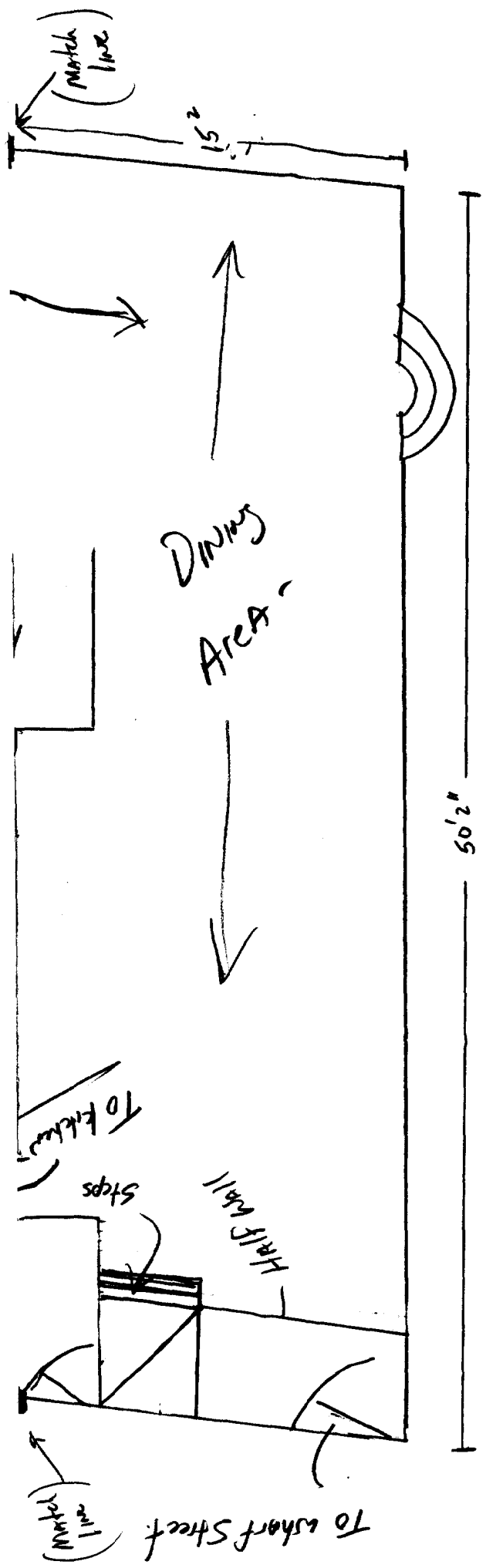
The premises are conveyed subject to all leases, tenancies, zoning restrictions and easements of record as of the date hereof.

The sale, conveyance, mortgage, transfer or assignment of all or any portion of the within conveyed premises, which premises are more particularly described in Exhibits A-1 through A-6 hereof, to Joseph L. Soley of Old Orchard Beach, York County, Maine, or any entity in which Joseph L. Soley has an interest, other than any publicly traded entity, is absolutely prohibited. This prohibition is a covenant that will run with the land and shall bind future transferors of the said property.

passageway; thence westerly by said southerly sideline of said passageway to the point of beginning.

Being the same premises conveyed to the Grantor herein by deed dated July 31, 1990 and recorded in Book 9269, Page 200.

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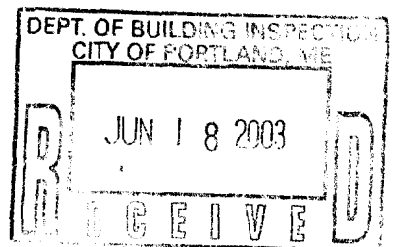


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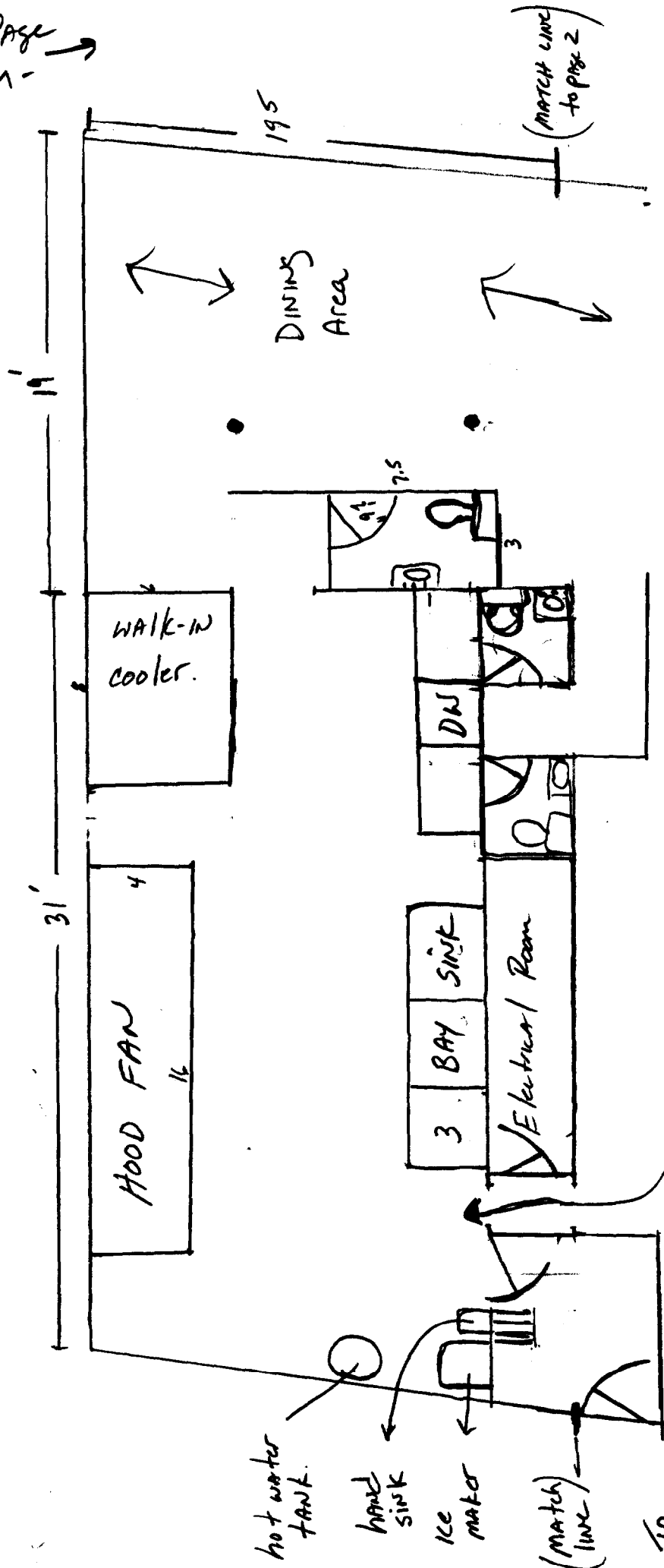
Bintliff's Restaurant

Wharf Street
Portland Me.

Chart 32 Block # 2 Lot # 7



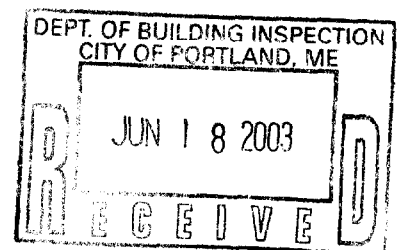
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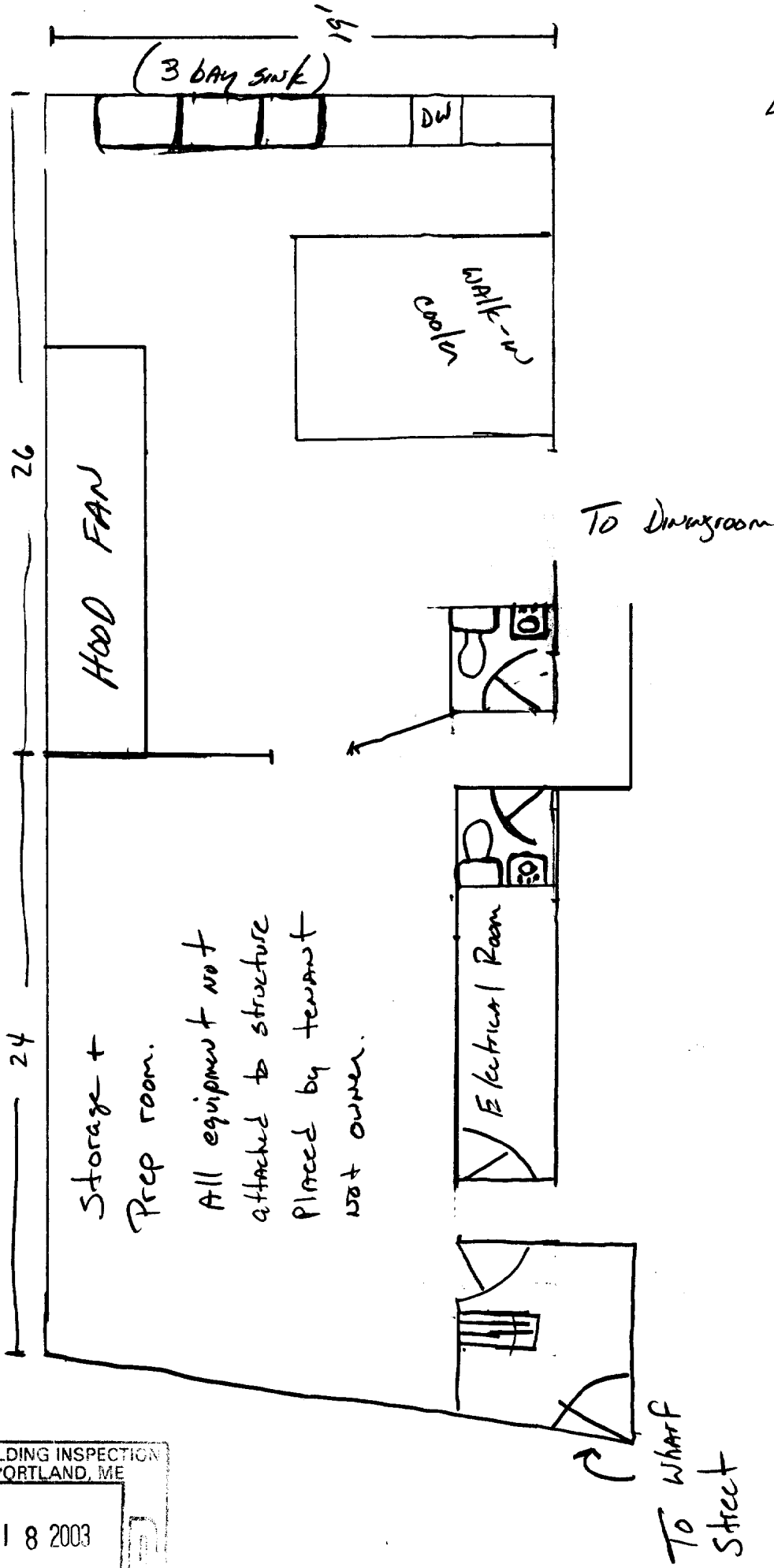


Proposed Space
"Bowliffs"
scale = 30
Kitchen/Prep room

Changes from original

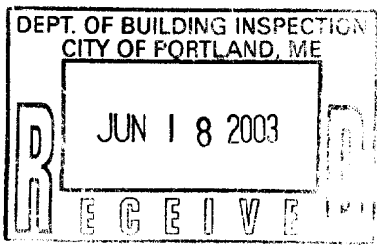
- ① added bathroom for kitchen help.
- ② moved hoodfan, cooler, sink and dishwasher into prep room out of old kitchen.
- ③ enlarged old prep + storage room to make into kit.
- ④ Removed one partition wall





Existing Space
 "Bintliffs"
 30 - scale.
 Kitchen / Prep room

Storage + Prep room.
 All equipment not attached to structure placed by tenant not owner.



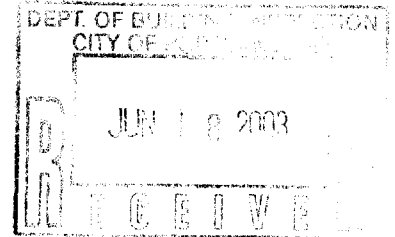


ENVIRONMENTAL SAFETY & HYGIENE ASSOCIATES, INC.

- Indoor Air Quality
- OSHA Compliance
- Asbestos Consulting
- Training
- Lead Consulting
- Industrial Hygiene

MEMORANDUM

Date: May 13, 2003
To: Mr. Joe Soley *MJC*
From: Mark Coleman, ESH
Subject: Former Bintliff's Retail Space – Warf Street, Portland



Environmental Safety & Hygiene Associates, Inc. has completed bacteria and fungi investigations at the above referenced address. The investigations included a combination of air and surface sampling for bacteria and fungi. The initial testing was done on March 4, 2003 and documented significant reservoirs of bacteria and fungi.

Subsequent to the initial testing a Certified Mold Remediation firm was retained by Kimball Construction to complete site clean-up and mold removal.

On April 9, 2003 a final visual evaluation and microbial testing was done to document the site conditions following the mold and bacteria mitigation. The results of the testing provided by an independent laboratory on April 18, 2003 indicate the successful removal of the bacteria and a significant reduction in fungi.

A final document with comparative levels both before and after the remediation efforts will be provided in two weeks.

Should you have any additional needs or concerns please call at any time.

City of Portland, Maine - Building or Use Permit

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

Permit No: 03-0716	Date Applied For: 06/18/2003	CBL: 032 R007001
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Location of Construction: 436 Fore St	Owner Name: Soley Joseph L	Owner Address: Po Box 4894	Phone:
Business Name:	Contractor Name: Kimball Construction	Contractor Address: 1932 Broadway South Portland	Phone: (207) 329-6070
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	

Proposed Use: Restaurant with interior alterations, added bathroom	Proposed Project Description: Add bathroom, alter interior
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 06/30/2003

Note: **Ok to Issue:**

- 1) It is understood that there is no expansion into any new spaces that would increase the existing size of this restaurant use. If this understanding is inaccurate, this office is required to be notified PRIOR to any work.
- 2) ANY exterior work requires a separate review and approval thru Historic Preservation
- 3) Separate permits shall be required for any new signage.
- 4) 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:** Pending **Reviewer:** **Approval Date:**

Note: **Ok to Issue:**

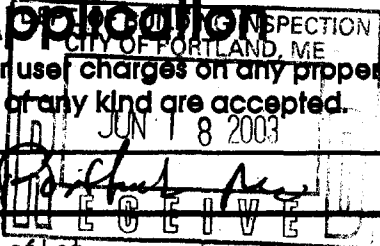
Dept: Fire **Status:** Pending **Reviewer:** **Approval Date:**

Note: **Ok to Issue:**

03-0716

All Purpose Building Permit Application

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



Location/Address of Construction: <u>430 Fore Street Portland, Me</u>	
Total Square Footage of Proposed Structure	Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# <u>32</u> Block# <u>R</u> Lot# <u>7</u>	Owner: <u>FORE + WHAAR LLC</u> <u>Joe Soley AS OF 6/18/03</u> Telephone: <u>329-6070</u>
Lessee/Buyer's Name (if Applicable) <u>N/A</u>	Applicant name, address & telephone: <u>Joe Soley</u> <u>1932 Broadway</u> <u>329-6070</u> <u>5 Portland Me 04106</u> Cost of Work: \$ <u>38,000</u> Fee: \$ <u>289.00</u>
Current use: _____	
If the location is currently vacant, what was prior use: <u>restaurant</u>	
Approximately how long has it been vacant: _____	
Proposed use: <u>Restaurant</u>	
Project description: _____	
Contractor's name, address & telephone: <u>Kimball Construction 1932 Broadway Portland</u>	
Who should we contact when the permit is ready: <u>Bob Kimball 329-6070 Me</u>	
Mailing address: _____	
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>329-6070</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:	Date: <u>6/10/03</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 4th floor of City Hall