

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 05-0652	Issue Date: PERMIT ISSUED JUN 25 2005	CBL: 042 B001001
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Location of Construction: 393 Commercial St	Owner Name: Aga Realty Llc	Owner Address: Po Box 2528	Phone:
Business Name:	Contractor Name: Linclon Millwork	Contractor Address: Biddeford	Phone: 2072834524
Tenant/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	Zone: B5b

Past Use: Commercial	Proposed Use: Commercial / Irving Oil / Renovation of interior to improve retail area and food prep	Permit Fee: \$444.00	Cost of Work: \$46,740.00	CEO District: 1
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Proposed Project Description: Renovation of interior to improve retail area and food prep	FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>with conditions</i>	INSPECTION: Use Group: <i>MM</i> Type: <i>5E</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: Idobson	Date Applied For: 05/26/2005	Zoning Approval	
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 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..	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>6/3/05</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions Denied <i>[Signature]</i> Date: _____
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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

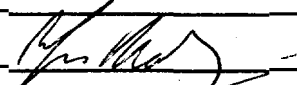
All Purpose Building Permit Application

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**.

d		
Total Square Footage of Proposed Structure <i>2289 SF</i>	Square Footage of Lot <i>40,589 SF</i>	
Tax Assessor's Chart, Block & Lot Chart# <i>42</i> Block# <i>B</i> Lot# <i>1</i>	Owner: <i>AGA Realty LLC</i>	Telephone* <i>799-1521</i>
Lessee/Buyer's Name (if Applicable) <i>Fruing Oil Corporation</i>	Applicant name, address & telephone: <i>JAMES MARONEY AMES AVE, 115 MAIN ST, BANGOR, ME 04401</i>	Cost Of Work: \$ <i>46,740</i> Fee: \$ <i>441.66</i>
Current use: <u><i>Convenience Store (mercantile)</i></u>		
If the location is currently vacant, what was prior use: <u><i>N/A</i></u>		
Approximately how long has it been vacant: <u><i>N/A</i></u>		
Proposed use: <u><i>Convenience Store (mercantile)</i></u>		
Project description: <u><i>Renovation of interior to improve Retail Area and Food Preparation.</i></u>		
Contractor's name, address & telephone: <i>Linda Millwork, Biddeford, ME 04005, Ph 207 283 4524</i>		
Who should we contact when the permit is ready: <u><i>Chuck Blanchette (Trucking)</i></u> Contact <i>Todd</i>		
Mailing address: <i>190 Commerce Way Portsmouth, NH 03802</i> <i>(603) 559 8913</i> <i>Autretein.</i>		
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: <i>603 559 8913</i>		

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: <i>5/21/05</i>
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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

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Business Name:	Contractor Name: Linclon Millwork	Contractor Address: Biddeford	Phone (207) 283-4524
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	

Proposed Use: Commercial / Irving Oil / Renovation of interior to improve retail ara and food prep	Proposed Project Description: Renovation of interior to improve retail ara and food prep
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 06/03/2005
Note: **Ok to Issue:**

- 1) Separate permits shall be required for any new exterior signage.
- 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 **Reviewer:** Mike Nugent **Approval Date:** 06/17/2005
Note: **Ok to Issue:**

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Cptn Greg Cass **Approval Date:** 06/06/2005
Note: **Ok to Issue:**

- 1) All building construction to comply with NFPA 101

Dept: Fire **Status:** **Reviewer:** **Approval Date:** **Note:** **Ok to Issue:**

May 24, 2005

City of Portland, Inspection Services
Room 315
389 Congress Street
Portland, Maine 04101

RE: **Renovations to Irving Oil Convenience Store - Commercial Street, Portland, Maine
AMES A/E Project No. 05021.02**

To Whom It May Concern:

We are pleased to submit the attached drawing package for your review for building permit approval.

The project consists of renovations to the Irving Convenience Store on Commercial Street in Portland. The renovations consist of remodeling the existing Retail space with new shelving, transaction counter, self serve food displays, and ceilings, lighting and flooring, as well as adding a Food Preparation room.


Minor plumbing consisting of two new hand sinks and floor drains will be constructed, as well as minor HVAC work consisting of relocating diffusers and installing a new oven vent. Drawings for plumbing and HVAC work have not been submitted as the on-site contractors can coordinate this work.

Electrical work consists of providing power to the new equipment, and installing new lights. The existing electrical service has sufficient capacity for the proposed renovations. Drawings for the electrical work have not been submitted as the contractors on-site can coordinate this work.

We have estimated that the renovations will cost approximately \$46,740.00 (excluding cost of equipment). A check for \$441.66 for the permit fee is enclosed.

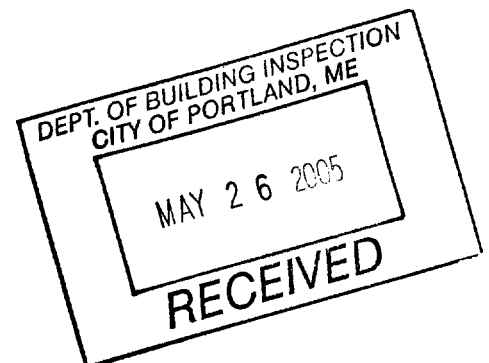
If you have any questions, please call me at (207)947 0153 ext 326 at your convenience.

Sincerely,


R. James Mahoney, PE
Project Manager

Encl: 2 set of drawings (24x36)
1 set of drawings (11x17)
All Purpose Building Permit Application
Check for permit fee.
Letter from property owner

Cc: Chuck Blanchette, Irving Oil Corporation



map 42 Block B Lot-1

AMENDED MEMORANDUM OF LEASE

COPY

Notice is hereby given of the following Lease:

To Jaime

LANDLORD:

AGA Realty LLC, a Maine limited liability company with a mailing address of 63 Ocean Street, South Portland, ME. 04106

TENANT :

Irving Oil Corporation, Maine corporation with a mailing address of 190 Commerce Way, Portsmouth, New Hampshire 03801

DATE OF EXECUTION:

Lease - December 6, 2004

LEASED PREMISES:

Commercial Street, Portland, Maine, as more particularly described in Exhibit A attached hereto and made a part hereof.

INITIAL TERM OF LEASE:

10 years, commencing January 12, 2005, and ending January 11, 2015

RIGHT TO RENEW OR EXTEND:

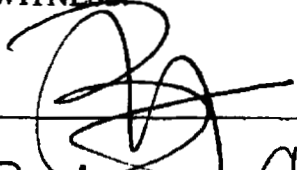
Yes, two (2) terms of five (5) years each

OPTION TO PURCHASE:

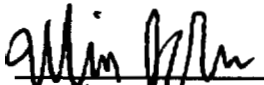
Yes, during the first renewal term and the first 6 months of the second renewal term

The parties hereto further expressly acknowledge that this Amended Memorandum of Lease is being executed effective as of the 11th day of January, 2005, and supercedes previously recorded Memorandum of Leases with effective dates of December 6, 2005 and December 6, 2004.

WITNESS:




Barbara Conway




Michael J. O'Connor

AGA Realty LLC, LANDLORD

By: 

Printed Name: Gregory Shapiro
Its Member
IRVING OIL CORPORATION, TENANT

By: 

Printed Name: DANIEL T. BREEN
Its: ASSISTANT TREASURER

Bernstein, Shur, Sawyer & Nelson, P.A.

100 Middle Street, West Tower, P.O. Box 9729, Portland, Maine 04104-5029
207-774-1200 Fax 207-774-1127
Internet: bssn.com

Counselors at Law
Charles E. Miller
cmiller@bssn.com
direct dial
207-228-7218

May 16, 2005

J. Gordon Scannell, Jr., Esquire
Perkins, Thompson, Hinckley & Keddy, P.A.
One Canal Plaza
PO Box 426
Portland, Maine 04112-0426

RE: AGA Realty LLC/Irving Oil Corporation
Commercial Street, Portland, Maine Property

Dear Gordon:

At Gregory Shapiro's request, I am pleased to forward to you AGA Realty LLC's consent to the modifications and renovations described in your letter of May 9, 2005.

As you are aware, the consent granted in this letter is unique to the modifications and renovations described in your letter of May 9, 2005 and do not waive the requirement in the future to obtain the consents required in the lease.

Very truly yours,



Charles E. Miller

cc: Gregory Shapiro w/encl.
Adam Shapiro w/encl.

PERKINS, THOMPSON, HINCKLEY & KEDDY

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
ONE CANAL PLAZA, P.O. BOX 426
PORTLAND, MAINE 04112-0426



J GORDON SCANNELL, JR
gscannell@perkinsthompson.com

May 9, 2005
via email: cemiller@bssn.com
and
First Class Mail

Charles E. Miller, Esq.
Bernstein, Shur, Sawyer & Nelson
100 Middle Street, 6th Floor
Portland, ME 04104-5029

Re: Irving Oil Corporation/AGA Realty LLC/393 Commercial Street, Portland,
Maine Lease

Dear Charlie:

I am writing to you with respect to the lease between your client, AGA Realty LLC ("Landlord"), and Irving Oil Corporation ("Tenant") dated December 6, 2004, as amended by First Amendment to Lease dated January 11, 2005 (as amended, the "Lease"), for premises located at 393 Commercial Street, Portland, Maine (the "Demised Premises").

The Tenant proposes to make modifications and renovations to the current improvements to the Demised Premises. The renovations and modifications would consist of relocating the Manager's Office to the existing storage room, converting the existing Manager's Office to a food preparation area, and general renovation of the Retail Space to include new ceilings, new lights, new flooring, new transaction counter, and new millwork for fast-food sales. I have attached to this letter a sketch plan showing the proposed modifications and renovations entitled "IOC Portland, ME (Commercial Street), Proposed Floor Plan - Option 2M-Revised" (the "Modifications"). I have also attached for your reference a corresponding sketch of the current layout entitled "IOC Portland, ME (Commercial Street) Existing Conditions Floor Plan."


Section 5 of the Lease provides, "Landlord shall have the right to first approve any modifications to the current improvements to the Demised Premises prior to any modifications, being undertaken by Tenant, which approval shall not be unreasonably withheld. All approvals must be in writing." The purpose of this letter is to obtain Landlord's written consent to the Modifications. The Modifications shall be in conformance with all local, state, and federal codes, rules and regulations, as required by Section 5 of the Lease.

Charles E. Miller, Esq.
May 9, 2005
Page 2

Please let me know if you need further information with respect to the proposed modifications and renovations. Otherwise, I would appreciate you having this letter signed on behalf of the Landlord indicating its consent, and returning the original as countersigned to me. I have enclosed two originals of this letter so that your client may keep a countersigned original for its records.

Thank you for your attention to this matter.

Very truly yours:


Gordon Scannell
J. Gordon Scannell, Jr

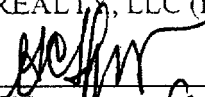
JGS:jms

encl.

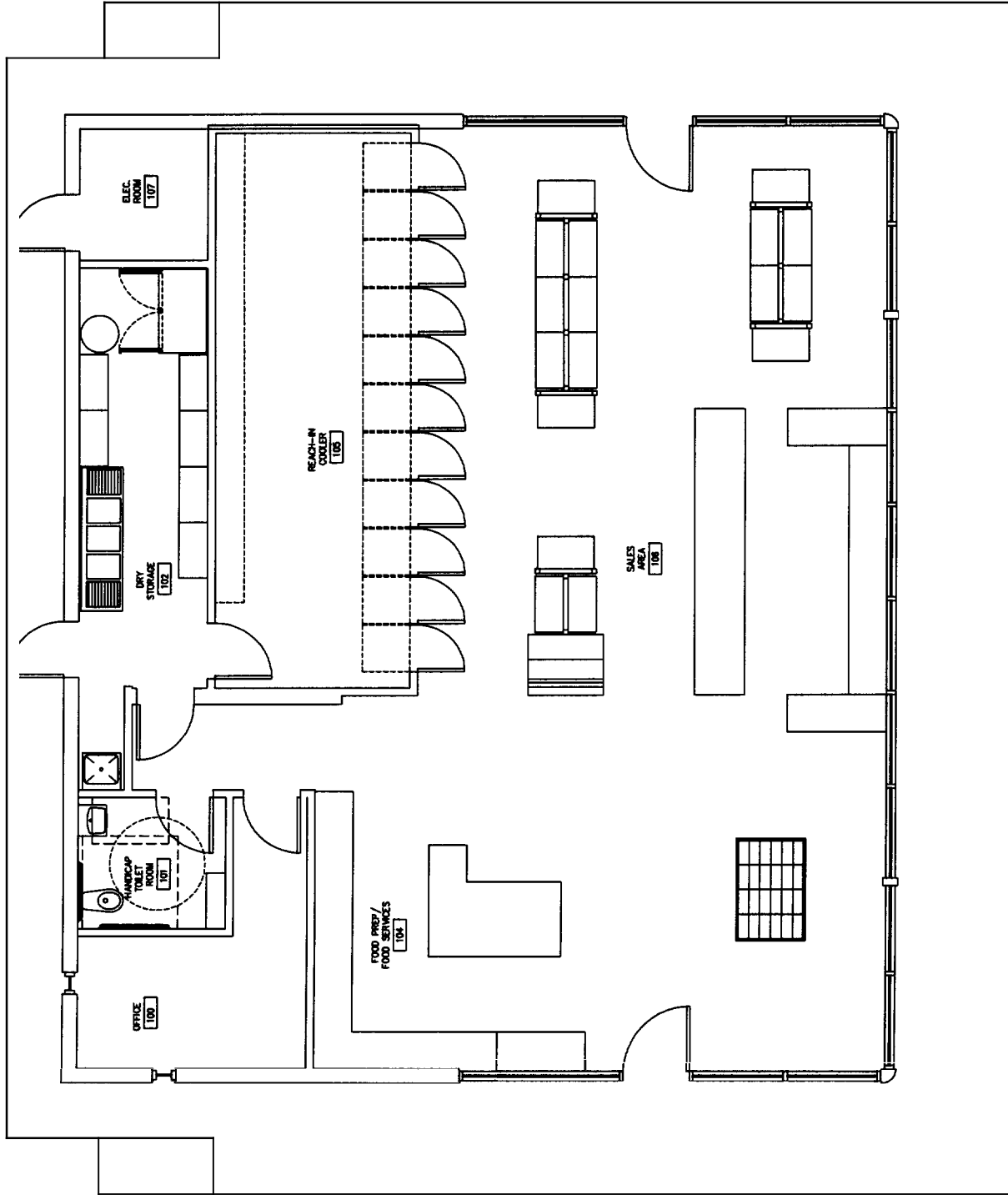
cc: Mr. Edward Bulmer

SEEN, AGREED AND CONSENT TO:

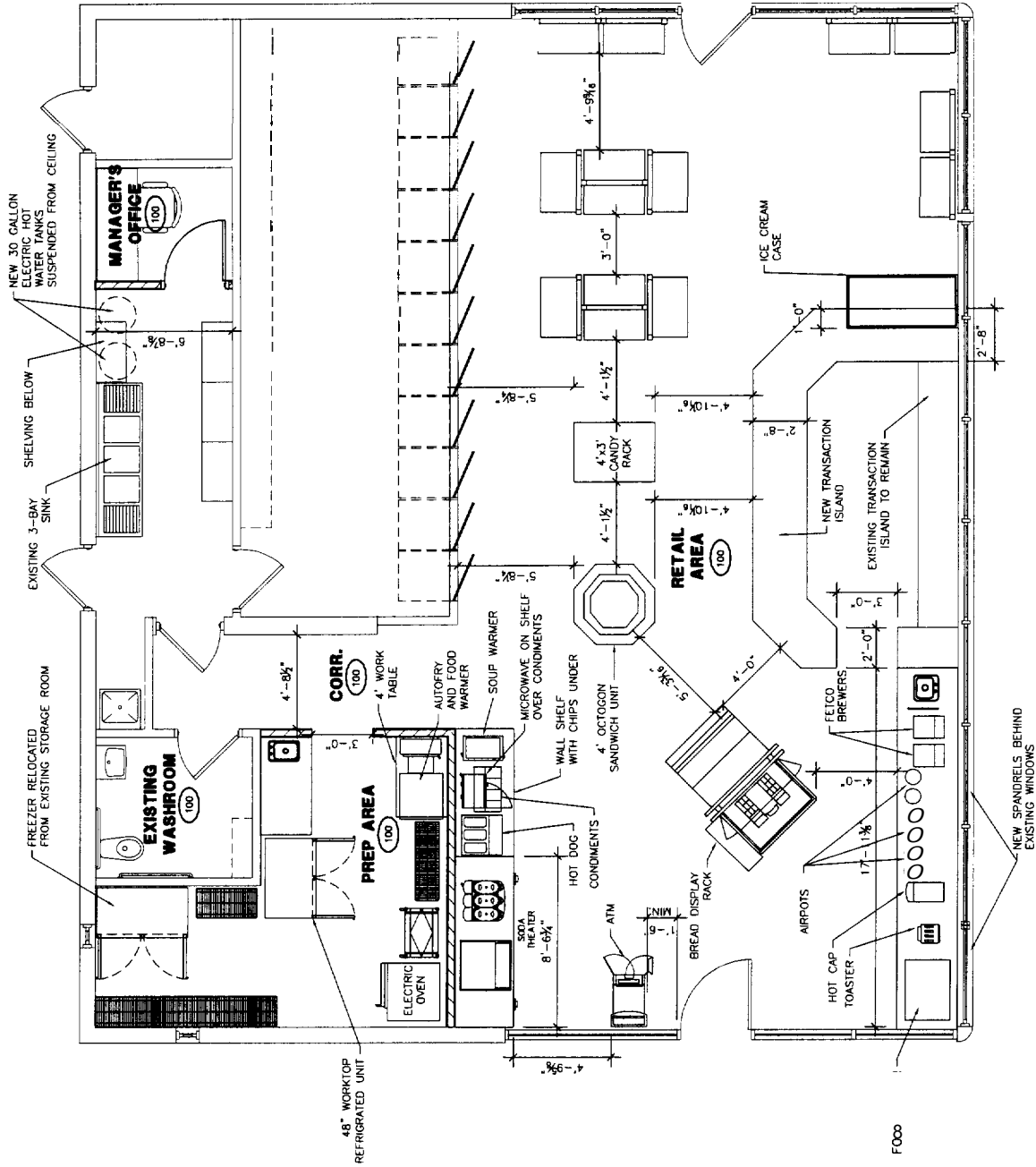
AGA REALTY, LLC (LANDLORD)

By: 
Printed Name: G.C. SHAPIRO
Its: member

Date: 5-12-05



**IOC PORTLAND, ME (COMMERCIAL STREET)
EXISTING CONDITIONS FLOOR PLAN**
SCALE: 1/8"=1'-0"



IOC PORTLAND, ME (COMMERCIAL STREET)
PROPOSED FLOOR PLAN - OPTION 2M (REVISED)
 SCALE: 1/4"=1'-0"