

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 429-521 Warren Ave BJs		Owner: Blalier, Edward		Phone:		Permit No: 981226	
Owner Address:		Lessee/Buyer's Name: BJ's Wholesale Club		Phone:		Business Name:	
Contractor Name: Simard & Sons, Inc.		Address: 3 Trident Dr Lewiston, ME 04240		Phone:		Permit Issued: OCT 28 1998	
Past Use: Wholesale/Retail		Proposed Use: Same w/self serv gas		COST OF WORK: \$ 221,453.00		PERMIT FEE: \$ 1125.00	
		FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:		Zone: CBL: 304-B-033	
Proposed Project Description: Install self service gasoline station in existing parking lot		Signature: <i>[Signature]</i>		Signature:		Zoning Approval: OK 10/21/98 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"/>	
Permit Taken By: SF		Date Applied For: 16 October 1998		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>		Signature: Date:	

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..

PERMIT ISSUED WITH REQUIREMENTS

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 provisions of the code(s) applicable to such permit

21 October 1998 - Permit Routed

SIGNATURE OF APPLICANT	ADDRESS:	DATE:	PHONE:
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		PHONE:	

CEO DISTRICT

1

COMMENTS

11/16/98 Met w/ contractor, no problems. OK
11/25/98 Concrete being placed. All OK. OK
12/4/98 Final Building Inspection - Canopy & Work appear to
be built per plan OK (DC)

	Type	Inspection Record	Date
Foundation:	_____	_____	_____
Framing:	_____	_____	_____
Plumbing:	_____	_____	_____
Final:	_____	_____	_____
Other:	_____	_____	_____



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to Edward Bleiler

LOCATION 429-521 Warren Ave 304-B-003

Date of Issue 12/4/98

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. 981226, 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

Self Service Gas Station

APPROVED OCCUPANCY

Wholesale/Retail w/Self Service Gas
Use Group M/Construction Type IB
1996 Boca

Limiting Conditions:

Applicant must file an acceptable plan amendment with Sarah Hopkins by January 4, 1999.
Final paving by 5/30/99

**This certificate supersedes
certificate issued**

Approved:

(Date)

Inspector

Inspector of Buildings

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.

BUILDING PERMIT REPORT

DATE: 10/26/98 ADDRESS: 521 Warren Ave CBL 304-B-033

REASON FOR PERMIT: Install Self Service Gas Station

BUILDING OWNER: B.J.I

CONTRACTOR: Simerd + Sons

PERMIT APPLICANT: _____

USE GROUP M BOCA 1996 CONSTRUCTION TYPE 1 B

CONDITION(S) OF APPROVAL

This Permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1, *2, *24, *30, *31, *32, *33

- ~~1.~~ This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- ~~2.~~ Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
- 2.5 Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
2. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' o.c. between bolts. (Section 2305.17)
3. Precaution must be taken to protect concrete from freezing. Section 1908.0
4. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
5. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)
6. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
7. Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.
8. Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42" , except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 34" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0) - Handrails shall be on both sides of stairway. (Section 1014.7)
9. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
10. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread. 7" maximum rise.(Section 1014.0)
11. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6' 8") 1014.4

12. Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1018.6)
13. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. Section 1010.1
14. All vertical openings shall be enclosed with construction having a fire rating of at least one (1)hour, including fire doors with self closer's. (Over 3 stories in height requirements for fire rating is two (2) hours.) Section 710.0
15. The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. Table 302.1.1
16. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - In each story within a dwelling unit, including basements
 In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required) Section 920.3.2
17. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. Section 921.0
18. The Fire Alarm System shall be maintained to NFPA #72 Standard.
19. The Sprinkler System shall maintained to NFPA #13 Standard.
20. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
21. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
22. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
23. Ventilation shall meet the requirements of Chapter 12 Sections 1210. Of the City's Building Code. (crawl spaces & attics)
- *24. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.
25. All requirements must be met before a final Certificate of Occupancy is issued.
26. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code. (The BOCA National Building Code/1996).
27. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993). (Chapter M-16)
28. Please read and implement the attached Land Use-Zoning report requirements.
29. Boring, cutting and notching shall be done in accordance with Sections 2305.4.4, 2305.5.1 and 2305.3. of the City's building code.
30. Glass and glazing shall meet the requirements of Chapter 24 of the building code.

31. State Fire Marshall Approval required for this project

32. Permit required for storage of combustible liquids from the Portland Fire Dept.

*33. You structural plans did not bear the seal of a structural engineer. Please re-submit those plans with seal and the name of the designer or have the designer sent me a letter stating the plans meet the requirement of the City's building code (The BOCA National Building Code/1996. The letter shall have the seal and name - This must be done before work is started.

P. Samuel Hoffes, Building Inspector
 cc: Lt. McDougall, PFD
 Marge Schmuckal, Zoning Administrator



October 8, 1998

CITY OF PORTLAND

Robert Schuler
Jacques Whitford Company, Inc.
27 Congress St.
P.O. Box 4696
Portsmouth, NH 03802

Re: BJ's Wholesale Club Self Service Gasoline Station Installation

Dear Mr. Schuler:

On October 8, 1998 the Portland Planning Authority granted minor site plan approval for the BJ's Wholesale Club Self Service Gasoline Station.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

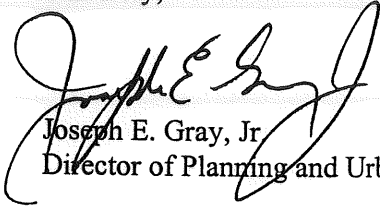
Please note the following provisions and requirements for all site plan approvals:

1. 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. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction 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 preconstruction meeting.
5. 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.)

6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This 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, please contact the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.
Director of Planning and Urban Development

- cc: Alexander Jaegerman, Chief Planner
Sarah Greene Hopkins, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Mary Gresik, Building Permit Secretary
Kathleen Brown, Director of Economic Development
Susan Doughty, Assessor's Office
Approval Letter File

SHORT FORM LEASE dated August 23, 1990 between BJ/Portland Limited Partnership, a Maine limited partnership, in which the sole general partner is CBL Finance, Inc., a Wyoming corporation, as landlord, (hereinafter referred to as "Landlord"), and Waban Inc., a Delaware corporation, as tenant, (hereinafter referred to as "Tenant").

PREMISES

1.1 In consideration of the rents, agreements and conditions herein reserved and contained on the part of Tenant to be paid, performed and observed, Landlord does hereby demise and lease to Tenant, for the term hereinafter set forth, the premises described in Schedule A attached hereto as the Demised Premises ("the Demised Premises").

2.1 Intentionally Omitted.

3.1 Intentionally Omitted.

ORIGINAL TERM

4.1 The original term of this lease shall be a period of twenty (20) years and a fraction of a month commencing on "the Commencement Date" (hereinafter defined), and terminating on the last day of the month in which the twentieth (20th) anniversary of the Commencement Date occurs except, however, that if the Commencement Date shall be a first day of a calendar month then the original term of this lease shall be the period of twenty (20) years commencing on the Commencement Date and terminating on the twentieth (20th) anniversary thereof.

OPTIONS

4.2 Tenant shall have the right, at its election, to extend the original term of this lease, or the original term as it may have been previously extended pursuant to the third sentence of this Section 4.2, an extension period of five (5) years commencing upon the expiration of the original term, or the original term as so previously extended (sometimes herein referred to as an "Extension Period" or "the First Extension Period"), provided that Tenant shall give Landlord notice of the exercise of its election at least six (6) months prior to the expiration of the original term, or the original term as previously extended. In addition, Tenant shall have the right, at its election, to extend the original term, as it may have been previously extended pursuant to the provisions of this Section 4.2, three (3) additional extension periods of five (5) years each, each commencing upon the expiration of the original term as previously extended, (each sometimes herein referred to as an "Extension Period" or as the "Second," "Third" and "Fourth Extension Period(s)," respectively) provided that Tenant shall give Landlord notice of the exercise of its election at least six (6) months prior to the expiration of the original term as previously extended.

original term as previously extended, as the case may be. The expression "the original term" means the period described in Section 4.1 as the original term. Prior to the exercise by Tenant of any of said elections under this Section 4.2 to extend the original term, the expression "the term of this lease" shall mean the original term; after the exercise by Tenant of any of said elections, the expression "the term of this lease" shall mean the original term as it may have been then extended. Except as expressly otherwise provided in this lease, all the agreements and conditions in this lease contained shall apply to the period or periods to which the original term shall be extended, as aforesaid. If Tenant shall give notice of the exercise of an election under this Section 4.2 in the manner and within the time provided aforesaid, the term shall be extended upon the giving of such notice without the requirement of any action on the part of Landlord.

COMMENCE-
MENT

4.3 An "Opening Day" shall be any Monday through Friday (except legal holidays) between February 1 and the following October 31. The "Commencement Date" shall be the first Opening Day after the later to occur of the following dates:

(1) the forty-fifth (45th) day after both the completion of so much of Landlord's Construction Work as relates to the Building and the receipt by Tenant of notice thereof from Landlord;

(2) the twentieth (20th) day after both the completion of Landlord's Construction Work and the receipt by Tenant of notice thereof from Landlord;

(3) the sixtieth (60th) day after "the fixture day" (as hereinafter defined);

(4) the seventieth (70th) day after Tenant shall have received from Landlord a ten-day notice of the arrival of the fixture day;

(5) the twentieth (20th) day after Landlord shall deliver to Tenant a certificate of occupancy (or its equivalent) for the Demised Premises, if the same shall be issuable in accordance with local law or custom;

(6) the one-hundred-twentieth (120th) day after Landlord shall have delivered to Tenant all of the fully executed and acknowledged instruments referred to in Paragraph 2 of Schedule B;

(7) the one-hundred-twentieth (120th) day after Landlord shall have delivered to Tenant all of the Sign Permits (defined in Paragraph 4 of Schedule B), if required under Paragraph 4 of Schedule B;

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF MIDDLESEX) SS.

On this the 30TH day of August, 1990, before me, RITA CHANNELL, the undersigned officer, personally appeared John F. Levy and George Freeman, who acknowledged themselves to be the President and Vice President, respectively, of Waban Inc., a Delaware corporation, and that they, as such President and Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as President and Vice President.

In witness whereof, I hereunto set my hand and official seal.

Rita Channell
RITA CHANNELL, Notary Public

My commission expires:

RITA CHANNELL, NOTARY PUBLIC
MY COMMISSION EXPIRES
AUGUST 21, 1993

SCHEDULE A

The Demised Premises shall consist of a one-story building, ("the Building"), to be constructed by Landlord as herein provided, containing one hundred four thousand two hundred thirty-three (104,233) square feet of floor area, having a frontage and width of four hundred thirty-two (432) feet and other dimensions as shown upon the plan attached hereto ("the Lease Plan"), plus parking areas, driveways, footways and other outdoor appurtenances, to be constructed by Landlord as herein provided, including without limitation, certain service areas adjacent to the Building which contain a compactor pad ("the Outdoor Areas").

The Demised Premises are situated on the northerly side of Warren Avenue (herein referred to as "the Main Street") in Portland, Maine. The "Demised Premises" (as defined herein) are the land containing nine and 44/100 (9.44) acres, together with the buildings and other structures from time to time thereon, shown on the Lease Plan, and are more particularly described as follows:

PARCEL I: A certain lot or parcel of land located on the northwesterly side of Warren Avenue in the City of Portland, County of Cumberland and State of Maine, being shown on a plan entitled "BJ's Wholesale Club, Portland, Maine, Land Title Survey and Site Conditions Plan" prepared by E.C. Jordan, Co. dated August 6, 1990, as revised through August 13, 1990 (the "Survey"), said parcel being more particularly bounded and described as follows:

Beginning at a 5/8 inch reinforcing rod set on the northeasterly sideline of Warren Avenue at the southwesterly corner of land now or formerly of one John Bernard as described in a deed recorded in the Cumberland County Registry of Deeds, Book 3089, Page 576;

Thence on a course of North 10°27' East a distance of one hundred ninety feet (190.00'), more or less, to a 5/8 inch reinforcing rod set and at the northwesterly corner of land now or formerly of Alice Webb as described in a deed recorded in said Registry, Book 4301, Page 281;

Thence on a course of South 79°33' East by said Webb property a distance of one hundred feet (100.00') to another 5/8 inch reinforcing rod;

Thence on a course of South 10°27' West by said Webb property a distance of thirty feet (30.00') to a 5/8 inch reinforcing rod and land now or formerly of Guy Gannett Publishing Co. as described in a deed recorded in said Registry, Book 7720, Page 239;

Thence on a course of South 79°33' East by said Gannett property a distance of one hundred feet (100.00') to a 5/8 inch reinforcing rod;

Thence on a course of South 10°27' West by said Gannett property a distance of twenty-two and ninety-two hundredths feet (22.92') to a 5/8 reinforcing rod set and land believed to be of W.W. Granger, Inc. as described in deeds recorded in said Registry, Book 6959, Pages 245 and 247.

Thence on a course of North 47°21'35" West by property now or formerly of Tonset Company, Inc. as described in a deed recorded in said Registry, Book 6308, Page 196, a distance of seventy hundred seventeen and thirty-two hundredths feet (717.32) to a 5/8 inch reinforcing rod set and land now of the Maine Turnpike Authority;

Thence on a course of South 34°51'15" West by said land of Maine Turnpike Authority a distance of four hundred seventy-seven and seventy-six hundredths feet (477.76') to a 5/8 inch reinforcing rod set;

Thence on a course of South 44°43' East a distance of two and thirty-three hundredths feet (2.33') to a 5/8 inch reinforcing rod set;

Thence on a course of South 45°17' East a distance of twelve and sixty-five hundredths feet (12.65') to a 5/8 inch reinforcing rod set;

Thence on a course of South 34°51'15" West a distance of eighty-eight and seventy hundredths feet (88.70') to a 5/8 inch reinforcing rod set and the northwesterly sideline of Fiske Street as shown on the Survey (said Fiske Street having been vacated by an Order of the City of Portland recorded in said Registry, Book 9284, Page 60);

Thence on a course of South 44°43' East a distance of one hundred fifty-four and seventy-one hundredths feet (154.71') to a 5/8 inch reinforcing rod set;

Thence on a course of South 10°27' West a distance of two hundred thirty-one and sixty-two hundredths feet (231.62') to a 5/8 inch reinforcing rod set and land now or formerly of H.W. Longfellow Chapter #82 as described in a deed recorded in said Registry in Book 6692, Page 268;

Thence on a course of South 79°33' East by said H.W. Longfellow property a distance of seventy-nine feet (79.00') to a 5/8 inch reinforcing rod set and land now or formerly of Portland Clutch, Inc. as described in deeds recorded in said Registry in Book 3605, Pages 37 and 39, and Book 3631, Page 269;

Thence on a course of North 10°27' East by said property of Portland Clutch, Inc. a distance of one hundred twenty feet (120.00') to a 5/8 inch reinforcing rod set;

Thence on a course of South 79°33' East a distance of one hundred twenty-one feet (121.00') to an iron rebar found at the northeasterly corner of said Portland Clutch, Inc. property;

Thence on a course of South 10°27' West a distance of two hundred twenty feet (220.00') to a 5/8 inch reinforcing rod set in the northwesterly sideline of said Warren Avenue;

Thence on a course of South 79°33' East a distance of fifty feet (50.00') to the point of beginning.

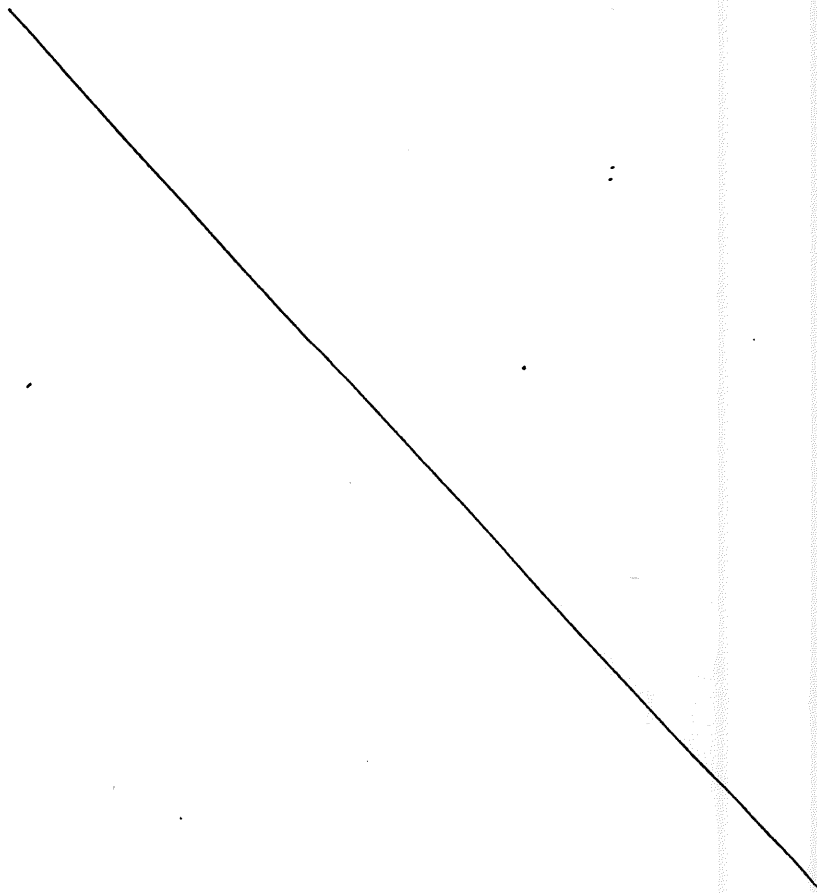
Beginning a 3/4 inch iron pipe located at the easterly corner of land now of Edward J. Bleiler, Trustee of Warren Avenue Realty Trust, as described in a deed recorded in Cumberland County Registry of Deeds, Book 7909, Page 131, and at the most northerly corner of property of Brown Construction Co. as described in a deed recorded in said Registry, Book 6772, Page 127;

Thence on a course of South 42°37'20" West by said Bleiler property a distance of one hundred seventy-one and eighty hundredths feet (171.80');

Thence on a course of South 48°07'25" East by property of W.W. Granger, Inc. as described in a deed recorded in said Registry, Book 6959, Pages 245 and 247, a distance of two hundred eleven and ninety-nine hundredths feet (211.99') to a 5/8 inch reinforcing rod set;

Thence on a course of North 47°20'45" East by property now of Brown Construction Co. a distance of three hundred sixteen and two hundredths feet (316.02') to a 5/8 inch reinforcing rod set and land now or formerly of Tonset Company, Inc.;

Thence on a course of North 78°50'15" West a distance of two hundred seventy-nine and thirty-six hundredths feet (279.36') to the point of beginning.



THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Building or Use Permit Pre-Application
Attached Single Family Dwellings/Two-Family Dwelling
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

NOTEIf 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 (include Portion of Building): BJ's Wholesale Club, Grove Street, Portland			
Total Square Footage of Proposed Structure 4,000		Square Footage of Lot 453,899	
Tax Assessor's Chart, Block & Lot Number Chart# 304 Block# B Lot# 033 034		Owner: BJ's Wholesale Club, Inc.	Telephone#: (508) 651-6258
Owner's Address: One Mercer Road Natick, MA 01760-9601		Lessee/Buyer's Name (If Applicable): N/A	Cost Of Work: Fee \$ 221,453.00 \$1125.00
Proposed Project Description: (Please be as specific as possible) Installation of a self service gasoline station in the existing parking lot.			
Contractor's Name, Address & Telephone Simard & Sons Inc. <i>31ident Dr Lewiston 04240</i> Rec'd By <i>SP</i>			
Current Use: Retail Shopping Center		Proposed Use: Retail shopping center & self service gasoline station	

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventillation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

4) Building Plans

Unless exempted by State Law, construction documents must be designed by a registered design professional.

A complete set of construction drawings showing all of the following elements of construction:

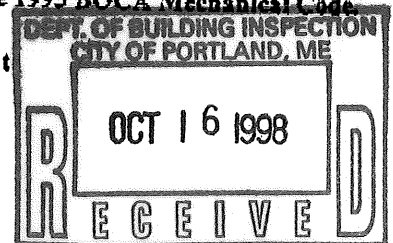
- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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/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: <i>[Signature]</i>	Date: 10/15/98
--	----------------

Building Permit Fee: \$25.00 for the 1st \$1000.00 cost plus \$5.00 per \$1,000.00 construction cost thereafter.
Additional Site review and related fees are attached on a separate addendum





**Jacques Whitford
Company, Inc.**

27 Congress Street
P.O. Box 4696
Portsmouth, NH
U.S.A. 03802

Tel: 603 431 4899
Fax: 603 431 5982

E-mail: info@jacqueswhitford.com
Web Site: www.jacqueswhitford.com

Consulting Engineers
Environmental Scientists
Information Consultants

Geotechnical Engineering
Site Investigations
Blasting Control
Earthworks
Foundations
Rock Mechanics

Materials Engineering & Research
Mining Engineering
Environmental Sciences
Environmental Engineering
Air Quality
Hydrogeology

Dartmouth, NS
Sydney, NS
Port Hawkesbury, NS
Saint John, NB
Fredericton, NB
Moncton, NB
Bathurst, NB
Charlottetown, PE
St. John's, NF
Corner Brook, NF
Goose Bay, LAB
Hull, PQ
Ottawa, ON
Toronto, ON
Regina, SK
Calgary, AB
Lethbridge, AB
Vancouver, BC
Freepport, ME
Winslow, ME
Mexico, DF
Moscow, Russia
Buenos Aires, Argentina

September 4, 1998

Ms. Mary Gresik
Building Inspectors Office
City Hall
389 Congress Street
Room 315, 3rd Floor
Portland, ME 04101

RE: Site Review Pre-Application
BJ's Wholesale Club - Self Service Gasoline Station Installation
Grove Street, Portland

Dear Ms. Gresik:

On behalf of BJ's Wholesale Club, please find attached seven (7) copies of the site review pre-application package for the above referenced site. Also please find attached a check made payable to the City of Portland for the sum of \$400.00.

Please note that the final engineering drawings will be stamped by our Maine Professional Engineer.

We look forward to sitting down on September 22, to go over any comments on the design you may have. If you have any questions, or require additional information, please do not hesitate to contact us at (603) 431-4899.

Sincerely,

JACQUES WHITFORD COMPANY, INC.

Robert C. Schuler
Engineer

Attachments

cc: Peter J. Hopley - BJ's w/out attachments
Mark Hebert - BJ's w/out attachments

(429-521) Warren One 885



**Site Review Pre-Application
Multi-Family/Attached Single Family Dwellings/Two-Family Dwelling
or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the Information below for Site Plan Review

NOTEIf 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.**


<u>BJ's Wholesale Club, Inc.</u>	<u>9/1/98</u>
Contact: Mark Hebert	
Applicant <u>One Mercer Road, P.O. Box 9601</u>	Application Date <u>BJ's Wholesale Club</u>
<u>Natick, MA 01760-9601</u>	Project Name/Description
Applicant's Mailing Address <u>Jacques Whitford Company, Inc.</u>	<u>Grove Street, (off Warren Ave)</u>
Consultant/Agent	Address Of Proposed Site
<u>BJ's Phone (508) 651-6258 Fax 651-6228</u>	<u>Chart #304/Block B/Lots 33 & 34</u>
<u>JWC Phone (603) 431-4899 Fax 431-5982</u>	Assessor's Reference, Chart#, Block, Lot#
Applicant/Agent Daytime telephone and FAX	
Proposed Development (Check all that apply) <input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input checked="" type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail	
<input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input checked="" type="checkbox"/> Other(Specify) <u>Gasoline Self Service Station Installation</u>	
<u>area of proposed work 7,200ft²</u>	<u>453,899ft²</u>
Proposed Building Square Footage and /or # of Units	Acreage of Site
	<u>B4 Business</u>
	Zoning

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) 7 sets of Site Plan packages containing the information found in the attached sample plans and checklist.

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

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/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if an approval for the proposed project or use 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 approval at any reasonable hour to enforce the provisions of the codes applicable to this approval.

Signature of applicant: 	Date: <u>9.3.98</u>
---	---------------------

Site Review Fee: Major \$500.00 Minor 400.00

This application is for site review ONLY, a Building Permit application and associated fees will be required prior to construction.

**BJ's Wholesale Club
Grove Street (off Warren Avenue)
Portland, Maine**

Written Statements

1. A description of the proposed uses to be located on the site, including the quantity and type of residential units, if any:

The proposed self service gasoline station will be constructed on the property where a developed retail ("wholesale") building already exists. The proposed self service gasoline station will be providing vehicle refueling services. The use to the wholesale building will remain unchanged.

2. The total land area of the site and the total floor area and ground coverage of each proposed building and structure:

The site consists of two (2) parcels totaling 453,899 square feet (map 304 lots 33 & 34). The total ground coverage of the proposed self service gasoline station is 7,200 square feet.

3. General summary of existing and proposed easements or other burdens now existing or to be placed on the property:

The property has a vehicle turning easement to the City of Portland where Grove Street intersects the parking lot entrance. To the best of our knowledge, there are no other existing or proposed easements or other burdens on the property.

4. The types and estimated quantities of solid waste to be generated by the development:

It is estimated that less than 10 cubic yards per week of general non-hazardous waste will be generated from the proposed self service gasoline station. This waste will be disposed of in conjunction with BJ's existing non-hazardous waste disposal.

5. Evidence of the availability of off-site facilities including sewer, water and streets:

All sewer and water utilities for the proposed self service gasoline station will be connected to the property's existing lines. The proposed self service gasoline station will be constructed within the existing parking lot and will utilize the existing access to Grove Street and Warren Avenue.

6. A narrative describing the existing surface drainage on the site and a stormwater management plan indicating measures which will be taken to control surface water runoff:

The site has an existing stormwater management system. The system consists of

several 6" underline drains. The 6" drains are connected to several catch basins located within the parking lot. These catch basins are connected to a 12" reinforced concrete pipe which discharges to a retention basin southwest of the parking lot.

All stormwater associated with the refueling islands is captured via the overhead canopy and routed to the existing stormwater management system. Engineering measures (groves in the concrete pad surrounding dispenser islands) will effectively capture any minor gasoline spillage.

7. A construction plan outlining the anticipated sequence of construction of the major aspects of the proposed project, including without limitation roads, retention basins, sewer lines, seeding and other erosion control measures, and pollution abatement measures, and also setting forth the approximate dates for commencement and completion of the project:

A construction schedule is included as Attachment 1.

8. A list of all state and federal regulatory approvals to which the development may be subject, the status of any pending applications, and the anticipated time frame for obtaining such permits or that a determination of no jurisdiction from the agency will be requested:

The underground storage tanks must be registered with the Maine Department of Environmental Protection (MEDEP). The registration application has not been completed at this time. Following the review and approval of the proposed self service gasoline station, the registration application will be submitted to the MEDEP. It is anticipated that registration approval from the MEDEP will be received within 5 business days after submittal.

The application of the installation of a self service gasoline station is currently being prepared for submittal to the State Fire Marshall. It is anticipated that upon receipt of the application package, approval from the State Fire Marshall will take 2-3 weeks.

9. Evidence of financial and technical capacity to undertake and complete the development including, but not limited to, a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved, if requested to do so:

BJ's Wholesale Club will be funding the proposed self service gasoline station project. BJ's has provided a copy of their 1997 Annual Report. This report is provided as Attachment 2.

10. Evidence of the applicant's title, right, or interest in the property, including without limitation deeds, leases, purchase options or any other documentation:

A copy of BJ's assignment of lease, current lease, deed, and the certificate of amendment of certificate of incorporation are included as Attachment 3.

11. A narrative describing any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the project site and a description of the methods that will be used to protect such areas or sites:

To the best of our knowledge, there are no unusual natural areas, wildlife, fisheries habitats, or archaeological sites located on or near the project site that would be affected by the proposed self service gasoline station installation.

BJ's WHOLESALE CLUB, INC.

ESTIMATED CONSTRUCTION SCHEDULE

**PROPOSED SELF SERVICE STATION INSTALLATION
BJ's WHOLESALE CLUB
GROVE STREET, PORTLAND**

Task Description	Duration	Start	Finish	October				November				December	
				26-Oct-98	2-Nov-98	9-Nov-98	16-Nov-98	23-Nov-98	30-Nov-98	7-Dec-98			
Mobilize, Set Jersey Barriers	1d	28-Oct-98	28-Oct-98										
Excavate Tank Holes	2d	29-Oct-98	30-Oct-98										
Set Tanks	2d	2-Nov-98	3-Nov-98										
Piping	4d	4-Nov-98	9-Nov-98										
Drainage System	2d	10-Nov-98	11-Nov-98										
Canopy & Kiosk Foundation	3d	12-Nov-98	16-Nov-98										
Canopy Installation	4d	17-Nov-98	20-Nov-98										
Backfill to Grade	2d	23-Nov-98	24-Nov-98										
Pad Work	3d	25-Nov-98	27-Nov-98										
Curbing	2d	30-Nov-98	1-Dec-98										
Set Dispensers	2d	2-Dec-98	3-Dec-98										
Landscaping	1d	4-Dec-98	4-Dec-98										
Asphalt & Punchlist	2d	7-Dec-98	8-Dec-98										

ATTACHMENT 2

**BJ's WHOLESALE CLUB, INC.
1997 ANNUAL REPORT**

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM**

19980116

I. D. Number

BJ's Wholesale Club

Applicant

1 Mercer Rd P.O. Box 9601, Natick, MA 01760

Applicant's Mailing Address

Rober Schuler, Jacques Whitfor

Consultant/Agent

603-431-4899

Applicant or Agent Daytime Telephone, Fax

9/4/98

Application Date

BJ's

Project Name/Description

521 Warren Ave

Address of Proposed Site

304-B-033+

Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

Planning Conditions of Approval

Inspections Conditions of Approval

1. Separate permits are required for all new signage.

Fire Conditions of Approval

Application requires State Fire Marshal approval.

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

19980116

I. D. Number

BJ's Wholesale Club

Applicant

1 Mercer Rd P.O. Box 9601, Natick, MA 01760

Applicant's Mailing Address

Rober Schuler, Jacques Whitfor

Consultant/Agent

603-431-4899

Applicant or Agent Daytime Telephone, Fax

9/4/98

Application Date

BJ's

Project Name/Description

Warren Ave

Address of Proposed Site

304-B-033+

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **self serve gas station**

453,899 Sq Ft

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan \$400.00 Subdivisio _____ Engineer Review _____ Date 9/4/98

Planning Approval Status:

Reviewer sarah

- Approved Approved w/Conditions
See Attached Denied

Approval Date 10/8/98 Approval Expiration 10/8/99 Extension to _____ Additional Sheets
Attached

OK to Issue Building Permi sarah hopkins 10/19/98
signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- | | | | |
|--|-------------------------|--|------------------------------------|
| <input checked="" type="checkbox"/> Performance Guarantee Accepted | <u>10/19/98</u>
date | <u>\$14,000.00</u>
amount | <u>10/16/99</u>
expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____
date | _____
amount | |
| <input type="checkbox"/> Building Permit Issue | _____
date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____
date | _____
remaining balance | _____
signature |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____
date | <input type="checkbox"/> Conditions (See Attached) | |
| <input type="checkbox"/> Final Inspection | _____
date | _____
signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____
date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____
date | _____
signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____
submitted date | _____
amount | _____
expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____
date | _____
signature | |

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

19980116

I. D. Number

BJ's Wholesale Club

Applicant

1 Mercer Rd P.O. Box 9601, Natick, MA 01760

Applicant's Mailing Address

Rober Schuler, Jacques Whitfor

Consultant/Agent

603-431-4899

Applicant or Agent Daytime Telephone, Fax

9/4/98

Application Date

BJ's

Project Name/Description

Warren Ave

Address of Proposed Site

304-B-033+

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **self serve gas station**

453,899 Sq Ft

Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date: 9/4/98

DRC Approval Status:

Reviewer jim wendell

- Approved Approved w/Conditions
see attache Denied

Approval Date 10/8/98 Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance jim wendell 10/19/98
signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>10/19/98</u> date	<u>\$14,000.00</u> amount	<u>10/16/99</u> expiration date
<input type="checkbox"/> Inspection Fee Paid	_____ date	_____ amount	
<input type="checkbox"/> Building Permit	_____ date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
<input type="checkbox"/> Temporary Certificate Of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

19980116
I. D. Number

BJ's Wholesale Club

Applicant
1 Mercer Rd P.O. Box 9601, Natick, MA 01760

Applicant's Mailing Address
Rober Schuler, Jacques Whitfor

Consultant/Agent
603-431-4899

Applicant or Agent Daytime Telephone, Fax

9/4/98

Application Date

BJ's

Project Name/Description

Warren Ave

Address of Proposed Site

304-B-033+

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **self serve gas station**
 New Building Building Addition Change Of Use Residential

453,899 Sq Ft

Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan **\$400.00** Subdivision Engineer Review Date: **9/4/98**

Fire Approval Status:

Reviewer **Lt. Mc Dougall** 

- Approved Approved w/Conditions
see attached Denied

Approval Date **9/8/98** Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance **Lt. Mc dougall** **9/8/98**
signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

- | | | | |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ | _____ | _____ |
| | date | amount | expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____ | _____ | |
| | date | amount | |
| <input type="checkbox"/> Building Permit Issued | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____ | _____ | _____ |
| | date | remaining balance | signature |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____ | <input type="checkbox"/> Conditions (See Attached) | |
| | date | | |
| <input type="checkbox"/> Final Inspection | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Certificate of Occupancy | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____ | _____ | _____ |
| | submitted date | amount | expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____ | _____ | |
| | date | signature | |

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

19980116

I. D. Number

BJ's Wholesale Club
Applicant
1 Mercer Rd P.O. Box 9601, Natick, MA 01760
Applicant's Mailing Address
Rober Schuler, Jacques Whitfor
Consultant/Agent
603-431-4899
Applicant or Agent Daytime Telephone, Fax

9/4/98
Application Date
BJ's
Project Name/Description

521 Warren Ave
Address of Proposed Site
304-B-033+
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Change Of Use Residential Other (specify) **self serve gas station**

Proposed Building square Feet or # of Units **453,899 Sq Ft** **B-4 Zone**
Acreage of Site Zoning

Check Review Required:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan
(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
| <input type="checkbox"/> Flood Hazard | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Historic Preservation | <input type="checkbox"/> DEP Local Certification |
| <input type="checkbox"/> Zoning Conditional
Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | | <input type="checkbox"/> Other _____ |

Fees Paid: Site Plan **\$400.00** Subdivision _____ Engineer Review _____ Date: **9/4/98**

Inspections Approval Status:

Approved **Approved w/Conditions**
see attached Denied

Approval Date **10/21/98** Approval Expiration _____ Extension to _____ Additional Sheets Attached

Condition Compliance _____ signature date

Reviewer **Marge Schmuckal**

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	10/19/98 date	\$14,000.00 amount	10/16/99 expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	10/20/98 date	\$752.00 amount	
<input type="checkbox"/> Building Permit Issued	_____ date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released			



CITY OF PORTLAND
Planning and Urban Development Department

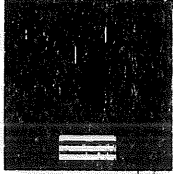
MEMORANDUM

TO: Code Enforcement
FROM: Jim Wendel, Development Review Coordinator
DATE: December 4, 1998
SUBJECT: Certificate of Occupancy
BJ's Wholesale Club - Gas Station Site Plan

A site visit on 12-4-98 was made to review the completion of the conditions of the site plan approval; my comments are:

1. Final surface paving has not been completed; this work shall be completed by May 30, 1999.
2. The work has been slightly revised from the approved plan; a vertical concrete curb has been installed as a barrier between parking stalls due to the existing grade differential. The applicant should submit a revised site plan noting the change for review by staff. I have some reservations about the safety of the revision in terms of visibility to drivers. The site plan revision should be submitted by January 15, 1999.

It is my opinion that a **temporary Certificate of Occupancy** could be issued assuming Code Enforcement has no outstanding issues.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 9
SOUTH PORTLAND, MAINE 04106
TEL. 207 773 1121
FAX 207 879 9396

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

TO: Code Enforcement
Sarah Hopkins, Planner

FROM: Eric Barnes, DeLuca-Hoffman Associates, Inc.
Jim Wendel, PE, Development Review Coordinator

DATE: June 23, 1999

RE: Certificate of Occupancy
BJ's Gas Station Warren Ave 304-B-33

On June 22, 1999 the site was reviewed for compliance with the conditions of approval dated October 8, 1998. This was a follow up to a December 4, 1998 site visit. My comments are:

1. The concrete curb barrier is still in place. This issue has not been addressed as outlined in the previous memo from the DRC. This work needs to be completed before a certificate is issued.

It is my opinion that no certificate of occupancy should be issued without the completion of item #1 above, and assuming Code Enforcement has no outstanding issues.

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "NATICK CORPORATION", CHANGING ITS NAME FROM "NATICK CORPORATION" TO "BJ'S NORTHEAST OPERATING CORP.", FILED IN THIS OFFICE ON THE THIRTY-FIRST DAY OF JULY, A.D. 1998, AT 11 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



A handwritten signature in cursive script that reads "Edward J. Freel".

Edward J. Freel, Secretary of State

2301341 8100

981299718

AUTHENTICATION: 9229895

DATE: 07-31-98

OF
CERTIFICATE OF INCORPORATION

* * * * *

Natick Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

FIRST: That at a meeting of the Board of Directors of Natick Corporation resolutions were duly adopted setting forth a proposed amendment to the Certificate of Incorporation of said corporation, declaring said amendment to be advisable and calling a meeting of the stockholders of said corporation for consideration thereof. The resolution setting forth the proposed amendment is as follows:

RESOLVED, that the Certificate of Incorporation of Natick Corporation be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

The name of the Corporation is changed from Natick Corporation to BJ's Northeast Operating Corp. The Company was originally incorporated under the name Natick Corporation and its original Certificate of Incorporation was dated June 17, 1992 and was filed with the Delaware Secretary of State on June 18, 1992.

SECOND: That thereafter, pursuant to resolution of its Board of Directors, an annual meeting of the stockholders of said corporation was duly called and held, upon written notice given to all stockholders at which meeting the necessary number of shares as required by statute were voted in favor of the amendment.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware. That this Certificate of Amendment of the Certificate of Incorporation shall be effective upon filing with the Secretary of State of the State of Delaware.

(DE - 0263 - 6/15/94)

GT 2000

Andy D'Apollo, its President, this Thirtieth day of July, 1998.

Natick Corporation

By Andy D'Apollo
President

(DE - 0263 - 6/15/94)

CT Systems

ASSIGNMENT OF LEASE

This Assignment of Lease dated as of the 28th day of July, 1997 is made and entered into by WABAN INC. a Delaware corporation having an address of One Mercer Road, Natick, MA 01760 ("Assignor"), and NATICK CORPORATION, a Delaware corporation whose principal place of business is 214 North Main Street, Concord, New Hampshire ("Assignee").

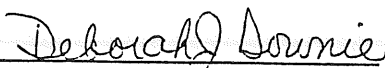
For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. As used herein, the term "Lease" shall mean the lease and all amendments thereto, and related documents, if any, listed on Exhibit A attached hereto and by this reference made a part hereof regarding the premises located in Portland, Cumberland County, Maine more fully described therein ("Premises").
2. Effective as of the date hereinabove written ("Effective Date"), Assignor hereby assigns, sets over and transfers to Assignee all of the Assignor's rights, title and interests as Tenant under the Lease.
3. Effective as of the Effective Date, Assignee hereby assumes and agrees to and with Assignor to be bound by and perform, fulfill, and observe all of the covenants, agreements, representations, warranties, obligations and liabilities, of Assignor as Tenant under the Lease arising on and after the Effective Date.
4. All capitalized terms in this Assignment which are not defined herein, shall have the meanings set forth in the Lease.
5. This Assignment shall be governed by and construed in accordance with law of the state in which the Premises is located.

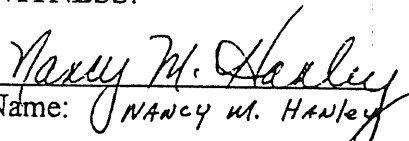
Witness the execution hereof as an instrument under seal as of the day and year first above written.

WITNESSES TO BOTH:


Name: Kevin Baker

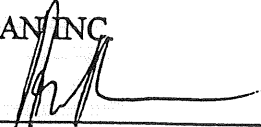

Name: Deborah J. Downie


WITNESS:


Name: *NANCY M. HANLEY*

ASSIGNOR:

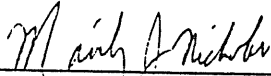
WABAN INC

By: 
Name: Herbert J Zarkin
Title: President

By: 
Name: Arthur T. Silk, Jr.
Title: Vice President and Treasurer

ASSIGNEE:

NATICK CORPORATION

By: 
Name: *MARILYN J. NICHOLAS*
Title: *TREASURER*

COMMONWEALTH OF MASSACHUSETTS)
)SS.
COUNTY OF MIDDLESEX)

On this the 28th day of July, 1997, before me, Mary T. Slattery, the undersigned officer, personally appeared Herbert J Zarkin and Arthur T. Silk, Jr. who acknowledge themselves to be the President and Vice President and Treasurer respectively, of Waban Inc., a corporation and that they, as such President and Vice President and Treasurer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as President and Vice President and Treasurer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARIAL
SEAL

Mary T. Slattery
_____, Notary Public

MARY T. SLATTERY, Notary Public
My Commission Expires February 17, 2000
My commission expires:

COMMONWEALTH OF MASSACHUSETTS)
)SS.
COUNTY OF MIDDLESEX)

On this the 28th day of July, 1997, before me, Mary T. Slattery, the undersigned officer, personally appeared Marilyn J. Nichols who acknowledge himself/herself to be the TREASURER of Natick Corporation, a corporation and that he/she, as such TREASURER being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as TREASURER.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARIAL
SEAL

Mary T. Slattery
_____, Notary Public

MARY T. SLATTERY, Notary Public
My Commission Expires February 17, 2000

My commission expires:

EXHIBIT A

PORTLAND, MAINE
CLUB #029

<u>DOCUMENT</u>	<u>DATE</u>
1. Lease & Summary	August 23, 1990
2. Leasehold Title Insurance	August 23, 1990
3. Short Form of Lease	August 23, 1990
4. Non-Disturbance Recognition & Attornment Agreement	August 23, 1990
5. Estoppel Certificate	September 30, 1991
6. SNDA	September 30, 1991
7. Fire Service Agreement	June 3, 1992
8. Estoppel Certificate	November 4, 1993