



December 30, 2015

Ms. Ann Machado, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Bayside Anchor Conditional Use Permit- Application for Extension of Approval

Dear Ann,

On behalf of the Portland Housing Development Corporation and Bayside Anchor Apartments, LP, we are submitting an Application for Conditional Use related to the proposed Bayside Anchor Project located at 81 East Oxford Street. A Conditional Use Permit was originally granted by the Zoning Board of Appeals on July 17, 2014, but has expired over the 18 months it has taken for the project team to design the project and secure necessary State approvals and financing. We are now ready to begin construction of the project, and request an extension of the original Conditional Use Permit Approval to a date of July 1, 2017 to allow full construction of the building and commencement of the nursery school (Headstart) use.

As described in the previous application, this project entails new construction of 45 residential apartments to be built on the corner of East Oxford and Boyd Streets, within the existing East Bayside campus and managed by the Portland Housing Corporation. The proposed building is envisioned to be a community focus for the neighborhood and will consolidate several existing community facilities, including relocation of the Head Start program from its existing space on Boyd Street. This program is considered a Nursery School by the City Zoning Ordinance, and as such requires a Conditional Use Permit.

The previous application describes the need, function and operation of the Head Start Program in the East Bayside Community, and a copy of the full application is attached for reference. The project is substantially unchanged from what was described in that original application, however the following modifications have occurred to the project since its approval in July, 2014:

1. The Ownership has been changed to Bayside Anchor Apartments, LP, to reflect the official entity that will own and manage the project. Bayside Anchor Apartments, LP is a subsidiary Portland Housing Development Corporation.
2. The Site Plan has been slightly modified in the following ways:
  - a. The sidewalk running along the west side of the property has been eliminated.
  - b. The plaza has been slightly reconfigured to provide ADA access to the Head Start doorway.
  - c. The sidewalks along Oxford and Boyd Streets have been reconfigured to eliminate the treegrates and provide a grass esplanade for tree plantings.
  - d. The step/ ramp into the Head Start space has been eliminated and modified to provide grade access.
3. The Building Plans have been slightly modified in the following ways:
  - a. Building size has been slightly reduced.
  - b. Building entrances have been reconfigured.
  - c. Head Start space has been slightly reconfigured.

Attached please find the following submission materials:

1. New Application for Conditional Use.
2. Copies of revised Plot and Building Plans.
3. Zoning Board Decision from July 17, 2014.
4. The full application that was previously submitted in June, 2014.
5. Check for \$ 150.00 to cover Application and Processing Fees.

We feel strongly that the Application continues to meet the Conditional Use requirements of the R-7 zone for Nursery Schools and look forward to meeting with the Zoning Board of Appeals to discuss our request for an extension of the Conditional Use Permit in greater detail. Please do not hesitate to contact me if you have questions or need additional information.

With Regards,  
CARROLL ASSOCIATES



Patrick J. Carroll, Principal

CC: Mark Adelson, PHA  
Brooks More, Avesta  
Gary Vogel, Drummund Woodsum  
Rick Knowland, City of Portland

Department of Planning & Urban Development

Ann Machado  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development



CITY OF PORTLAND ZONING BOARD OF APPEALS  
Conditional Use Appeal Application

Applicant Information:

Mark Adelson  
NAME  
Portland Housing Development Corporation  
Bayside Anchor Apartments, LP  
BUSINESS NAME

14 Baxter Boulevard  
Portland, ME 04101  
ADDRESS

207-773-4753  
TELEPHONE #

Owner  
APPLICANT'S RIGHT, TITLE OR INTEREST  
(eg: owner, purchaser, etc)

R-7  
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:  
Vacant/ prior use as parking lot

Subject Property Information

81 East Oxford Street  
PROPERTY ADDRESS

Map 22, Block 1, Lots 4 and 1  
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)

Same as Applicant  
NAME

ADDRESS

CONDITIONAL USE AUTHORIZED BY

SECTION 14 - 137

TYPE OF CONDITIONAL USE PROPOSED:

Nursery School

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create insanitaly or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

12/29/2015  
DATE



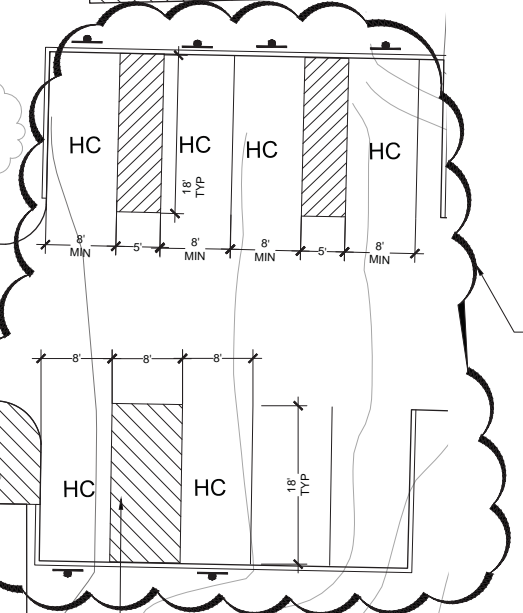
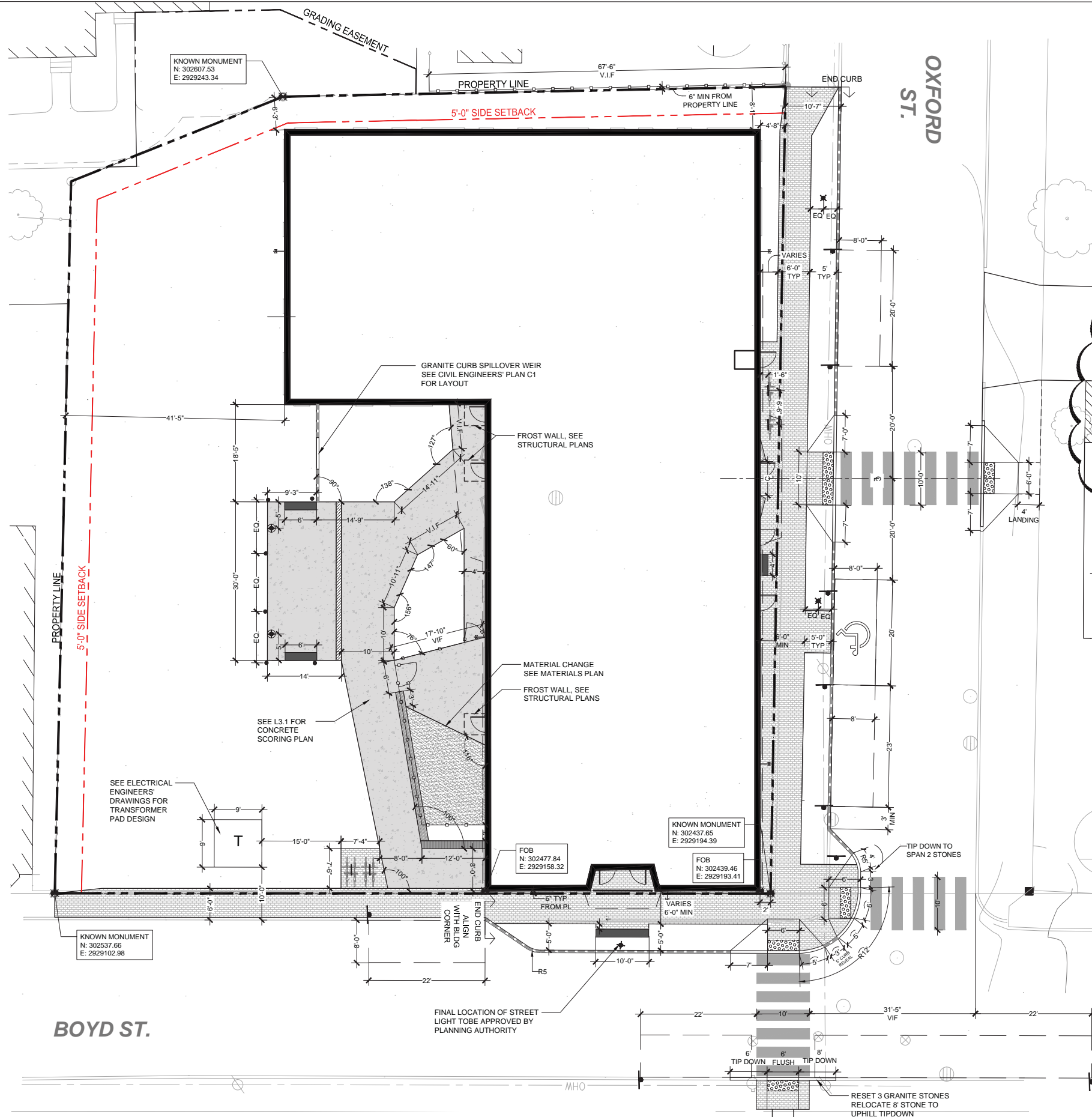
LOCUS  
N.T.S.

**LEGEND  
(EXISTING)**

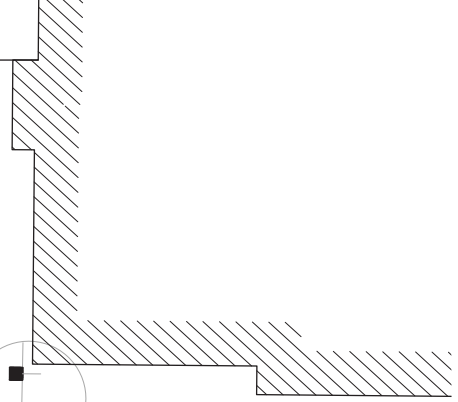
- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- ⊗ WATER VALVE
- ⊕ HYDRANT
- UTILITY POLE
- MANHOLE
- MANHOLE
- ⊕ SIGN
- DECIDUOUS TREE
- FENCE
- CURB
- OHW OVERHEAD WIRES
- - - EXISTING CONTOURS

**(PROPOSED)**

- 7" VERTICAL GRANITE CURB
- FLUSH / TRANSITION GRANITE CURB
- NEW TREE
- RELOCATED TREE
- SHRUBS
- LAWN
- RAIN GARDEN
- GROUND COVER
- BIT. CONC. PAVING
- BRICK PAVING
- CONCRETE PAVING
- PLAY SURFACING
- WALL W/ WOOD TOP
- WALL
- BENCH, TYP
- BIKE RACK
- POLE LIGHT
- BOLLARD LIGHT
- SIGN
- FENCE



ACCESSIBLE PARKING (4 SPACES NEW, 2 SPACES EXISTING, 6 SPACES TOTAL) - BY OTHERS

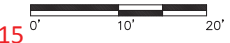


TIP DOWN TO SPAN 2 STONES

RESET 3 GRANITE STONES RELOCATE 8" STONE TO UPHILL TIPDOWN

**PROJECT LAYOUT:**

1. BUILDING & SITE LAYOUT IS BASED ON NORTHING & EASTING COORDINATES PER TOPOGRAPHIC SITE SURVEY COMPLETED BY OWEN HASKELL, INC. MAY 7, 2013, UPDATED MAY 26, 2015 AND JUNE 22, 2015. FIELD CONDITIONS MAY VARY FROM WHAT IS DEPICTED ON THE PLANS.
2. DIMENSIONS TO PROPERTY LINES ARE FOR REFERENCE ONLY AND NOT TO BE USED TO LAYOUT BUILDING.
3. ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. ANY UNUSUAL CONDITIONS SHALL BE IMMEDIATELY REPORTED TO THE ATTENTION OF THE OWNER.
5. THERE SHALL BE NO PAVEMENT MARKINGS FOR TEMPORARY PARKING SPACES, ANY MARKING ON PLANS ARE INTENDED TO SHOW LOCATION OF SPACES ONLY.



SUBMITTED FOR CONDITIONAL USE PERMIT APPLICATION 12/30/2015

**CONSTRUCTION SET**

Project:  
BAYSIDE ANCHOR  
Portland Housing Development  
Corporation  
81 East Oxford Street  
Portland, ME

Drawing: LAYOUT PLAN	CONDITIONAL USE PERMIT
Scale: 1"=10'	Drawn by: EPK
Date: July 2, 2014	Revised: 10.09.2015

**L3.0**

**KAPLAN THOMPSON ARCHITECTS**  
424 FORE ST., PORTLAND, ME 04101  
P: 207-842-2888 F: 842-2828  
JESSE@KAPLANTHOMPSON.COM

**CARROLL ASSOCIATES LANDSCAPE ARCHITECTS**  
217 COMMERCIAL ST.  
PORTLAND, ME 04101  
P: 207.772.1552 F: 207.772.0712

**BECKER STRUCTURAL ENGINEERS**  
75 YORK ST.  
PORTLAND, ME 04101  
P: 207.879.1838 F: 207.879.1822

**RANSOM Consulting Engineers and Scientists**  
400 COMMERCIAL ST. SUITE 404  
PORTLAND, ME 04101  
P: 207.772.2891 F: 207.772.3248

**PORTLAND HOUSING MAINE DEVELOPMENT CORPORATION**  
14 BAXTER BLVD  
PORTLAND, ME 04101  
P: 207.773.4753 F: 207.774.6471

**PORTLAND HOUSING MAINE DEVELOPMENT CORPORATION**  
190 US ROUTE ONE, PMB 346 FALMOUTH, MAINE 04105  
Phone: (207) 847-3445 Fax: (207) 847-3446



**UNIT MIX: GROUND FLOOR**

Zone Category	Quantity
1 BR	4
EFFICIENCY	2
	6

**UNIT MIX: TOTAL**

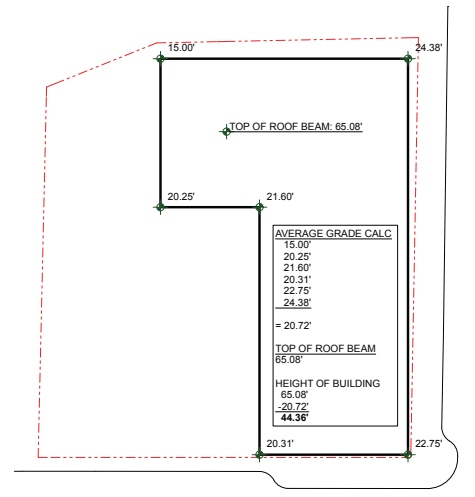
Zone Category	Quantity
1 BR	34
2 BR	6
EFFICIENCY	5
	45

**UNIT MIX: TOTAL BUILDING**

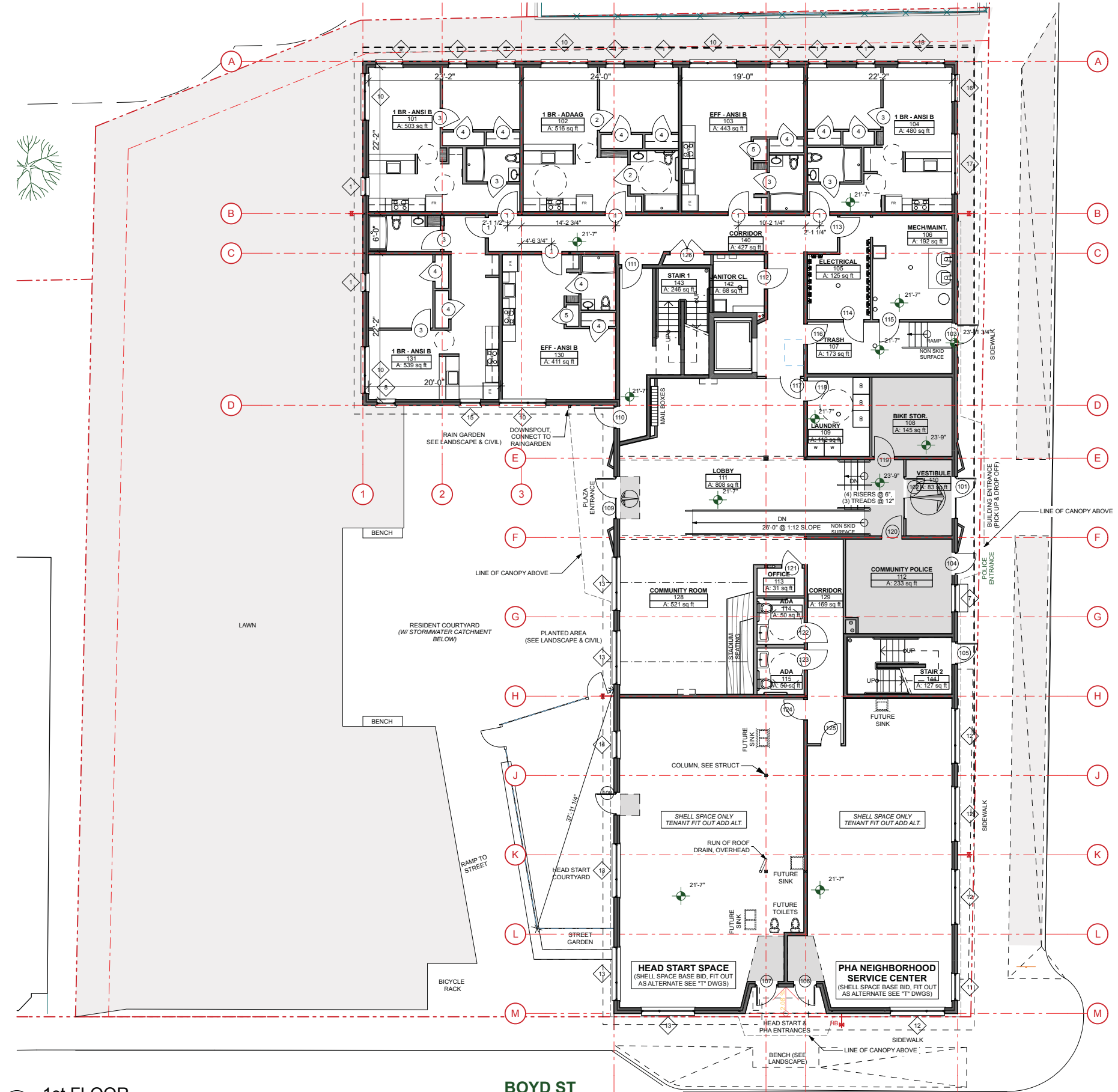
Floor (Story)	Zone Category	Quantity
1st FLOOR	1 BR	4
1st FLOOR	EFFICIENCY	2
2nd FLOOR	1 BR	10
2nd FLOOR	2 BR	2
2nd FLOOR	EFFICIENCY	1
3rd FLOOR	1 BR	10
3rd FLOOR	2 BR	2
3rd FLOOR	EFFICIENCY	1
4th FLOOR	1 BR	10
4th FLOOR	2 BR	2
4th FLOOR	EFFICIENCY	1
		45

**GROUND FLOOR PROGRAM**

Room #	Room Name	Area	Type
100	GROSS AREA	9,423	GROSS AREA
101	1 BR - ANSI B	503	1 BR
102	1 BR - ADAAG	516	1 BR
103	EFF - ANSI B	443	EFFICIENCY
104	1 BR - ANSI B	480	1 BR
105	ELECTRICAL	125	UTILITY
106	MECH/MAINT.	192	UTILITY
107	TRASH	173	UTILITY
108	BIKE STOR.	145	UTILITY
109	LAUNDRY	112	UTILITY
110	VESTIBULE	83	CIRCULATION
111	LOBBY	808	CIRCULATION
112	COMMUNITY POLICE	233	COMMUNITY SERVICE FACILITY
113	OFFICE	31	COMMUNITY SERVICE FACILITY
114	ADA	50	COMMUNITY SERVICE FACILITY
115	ADA	50	COMMUNITY SERVICE FACILITY
128	COMMUNITY ROOM	521	COMMUNITY SERVICE FACILITY
129	CORRIDOR	169	COMMUNITY SERVICE FACILITY
130	EFF - ANSI B	411	EFFICIENCY
131	1 BR - ANSI B	539	1 BR
140	CORRIDOR	427	CIRCULATION
142	JANITOR CL.	68	UTILITY
143	STAIR 1	246	CIRCULATION
144	STAIR 2	127	CIRCULATION
T101	HEAD START CLASSROOM	738	TENANT SPACE
T102	HS DIRECTOR'S OFFICE	115	OFFICES
T103	HS MEETING & STORAGE	115	OFFICES
T104	HS WARMING KITCHEN	144	COMMUNITY SERVICE FACILITY
T105	HS MECH. CLOSET	39	COMMUNITY SERVICE FACILITY
T106	HS CHILDREN'S TOILET	61	COMMUNITY SERVICE FACILITY
T111	PHA RECEPTION	178	TENANT SPACE
T112	PHA OFFICES	347	TENANT SPACE
T113	PHA SM MEETING RM	95	MEETING ROOMS
T114	PHA LG MEETING RM	124	MEETING ROOMS
T115	PHA HOUSING OFFICER	103	OFFICES
T116	PHA PROPERTY MANAGER	102	OFFICES



**2 BUILDING HEIGHT CALC**  
NOT TO SCALE



**1 1st FLOOR**  
SCALE: 1/8" = 1'-0"



SUBMITTED FOR CONDITIONAL USE PERMIT APPLICATION 12/30/2015

**PRICING DOCUMENTS**

PROJECT:  
BAYSIDE ANCHOR  
PHDC & AVESTA HOUSING  
81 EAST OXFORD STREET  
PORTLAND, ME

DRAWING: 1ST FLOOR PLAN  
SCALE:  
DATE: 12/29/15

CONDITIONAL USE PERMIT  
DRAWN BY: JJT  
REVISED:



**AIOI**

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Jeff Levine, AICP, Director*

*Marge Schmuckal, Zoning Administrator*

Patrick Carroll  
Carroll Associates  
217 Commercial Street, Suite 200  
Portland, ME 04101

July 18, 2014

Re: 81 East Oxford Street – 022-I-001 & 004 – R-7 Compact Residential Overlay Zone

Dear Mr. Carroll & Mr. Adelson,

At the July 17, 2014 meeting, the Zoning Board of Appeals voted 4-0 to grant the Conditional Use Appeal for a nursery school to operate at 81 East Oxford Street. I am enclosing a copy of the Board's decision.

You will also find an invoice for the fees that are still owed for the legal ad and the notices for the appeal. Please submit your payment on receipt of this invoice. Your permit cannot be issued until your payment has been received.

You have six months from the date of the meeting, July 17, 2014, referenced under section 14-474(f) to obtain the building permit, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado  
Zoning Specialist

Cc File

# CITY OF PORTLAND, MAINE

---

## ZONING BOARD OF APPEALS

### ZONING BOARD APPEAL DECISION

**To:** City Clerk  
**From:** Marge Schmuckal, Zoning Administrator  
**Date:** July 18, 2014  
**RE:** Action taken by the Zoning Board of Appeals on July 17, 2014

**Members Present:** Sara Moppin (acting chair), Donna Katsiaficas (acting secretary), William Getz and Kent Avery

**Members Absent:** Chip Gavin, Gordon Smith and Eric Larsson

#### **1. New Business**

##### **A. Conditional Use Appeal:**

159 State Street, The Children's Nursery School, lessee, Tax Map 045, Block A, Lot 026, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the second floor of the building. Representing the appeal for the Children's Nursery School, the lessee, is Daniel Brouillette. **The Zoning Board of appeals voted 4-0 to grant the appeal to allow the nursery school to operate.**

##### **B. Conditional Use Appeal:**

75-87 Oxford Street & 35-41 Boyd Street, Portland Housing Development Corporation, buyer, Tax Map 022, Block I, Lots 001 & 004, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the first floor of the new building at this site. Representing the appeal is Mark Adelson, from the Portland Housing Authority, the owner. **The Zoning Board of appeals voted 4-0 to grant the appeal to allow the nursery school to operate.**

#### **Enclosure:**

Decision for Agenda from July 17, 2014  
One DVD

CC: Mark Rees, City Manager  
Jeff Levine, AICP, Director Planning & Urban Development  
Alex Jaegerman, Planning Division  
Mary Davis, Housing and Neighborhood Services Division

*Kent Avery  
William Cuty,  
Sara Moppin  
Danna Katerfies*

# CITY OF PORTLAND, MAINE

---

## ZONING BOARD OF APPEALS

R-7 Compact Urban Residential Overlay Zone  
Nursery School

Conditional Use Application (R-6 Standards to apply)

### DECISION

Date of public hearing: July 17, 2014

Name and address of applicant: Mark Adelson  
Portland Housing Dev. Corp./Bayside Anchor Dev.  
14 Baxter Blvd.  
Portland, ME 04101

Location of property under appeal: 81 East Oxford Street

#### For the Record:

Names and addresses of witnesses (proponents, opponents and others):

*Mark Adelson - Portland Housing Development Corporation  
President + Director PITA*

*Pat Carroll - Landscape Architect.*

*Object Hains of Holm Ave. → wants dedicated parking spaces,  
Present Campus is spread out, on street parking creates public  
safety problems,*

Exhibits admitted (e.g. renderings, reports, etc.):

*Application, attached plans*



Findings of Fact and Conclusions of Law:

This project is related to the proposed Bayside Anchor Project located at 81 Oxford Street, which entails new construction of 45 residential apartments, as well as consolidation of several existing community facilities. The applicant requests approval of use of part of this new facility for the existing Head Start program (currently at 58 Boyd Street) which serves primarily PHA residents. Approximately 1200 square feet will be used for the nursery school use.

A. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Yes  No

Reason and supporting facts:

Program will be use primarily by residents of PHA. 75% of slots filled w/ PHA residents. 6 spaces for parking across st. These are normal business hours. Existing use - just being moved across the street.

2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Yes  No

Reason and supporting facts:

Indoor "trash" room for trash disposal

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Yes  No

Reason and supporting facts:

Existing use being moved to the side of street. No change in impact.  
Dedicated loading/unloading space

**Conclusion:** (check one) *mailed - Avery, second City*

Option 1: The Board finds that all relevant standards (1 through 3) described in section A above have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while all relevant standards (1 through 3) described in section A above have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that not all relevant standards (1 through 3) described in section A above have been satisfied and therefore DENIES the application.

Dated: *7-17-14*

  
Board Chair

Present SARA Moppin - Donna Kelsick - Acty Sec. - Bill Gatz -  
Acty Chan  
**CITY OF PORTLAND, MAINE** Karl Arvey

**ZONING BOARD OF APPEALS**

Absent Gordon Smith - Chip Givon - Eric Larsson

**APPEAL AGENDA**

6:30

The Board of Appeals will hold a public hearing on Thursday, July 17, 2014 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

**1. New Business**

4-0  
Granted

**A. Conditional Use Appeal:**

159 State Street, The Children's Nursery School, lessee, Tax Map 045, Block A, Lot 026, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the second floor of the building. Representing the appeal for the Children's Nursery School, the lessee, is Daniel Brouillette.

**B. Conditional Use Appeal:**

75-87 Oxford Street & 35-41 Boyd Street, Portland Housing Development Corporation, buyer, Tax Map 022, Block I, Lots 001 & 004, R-6 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to run a nursery school in part of the first floor of the new building at this site. Representing the appeal is Mark Adelson, from the Portland Housing Authority, the owner.

R-7 overlay supposedly already

4-0  
Granted

**2. Adjournment**

7:00

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development



CITY OF PORTLAND ZONING BOARD OF APPEALS  
Conditional Use Appeal Application

Applicant Information:

Subject Property Information

MARIC ADELSON  
NAME

816 1/2 OXFORD ST  
PROPERTY ADDRESS

PORTLAND HOUSING DEVELOPMENT CORPORATION  
DAYSIDE ANCHOR DEVELOPMENT CO, LLC  
BUSINESS NAME

MAP 22, BLOCK 1, LOTS 4 & 1  
CHART/BLOCK/LOT (CBL)

14 BAXTER BOULEVARD  
ADDRESS

PROPERTY OWNER (if different)  
SAME AS APPLICANT

PORTLAND, ME 04101

NAME

207. 773. 4753

ADDRESS

TELEPHONE #

OWNER  
APPLICANT'S RIGHT, TITLE OR INTEREST  
(eg; owner, purchaser, etc)

CONDITIONAL USE AUTHORIZED BY

R-7  
CURRENT ZONING DESIGNATION

SECTION 14 - 137

EXISTING USE OF PROPERTY:

TYPE OF CONDITIONAL USE  
PROPOSED:

VACANT / PARKING LOT

NURSERY SCHOOL

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]  
SIGNATURE OF APPLICANT

6/30/2012  
DATE





June 30, 2014

Ms. Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

RE: Bayside Anchor Conditional Use Application

Dear Marge,

On behalf of the Portland Housing Development Corporation and Bayside Anchor Development Company, LLC we are submitting an Application for Conditional Use related to the proposed Bayside Anchor Project located at 81 Oxford Street.

This project entails new construction of 45 residential apartments to be built on the corner of East Oxford and Boyd Streets, within the existing East Bayside campus owned and managed by the Portland Housing Corporation. The proposed building is also envisioned as a community focus for the neighborhood and will consolidate several existing community facilities, including the Head Start program, the local residential management offices for Portland Housing, and a neighborhood policing office. These three functions currently exist in the immediate neighborhood but are proposed to be relocated to this new facility.

The Application being submitted is specific to the Head Start program use, which is considered a nursery school and as such requires a Conditional Use Permit. The Opportunity Alliance (TOA) will lease approximately 1200 square feet of space from the Bayside Anchor Apartments LP to house their Head Start and Childcare programs for this area. The programs serve 4 and 5 years olds from low income families in the neighborhood. Head Start is a federally funded half-day morning early childhood education program during the school year. The TOA Childcare program serves the same children in the afternoon.

The Head Start and Childcare programs have been serving PHA residents in its current location on PHA property, 58 Boyd Street, since the early 1990's. It fills a tremendous need and has become an integral part of PHA's effort to promote and assist families to succeed and achieve self-sufficiency. PHA families are the priority for the program's annual recruitment and registration. If slots remain unfilled, other low income families from the neighborhood can take advantage of the program. The large majority of participants are Portland Housing Authority residents.

Head Start eligibility is based on household income. Approximately 90% of enrollees must come from households with incomes at or below the federal poverty line. Currently, 100% of the children in the East Bayside Head Start location are from households with incomes below the federal poverty line. No fees are charged to families with children in the Head Start program.

During the summer, when the Head Start and Childcare programs are inactive, the space is used for a variety of neighborhood services including the Summer Lunch Program operated by the Portland Housing Authority with funding from USDA and the Maine Dept. of Health and Human Service Summer Food Service Program. We anticipate this space will also be used for large community meetings and workshops.

The East Bayside Summer Lunch Program charges no fees pursuant to federal Summer Food Service Program (SFSP) rules that provides free meals that meet Federal nutrition guidelines to all children 18 years old and under in areas with significant concentrations of low-income children.

This application addresses the following Standards relating to Conditional Use:

1. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone*

Response: As indicated above, the Head Start Program has been operating on the East Bayside campus for over 20 years and serves an important segment of the East Bayside neighborhood. The majority of the children enrolled into the program are residents of the Portland Housing properties, and most walk to the current program location. We anticipate the same trend upon relocation to the Bayside Anchor building. Sidewalk improvements including curb bump-outs, new crosswalks, and a designated drop-off area on Boyd Street will provide a safe pedestrian area directly adjacent to the Head Start entrance for staff, students, and visitors.

2. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.*

Response: The Head Start program is proposed to be located in the southwest corner of the new Bayside Anchor Building with direct access to Boyd Street and a secondary access onto the community terrace area located on the west side of the building. It is anticipated that the children will be taken on supervised trips to the existing playground located across Boyd Street adjacent to the Community Gardens. The current number of students will be maintained at approximately 15-20. We do not anticipate any unsanitary or harmful conditions created as a result of this use.

3. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.*

Response: The Head Start program currently exists approximately 500 feet west of the proposed Bayside Anchor project. Its relocation to this site provides a stronger sense of community, maintains easy accessibility from the entire East Bayside neighborhood, and integrates with the residential and community functions that will occur in the Bayside Anchor building. The location on the southwest corner of the building provides separation from other residential or community use. A safe, designated outdoor gathering space is proposed on the west side of the building. All storage, solid waste, and other impacts of the program will be integrated into the Bayside Anchor building program, which has interior trash and bicycle storage rooms. A designated drop off area adjacent to the entrance, new crosswalks, and widened sidewalks will provide safe and effective circulation and gathering for students as well as neighborhood residents.

Attached please find supporting plans and documents as required in the Application and a check for \$150.00 covering the Application and Processing fees. We feel strongly that the Application meets the Conditional Use requirements of the R-7 zone for Nursery Schools and look forward to meeting with the Zoning Board of Appeals to discuss the project in greater detail. Please do not hesitate to contact me if you have questions or need additional information.

With Regards,  
CARROLL ASSOCIATES

A handwritten signature in black ink, appearing to read 'Patrick J. Carroll', with a long horizontal flourish extending to the right.

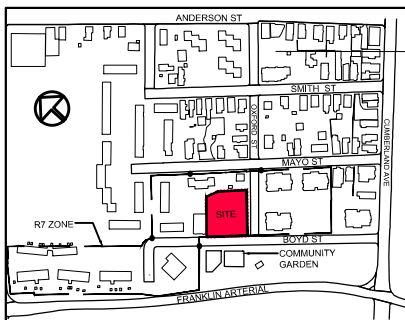
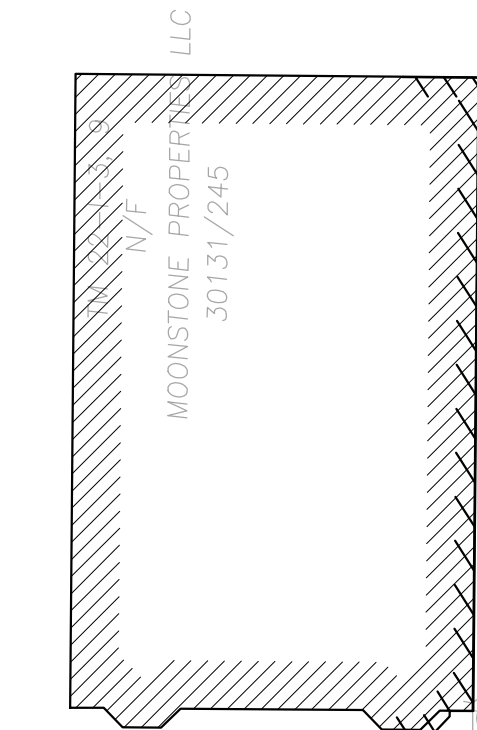
Patrick J. Carroll, Principal

CC: Mark Adelson, PHA  
Brooks More, Avesta  
Rick Knowland, City of Portland

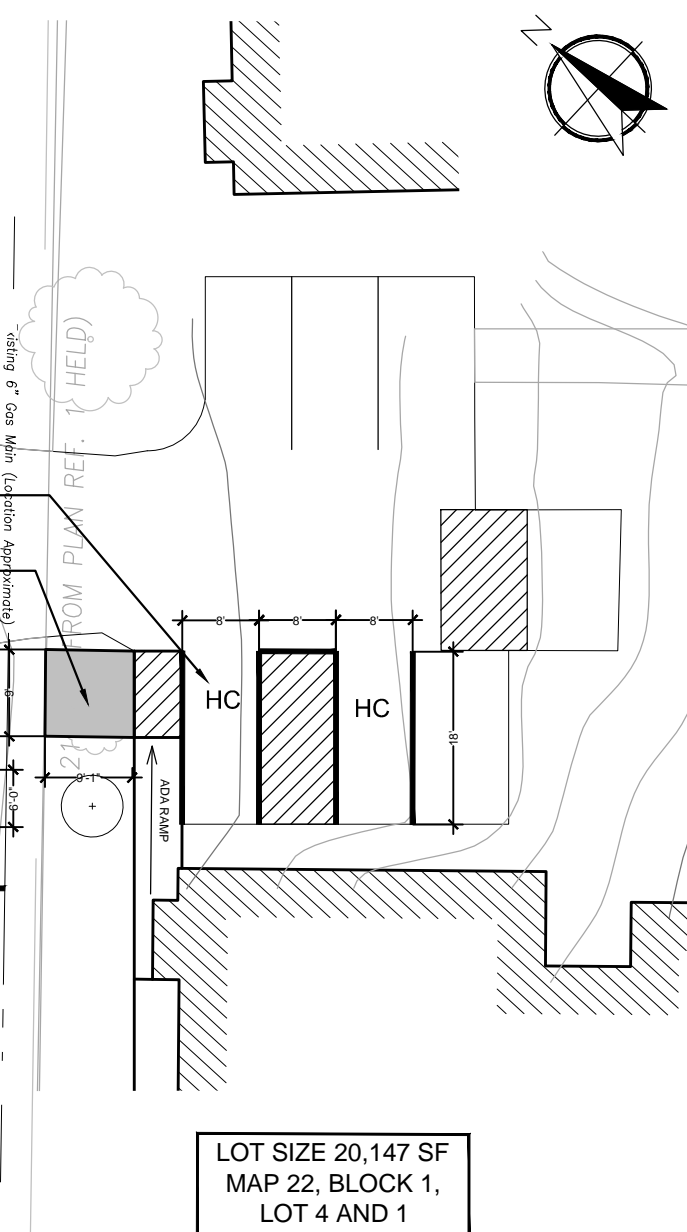
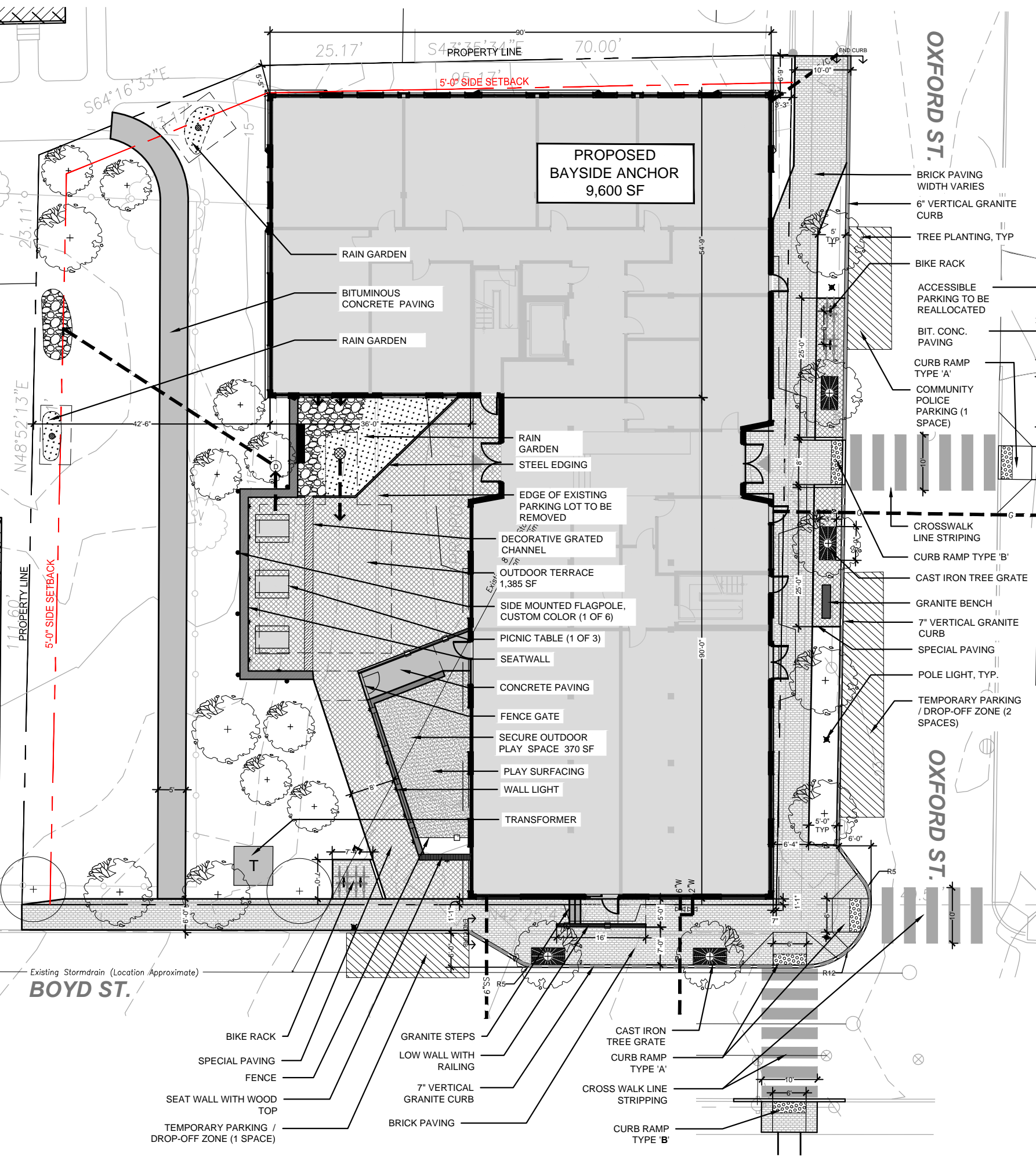
0.31 ACRES



90.66  
N43.33.4



LOCUS  
N.T.S.



**R-7 ZONE - COMPACT URBAN RESIDENTIAL OVERLAY**

SPATIAL STANDARDS	REQUIRED	PROVIDED
MIN. LOT SIZE	NONE	20,147 SF
MIN FRONTAGE	NONE	288.19
FRONT SETBACK	NONE	1'-1"
SIDE SETBACK	5 FT	5'-5"
REAR SETBACK	5 FT	42'-6"
MAX. LOT COVERAGE	100%	68%
MAX RESIDENTIAL DENSITY	46 DU	45 DU
MAX BUILDING HT.	50 FT	45 FT
BUILDING FOOTPRINT		9,610 SF
TOTAL FLOOR AREA		38,770 SF
PARKING	TBD	34 ON CAMPUS

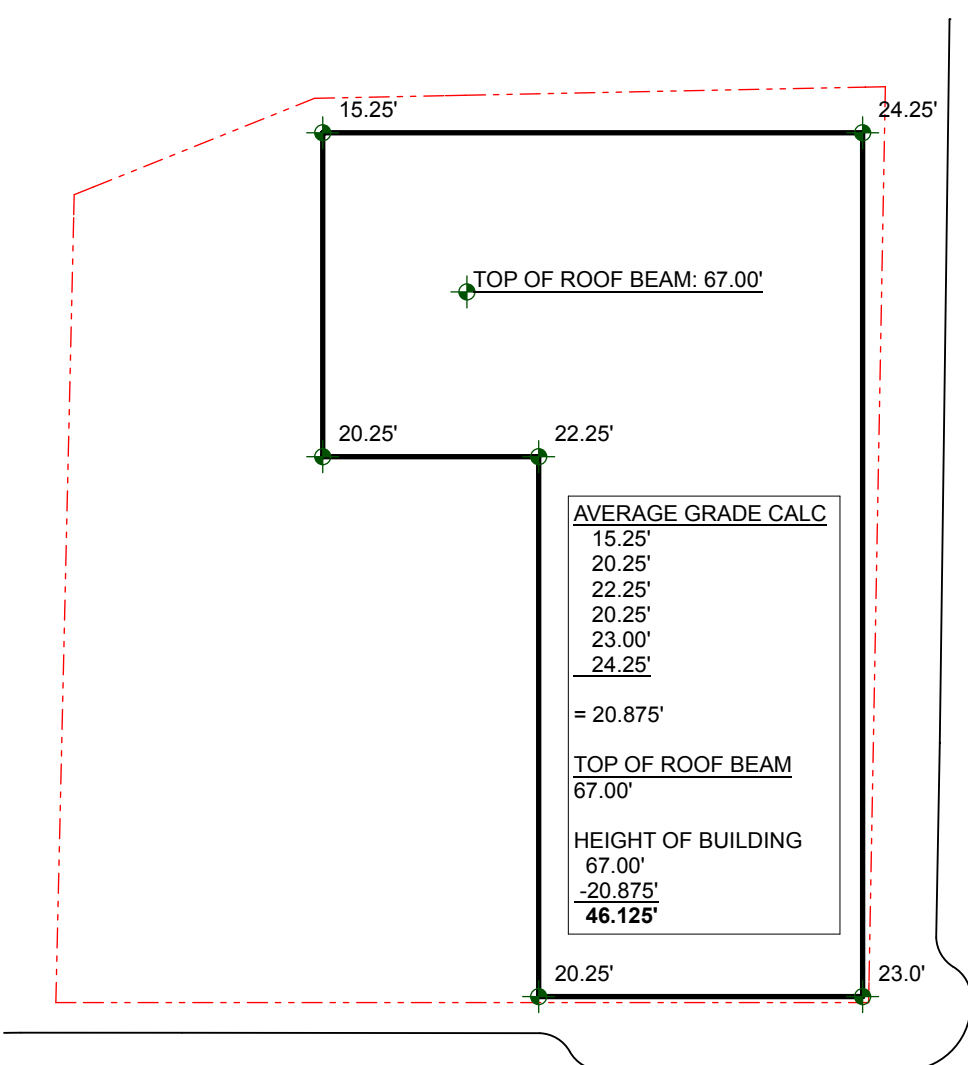
Project:  
BAYSIDE ANCHOR  
Portland Housing Development  
Corporation  
81 East Oxford Street  
Portland, ME

Drawing:  
**PLOT PLAN**  
CONDITIONAL USE  
PERMIT

Scale: 1"=20'-0"  
Date: JUNE 30, 2014

Drawn by: EPK  
Revised:





**UNIT MIX: GROUND FLOOR**

Zone Category	Quantity
1 BR	4
EFFICIENCY	2
EFFICIENCY	6

**UNIT MIX: TOTAL**

Zone Category	Quantity
1 BR	34
2 BR	6
EFFICIENCY	5
EFFICIENCY	45

**UNIT MIX: TOTAL BUILDING**

Floor (Story)	Zone Category	Quantity
1st FLOOR	1 BR	4
1st FLOOR	EFFICIENCY	2
2nd FLOOR	1 BR	10
2nd FLOOR	2 BR	2
2nd FLOOR	EFFICIENCY	1
3rd FLOOR	1 BR	10
3rd FLOOR	2 BR	2
3rd FLOOR	EFFICIENCY	1
4th FLOOR	1 BR	10
4th FLOOR	2 BR	2
4th FLOOR	EFFICIENCY	1
4th FLOOR	EFFICIENCY	45

**GROUND FLOOR PROGRAM**

ID	Zone Name	Area	Zone Category
100	GROSS AREA	9,592	GROSS AREA
101	LOBBY	778	CIRCULATION
102	COMMUNITY ROOM	413	COMMUNITY SERVICE FACILITY
103	OFFICE	69	COMMUNITY SERVICE FACILITY
104	LAUNDRY	205	UTILITY
105	TRASH	245	UTILITY
107	MAINT.	49	UTILITY
107	MECH	96	UTILITY
108	BIKE STOR.	283	UTILITY
109	ADA	58	UTILITY
109	ADA	58	UTILITY
111	EFFICIENCY	432	EFFICIENCY
111	EFFICIENCY ADA	432	EFFICIENCY
112	1 BR APT	540	1 BR
112	1 BR APT	576	1 BR
112	1 BR APT	576	1 BR
112	1 BR APT	576	1 BR
121	HEAD START	1,244	COMMUNITY SERVICE FACILITY
122	PHA NEIGHBORHOOD SERVICE HUB	1,242	COMMUNITY SERVICE FACILITY
123	COMMUNITY POLICE	260	COMMUNITY SERVICE FACILITY



# CONDITIONAL USE PERMIT

PROJECT:  
BAYSIDE ANCHOR  
PORTLAND HOUSING DEVELOPMENT CORPORATION  
81 EAST OXFORD STREET  
PORTLAND, ME

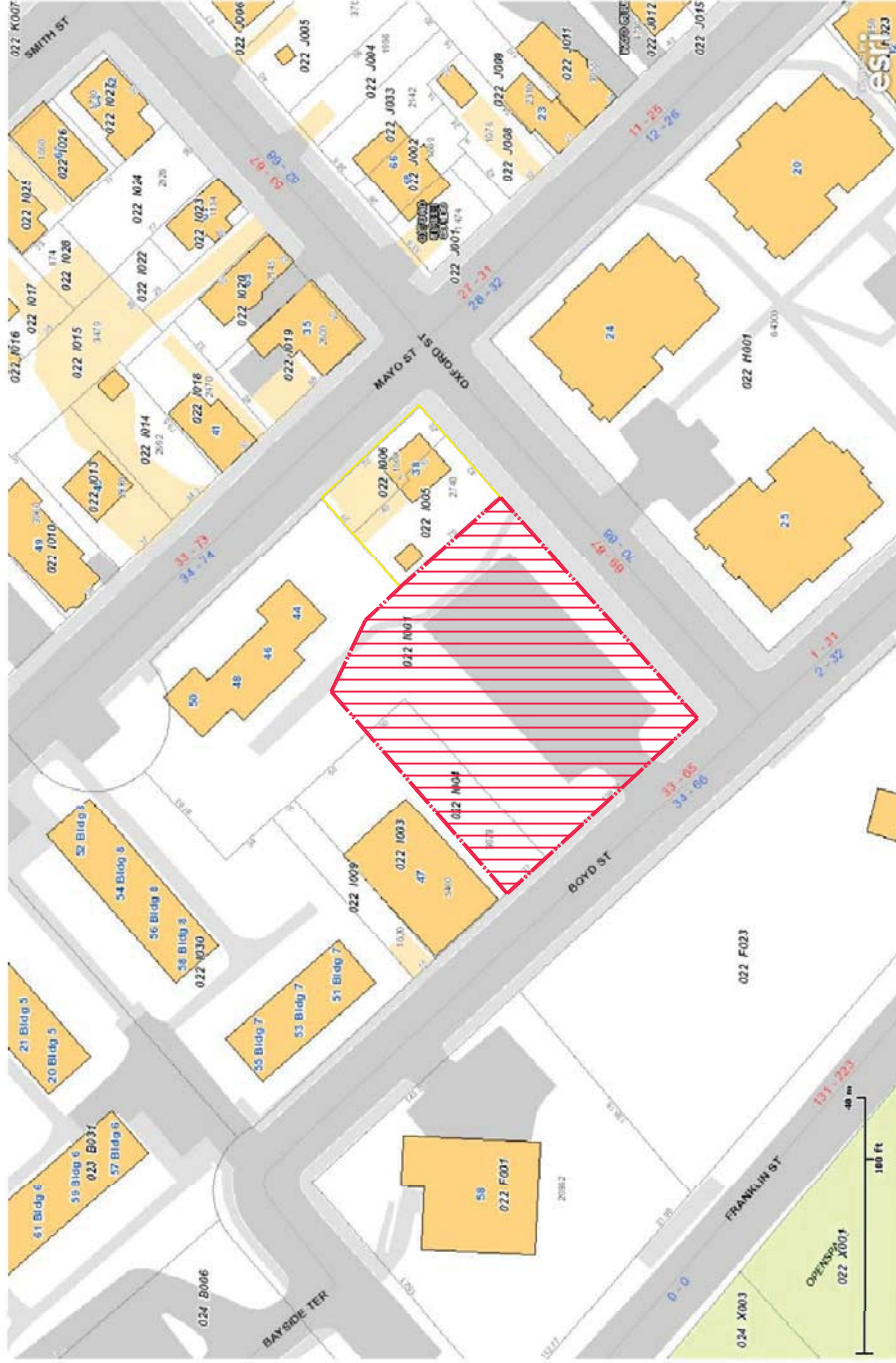
DRAWING: 1ST FLOOR PLAN  
SCALE:  
DATE: JUNE 27, 2014

DRAWN BY: JJT  
REVISED:

A-1.1



# My Map



## BAYSIDE ANCHOR APARTMENTS TAX MAP LOCATION EXHIBIT





View of site from north east corner of property



View of site from the south at the intersection of Boyd and Oxford Streets



## OPTION TO PURCHASE AGREEMENT

THIS OPTION TO PURCHASE AGREEMENT dated this 16<sup>th</sup> day of July, 2013, is by and among PORTLAND HOUSING AUTHORITY, a Maine nonprofit corporation having a mailing address of 14 Baxter Boulevard, Portland, ME 04101 (the "Seller"), and PORTLAND HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation having a mailing address of 14 Baxter Boulevard, Portland, ME 04101 or its assigns ("Buyer").

### RECITALS

WHEREAS, Seller is the owner of a certain parcel of land, and all improvements, buildings and fixtures presently on the real estate, at the corner of Boyd and Oxford Streets in the City of Portland, Maine and being a portion of its Bayside East Public Housing Project ME 003005, shown as the cross hatched parcel on the Boundary Survey and Lot Division attached hereto as Exhibit A (the "Premises"); and

WHEREAS, Seller wishes to grant to Buyer, and Buyer wishes to accept, an option to purchase (the "Option") with respect to the Premises upon the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Option Period; Extension; Exercise of Option. Seller hereby grants Buyer the option to purchase the Premises for a period extending through July 31, 2015 (the "Option Period").

- a. The Option and the obligation of each of the Seller and Buyer shall be conditional upon (i) approval by the United States Department of Housing and Urban Development ("HUD") of a demolition disposition by Portland Housing Authority in order to remove the Premises from the Declaration of Trust currently encumbering the real estate and authority to transfer the Premises to Buyer or its assigns, for the development of multi-family housing thereon; (ii) receipt of all required municipal and state approvals for the development of a mixed-income family housing project of approximately 42 units to be located on the Premises; and (iii) and an award of Low Income Housing Tax Credits for such development.
- b. Buyer may exercise the Option at any time during the Option Period by giving written notice to Seller of its intent to exercise the Option (the "Purchase Notice"). Notice delivered to Seller or sent to Seller by certified mail, return receipt requested, at the above address shall be sufficient.

2. Purchase Price. Subject to adjustment as set forth below, Buyer shall pay Seller a purchase price of Two Hundred Ninety Three Thousand Nine Hundred Fifty Dollars (\$293,950.00) (the "Purchase Price").

3. **Closing.** If Buyer exercises the Option, closing shall take place at a date and time and at a location agreed upon by the Buyer and the Seller, within ninety (90) days after the date of the Purchase Notice.

4. **Conditions to Sale.** If Buyer exercises the Option, the following terms and provisions shall apply:

- a. Title to the Premises shall be conveyed to Buyer by good and sufficient Warranty Deed, which deed shall convey good and clear record and marketable title to the Premises, free from encumbrances except provisions of existing building and zoning laws and any covenants and/or easements of record provided same do not interfere with Buyer's intended use of the Premises; such real estate taxes for the then current tax period which are not due and payable on the date of delivery of such deed; utility and access easements in common with Seller's adjoining developments, and any matters of record which in Buyer's opinion do not interfere with Buyer's plans to develop the property. Buyer shall notify Seller of any defects in title that would make Seller unable to give title to the Premises as herein stipulated. Seller shall be obligated to proceed in good faith to cure any such title defect(s). If required, the closing shall be extended to allow Seller time to cure any such title defects, but in no event shall the closing be extended more than thirty (30) days for such purposes. If a title defect exists, Buyer may elect, by written notice to Seller, either (i) to accept title to the Premises subject to any uncured defects in title or (ii) to terminate the Option, whereupon any extension fee(s) paid by Buyer to Seller shall be immediately refunded to Buyer, the obligations of all parties hereunder shall cease, and neither party shall have any claim against the other by reason of this Agreement.
- b. Each party shall pay one-half of the Maine state transfer tax.

5. **Representations.** Seller represents, covenants and warrants to and agrees with Buyer as follows:

- a. Seller is the current owner of the Premises, and; subject to approval by HUD, has the legal right, power and authority to enter into this Agreement and to perform all of its obligations hereunder, and the execution and delivery of this Agreement and the performance by Seller of the obligations hereunder will not conflict with, or result in breach of any regulation, order, judgment, injunction or decree of any court or governmental authority or any agreement or instrument to which Seller is a party or by which Seller is bound.
- b. There are no agreements or contracts affecting the Premises or any use of the Premises that would not be terminable at will by Buyer without penalty from and after the Closing, other than those for which Seller will be seeking

approval from HUD in connection with its demolition disposition application.

Buyer represents, covenants and warrants to Seller that Buyer has the legal right, power and authority to enter into this Agreement and to perform all of its obligations hereunder, and the execution and delivery of this Agreement and the performance by Buyer of its obligations hereunder: (i) have been duly authorized by all requisite action; and (ii) will not conflict with, or result in a breach of, any of the terms, covenants and provisions of the by-laws or articles of organization of Buyer or any law or any regulation, order, judgment, writ, injunction or decree of any court or governmental authority, or any agreement or instrument to which Buyer is a party or by which it is bound.

6. Notice. Whenever notice is given or required to be given by either of the parties hereto to the other, it shall be deemed to have been given if in writing and mailed by certified or registered mail, return receipt requested, postage prepaid, or hand delivered, addressed to the parties at the address set forth in the first paragraph above or to such other address(es) as either party shall have last designated by like notice in writing. All notices shall be effective upon hand delivery or mailing, whichever first occurs.

7. Further Assurances. The parties agree that up to and after the date of closing, they shall do such things and execute, acknowledge and deliver any and all additional instruments, documents and materials as either party may reasonably request to fully effectuate the purposes of this Agreement.

8. Buyer's Access. Buyer and others whom Buyer may designate shall have the right, at all reasonable times, at Buyer's sole cost and expense, risk and hazard, to enter upon the Premises to examine and/or show the same and make, or cause to be made, engineering studies with respect thereto, including, without limitation, surveying, conducting test borings in order to determine sub-soil conditions, and in general conducting all other tests, analysis and studies of the Premises which Buyer deems prudent in connection with Buyer's intended development or use of the Premises. Buyer shall restore the Premises following any testing as reasonably as possible to its pre-existing condition, unless otherwise agreed by Seller.

9. Construction of Agreement. This instrument, executed in duplicate, is to be construed as a Maine contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the Seller and Buyer. The captions are used only as a matter of convenience and are not to be considered a part of this Agreement or to be used in determining the intent of the parties to it. Time is of the essence with respect to all dates set forth in this Agreement.

10. Risk of Loss. The risk of loss shall remain on Seller at all times until closing.



11. Assignment. Buyer may assign this Agreement to any party affiliated with Buyer on in which Buyer or an affiliate of Buyer has an interest.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

SELLER:

PORTLAND HOUSING AUTHORITY

By: Mark Adelson  
Mark Adelson  
Its Executive Director

BUYER:

PORTLAND HOUSING DEVELOPMENT CORPORATION

By: Mark Adelson  
Its President

STATE OF MAINE  
COUNTY OF CUMBERLAND, SS.

July 16, 2013

Personally appeared the above-named, Mark Adelson, Executive Director of Portland Housing Authority and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Portland Housing Authority.

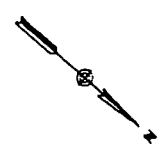
Before me,

Sharon E.B. Buffinton  
Notary Public/Attorney at Law

SHARON E.B. BUFFINTON  
NOTARY PUBLIC OF MAINE  
My Commission Expires February 28, 2019

Printed Name





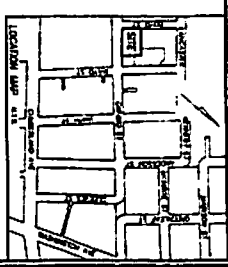
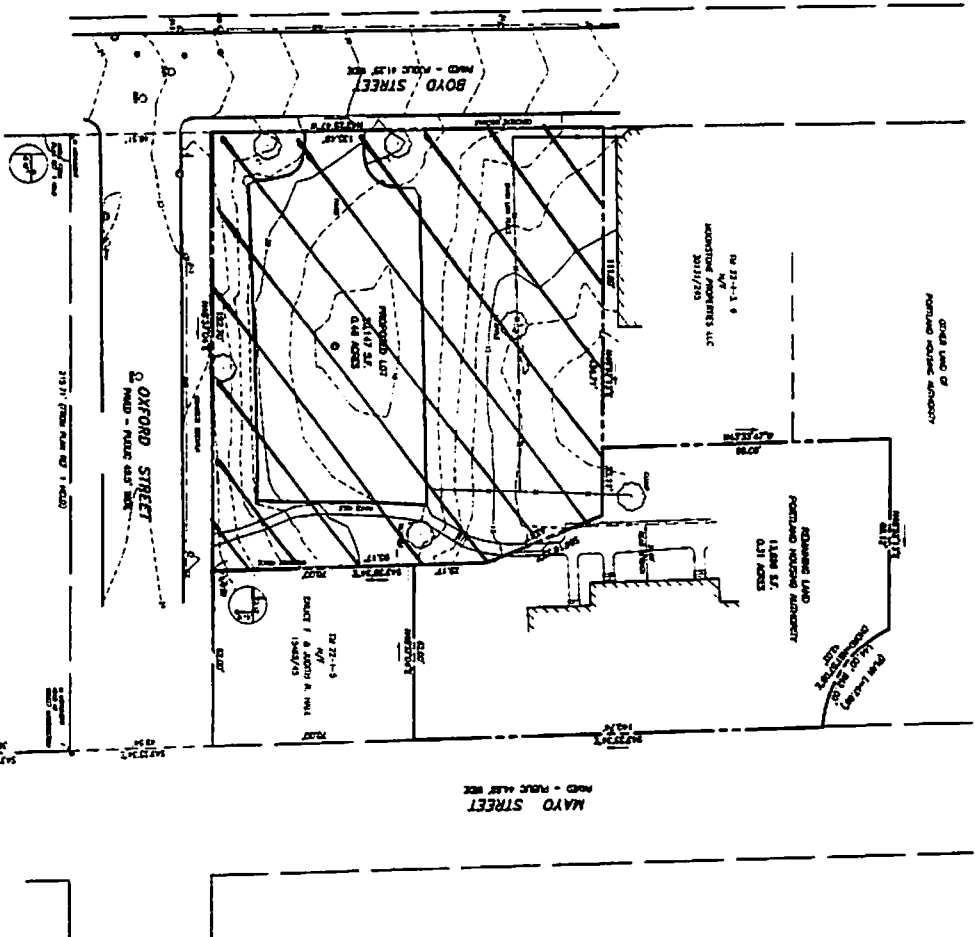
- PLAN NOTES:**
1. Part of Section 2, Township 4 N, Range 10 E, County of Washington, State of Oregon, is shown as being owned and controlled by the State of Oregon.
  2. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  3. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  4. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  5. The proposed subdivision is shown as being owned and controlled by the State of Oregon.

- NOTES:**
1. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  2. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  3. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  4. The proposed subdivision is shown as being owned and controlled by the State of Oregon.
  5. The proposed subdivision is shown as being owned and controlled by the State of Oregon.



**CERTIFICATE**

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original records of the County of Washington, State of Oregon, and that the same are true and correct copies of the original records of the County of Washington, State of Oregon, and that the same are true and correct copies of the original records of the County of Washington, State of Oregon, and that the same are true and correct copies of the original records of the County of Washington, State of Oregon.



- LEGEND**
- Lot per the map
  - Boundary
  - Easement
  - Utility Pole
  - Well
  - Decayed Tree
  - Road
  - Other

BOUNDARY SURVEY AND LOT DIVISION	
OXFORD STREET & BOYD STREET, PORTLAND, WASH.	
MADE FOR	
PORTLAND HOUSING AUTHORITY	
GREEN HASKELL, INC.	
1012 11th Ave	
Portland, Oregon 97202	
DATE OF SURVEY	APR 1, 2013
DATE OF REPORT	MAY 1, 2013
SCALE	1" = 40'

Exhibit A