



PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

June 26, 2012

Thomas R. Kelly, Esq.
Robinson, Kriger & McCallum
12 Portland Pier
Portland, ME 04101-4713

Department of Housing and Urban Development
c/o Roland Gagnier
Gagnier, Hicks Associates, LLC
24 Pinewood Hills
Longmeadow, MA 01106

RE: Deering Pavilion, 880 Forest Avenue – 136-E-5, 137-H-1, 142-G-7 & 4 (the
“Property”) – R-6 Residential Zone

Dear Sirs/Madams:

I am in receipt of your request for a determination letter indicating the Property's compliance with City of Portland zoning and land use regulations in regard to (i) current conditions and (ii) in the event that certain listed changes are made to the facilities.

The Property was approved as a 200 unit facility for elderly housing in an eleven story building by an issued permit on December 1, 1971. Prior to issuance, the Zoning Board of Appeals granted a variance to allow the 11 story building height (108'4" high instead of the 65' maximum allowed at that time). At the same time the Zoning Board granted a variance for the required number of parking spaces (57 parking spaces instead of the minimum required of 200 parking spaces). These variances are still in force and valid.

The Property project was also approved by the Planning division under site plan review. Subsequently, a certificate of occupancy was issued on July 17, 1973.

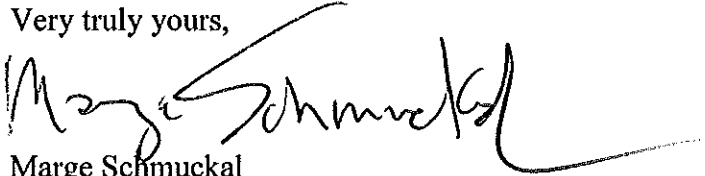
It appears that the Property is in compliance with all other zoning requirements of the City of Portland, Maine, including but not limited to density, lot coverage and setback restrictions. I am not aware of any violations concerning the Property. There are no pending or anticipated legal actions against the Property.

Attached hereto are true copies of documents, permits, variances and certificates of occupancy in regard to the Property.

I have also reviewed the proposed description of work that is anticipated in regard to the Property. All such proposed work is in compliance with the current Land Use Zoning Ordinance and would not create any Zoning violations. Please note that the proposed work will require separate electrical, plumbing and building permits through the Inspection Services offices.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long, sweeping horizontal line extending to the right.

Marge Schmuckal
Zoning Administrator

Enclosures

Cc: file

15.00 p.d 8-9-71 c.

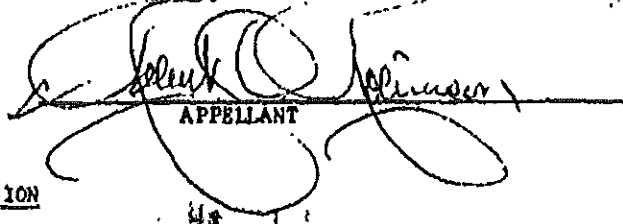
CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

granted 9/16/71

VARIANCE APPEAL

Diocesan & Bureau of Housing, owner of property at 856-882 Forest Ave., under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit: construction of an 11-story masonry building approximately 109' x 137' at the above named location. This permit is presently not issuable under the Zoning Ordinance for the following reasons: (1) The maximum height for a building in the R-4⁶ Residential Zone in which this building is to be located, as established in Section 602.7B.8 is 5 stories or 65 ft. This building is 11 stories and 108'4" high. (2) Section 602.14B.1 requires one parking space for each dwelling unit. Two hundred ~~XXXX~~ parking spaces will need to be provided instead of 57 spaces as indicated on the plan.

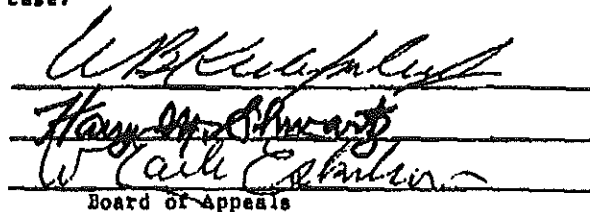
LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.


APPELLANT

DECISION

After public hearing held September 16, 1971, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case.


Board of Appeals



NO RESIDENCE ZONE APPLICATION FOR PERMIT

Class of Building or Type of Structure _____

Portland, Maine, August 3, 1971

PERMIT ISSUED

DEC 15 1971

1561
CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Rt. 81 - Forest Avenue Within Fire Limits? _____ Dist. No. _____
Owner's name and address Diocesan & Bureau of Housing, c/o Robert G. Robinson Telephone 773-7281
Leasee's name and address 120 Exchange St. Telephone _____
Contractor's name and address Stewart & Williams Telephone _____
Architect _____ Specifications _____ Plans yes No. of sheets 8
Proposed use of building Housing for the Elderly No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ 2,500,000. Fee \$ 7,500.
paid 12-10-71

General Description of New Work

To construct 11-story masonry building as per plans

This application is preliminary to get settled the question of zoning appeal.
In the event the appeal is sustained the applicant will furnish complete plans
and estimated cost and pay fee.

When final contractual cost have been arrived at, Appeal sustained 9/16/71
any difference between this figure and that will be
paid by amendment.
It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in
the name of the heating contractor. **PERMIT TO BE ISSUED TO Robert C. Robinson**

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
Has septic tank notice been sent? _____ Form notice sent? _____
Height average grade to top of plate _____ Height average grade to highest point of roof _____
Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
Kind of roof _____ Rise per foot _____ Roof covering _____
No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
Framing Lumber-Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____
Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor _____ 2nd _____ 3rd _____ roof _____
On centers: 1st floor _____ 2nd _____ 3rd _____ roof _____
Maximum span: 1st floor _____ 2nd _____ 3rd _____ roof _____
If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

APPROVED:

Miscellaneous

Will work require disturbing of any tree on a public street? _____
Will there be in charge of the above work a person competent to
see that the State and City requirements pertaining thereto are
observed? yes
Diocesan & Bureau of Housing

CITY OF PORTLAND, MAINE
BUILDING AND INSPECTION DEPARTMENT
ROOM 113, CITY HALL

Area Code 207
Tel. 774-8221
Ext. 234

PROJECT Deering Pavilion
LOCATION Forest Avenue, Portland
General Contractor Stewart & Williams Inc
Address 100 Arsenal St.
Augusta, Maine

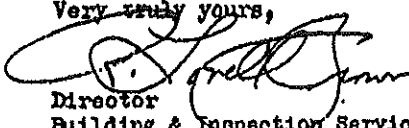
Gentlemen:

In order that the Building Inspection Services of the City of Portland, Maine may coordinate and more efficiently serve your interests, will you kindly fill out and forward us the information listed below concerning all sub-contractors expected to work on the above project:

PLUMBING R.C. Ford
ELECTRICAL Kerr Electric
HEATING Fels
VENTILATION Fels
OIL, GAS TANKS Fels
KITCHEN EQUIPMENT & VENTILATION Burbank Douglas
SPRINKLERS High Point Sprinklers
FIRE ALARM Kerr Electric
SIGNS NONE

Permits for above work are issued by this department only to the actual installers and sub-contractors should be advised by the general contractor that they must apply for separate permits for their work.

Very truly yours,


Director
Building & Inspection Services



May 23, 1973

Mr. Nick Holt
Krumhaar & Holt Associates
66 Main Street
Ellsworth, Maine

Dear Mr. Holt:

Yesterday, the Planning Board discussed your amendment to the previously approved site plan for Deering Pavilion. This amendment incorporates the additional parking FHA and the developer have requested.

The Planning Board feels that this site plan embodies a sizeable disadvantage in that the average walking distance from parked car to main entry is excessive, thereby increasing the likelihood of potential mishaps, especially in winter when slippery conditions can prevail. Most members of the Board felt that the functional needs of the elderly should dictate the form of the site plan ("form follows function") and that the basic need of walking from car to building is a more meaningful day-to-day consideration than the maintenance of a near-perfect idyllic setting. In this particular case, however, the Board's views are merely advisory and cannot therefore be binding. The Board would strongly urge to further evaluate this matter by placing the parking more southerly and westerly.

If you persist in this particular location we would strongly suggest a setback from Forest Avenue of at least 20 feet so as to not conflict with any future widening of Forest Avenue and also, so as to allow maximum room for parking lot screening from passing vehicular and pedestrian traffic. The abutting residential properties should also be buffered by retaining as much of the existing vegetation cover as possible and desirable. The present setback is 15 feet.

Sincerely,

Gerald A. Holtanhoff
Ass't Planning Director

cc: R. Lovell Brown, Building Inspector
Nelson Cartwright, Building Inspection

GAH/jk

(COPY)



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION

Issued to **Diossan & Bureau of Housing**
(Deering Pavilion)

Date of Issue **July 17, 1973**

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. **71/1561**, 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

APPROVED OCCUPANCY

Entire

Housing for the elderly

Limiting Conditions:

none

This certificate supersedes
certificate issued

Approved:

Nelson F. Cartwright
(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.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 880 Forest Ave 136-E-005

Issued to Atlantic Telcom Services Inc.

Date of Issue April 7 2000

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. 991373, 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

APPROVED OCCUPANCY

Entire equipment shelter on roof

type 2B use group R2 Boca 96

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

4/7/00
(Date)

Inspector

Michael Wing

Inspector of Buildings

[Signature]

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.

04/07/00

ROBINSON
KRIGER &
McCALLUM

ATTORNEYS AT LAW

TWELVE PORTLAND PIER
PORTLAND, ME 04101-4713

TELEPHONE (207) 772-6565
FACSIMILE (207) 773-5001
E-MAIL - attorneys@rkmlegal.com

DOUGLAS J. ALOFS
RICHARD D. BAYER
CARA L. BIDDINGS
MARIANNA M. FENTON
JAMES C. HUNT
HUMPHREY H. N. JOHNSON
THOMAS R. KELLY
JOHN M. McCALLUM
THOMAS QUARTARARO
DARBY C. UREY
JEFFREY B. WILSON

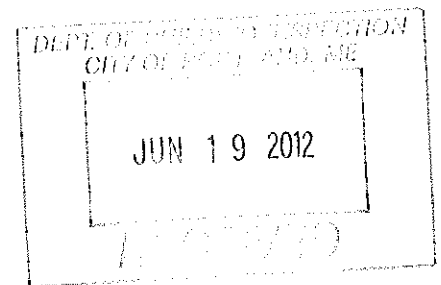
OF COUNSEL

JAMES S. KRIGER
ROBERT C. ROBINSON

June 19, 2012

Hand Delivered
Marge Schmuckle
Zoning Administrator
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Re: Zoning Compliance Letter
880 Forest Avenue
Diocesan Bureau of Housing, Deering Pavilion
R-6 Residential Zone
136-E5 & 137 H1 & 142 G7&4



Dear Marge:

We represent the Diocesan Bureau of Housing, which operates a multi-family housing high rise on Forest Avenue. Kindly accept this as a request for a letter indicating DBH's compliance with zoning and land use regulations of the City both (i) currently and (ii) in the event that it installs the following facilities. Enclosed please find the check for the fee in the amount of \$150.00.

The letter is needed as part of the underwriting process for a grant from HUD. The HUD application process requires a letter from the local zoning official indicating evidence of permissive zoning and showing that the modifications into the project as proposed are permissible under applicable zoning ordinances or regulations.

We request the letter on or before June 25, if at all possible, because HUD has provided a deadline. Kindly send the letter to me, but address the letter to the following recipients:

Thomas R. Kelly, Esq.
Robinson, Kriger & McCallum
12 Portland Pier
Portland, ME 04101-4713

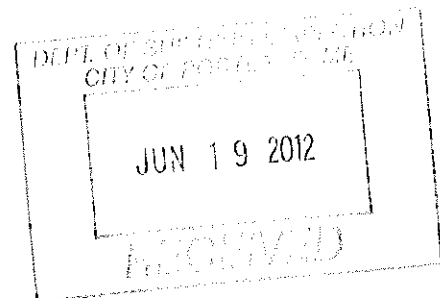
Ms. Marge Schmuckle

June 19, 2012

Page 2

and

Department of Housing and Urban Development
c/o Roland Gagnier
Gagnier, Hicks Associates, LLC
24 Pinewood Hills
Longmeadow, MA 01106



Here is a description of the work:

DEERING PAVILION – PORTLAND, MAINE

Deering Pavilion is a 200 Unit Affordable Senior Rental Housing Project located at 880 Forest Avenue in the heart of Portland which is operated by the Diocesan Bureau of Housing and the Catholic Diocese of Portland. The 11 story project has recently completed a retrofit of the building's exterior resulting in energy saving improvements through increased insulation in its siding system and the replacement of all windows with an energy efficient window product. In addition, the main heating plant has been retrofitted with state of the art heating equipment.

In response to the HUD Assisted Living Conversion and Service Enriched Housing Program NOFA which provides funding for the conversion of senior housing to a supportive service enriched housing environment (SEH), Deering Pavilion is seeking funding to improve the lives of the seniors who have aged in place at Deering Pavilion and now require greater handicapped accessibility in their homes as well as in the building's community areas. To achieve this Deering Pavilion proposes to modify 10% (20 living units) of the residential units in order to improve accessibility through modifications to bathrooms and kitchens. Existing bathtubs will be replaced by roll in showers and toilets will be replaced with accessible height seats. Lavatories and medicine cabinets will be installed at accessible heights, and grab bars will be installed. Bathroom doors will be widened as needed. Kitchens will receive cabinets arranged with removable fronts to provide knee space at a work counter and at the sink for those residents with wheelchairs. Flooring will be extended under the knee spaces. Countertops and wall cabinets will be set at accessible heights.

Tenant Lounges:

Each floor has a two tenant lounges in the center of the building. The furnishings in those spaces are original to the building, and are not appropriate for a senior population. The seating surfaces are too low and deep, and will be replaced with ergonomically appropriate seating and tables.

Dining Area:

The dining area on the first floor is a nondescript space, with outdated and inappropriate furnishings, inefficient lighting and no ventilation. Carpeting will be replaced with hard surface flooring to aid circulation for persons with disabilities, and provide a surface that is easier to maintain. Soffits will be installed to help define the dining space from the circulation space around the edges, and visually reduce the scale of the space to a more personal level. Seating will be replaced with ergonomically appropriate seating for seniors. The wall at the entrance area will be changed from an aluminum storefront to a more appropriate drywall partition with windows, so that handrails to assist residents, and a power operated door can be installed. Lighting will be replaced with surface mounted energy efficient lighting to reduce energy consumption and provide a more welcoming environment. An energy recovery ventilation system (ERV) will be installed to improve air quality and minimize energy consumption.

Library/Office Area:

The library area is immediately outside the office area, and has insufficient storage for books and inappropriate seating. The proximity to the offices causes significant issues with confidentiality in the offices when the staff is meeting with tenants. The library area will be modified to provide additional storage for books, ergonomically appropriate seating for residents, and

Ms. Marge Schmuckle
June 19, 2012
Page 2

separate the office area. Partitions will be installed to create a separate corridor to provide better security and privacy for the offices, and to create an additional office for a service provider.

Wellness Room:

There is currently a very small room adjacent to the dining area that is used by visiting nurses, but it is very cramped, and has no storage space for materials or supplies. The space will be expanded into a former storage room to provide a more appropriately sized space, and casework will be installed to allow for more efficient use by wellness providers and to provide cabinetry to secure resident medications and personal documentation.

Gift Shop:

There is a gift shop also adjacent to the dining area where residents can purchase food and personal items. The space has built in counters that hinder circulation for residents with disabilities, and shelving that is not accessible. The casework will be replaced with new casework to allow for accessible circulation and displays. There will also be an accessible transaction counter at the cashier's station.

Computer Room:

The anteroom to the service coordinator's office will be subdivided to create a waiting space for the service coordinator and a dedicated accessible computer room for the residents in a space that central to the facility.

Trash Room:

The trash room is in the location of the former compactor room, and also houses the only janitor's space on the first floor. The room has no ventilation. A partition will be installed to separate the trash room from the janitor's space and prevent any potential cross contamination of cleaning supplies. An exhaust fan ducted to the exterior will also be provided to reduce odor problems.

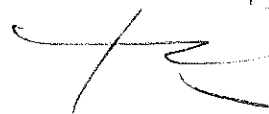
In summary, all of the renovations contemplated will enable the residents to continue to age in place in an environment that is more respectful to them, allowing for the delivery of additional services as needed, and enable the management to provide a high quality of supportive care in an efficient manner.

Installing Energy Star light fixtures and appliances will reduce electrical energy consumption and provide a facility of use and better visual acuity for the residents. Installing an ERV for the dining room will provide ventilation while saving energy that would be lost with a straight exhaust system. Installing low flow showerheads, faucet aerators and low flow toilets will reduce water consumption and related costs to the project.

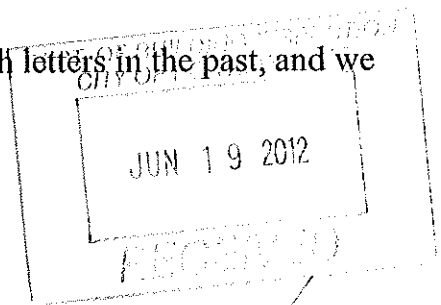
Your office has responded to previous requests for such letters in the past, and we appreciate your cooperation.

Thank you for your assistance.

Sincerely,



Thomas R. Kelly



TRK:smh

cc: Roland Gagnier



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Receipts Details:

Tender Information: Check , Check Number: 35500

Tender Amount: 150.00

Receipt Header:

Cashier Id: bsaucier

Receipt Date: 6/19/2012

Receipt Number: 45155

Receipt Details:

Reference ID:	429	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: 880 Forest Ave.			

35500

Payee: City of Portland

06/19/12

\$ 150.00

35500

Date
06/19/2012

Invoice
Application Fee

Invoice Amount
150.00

Amount Paid
150.00

RECEIVED

JUN 19 2012

Dept. of Building Inspections
City of Portland Maine

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 871-8486

[City](#)
[Home](#)
[Departments](#)
[City Council](#)
[E-Services](#)
[Calendar](#)
[Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:**Services**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)[browse city services a-z](#)[browse facts and links a-z](#)

Best viewed at
800x600, with
Internet Explorer

CBL 136 E005001
Land Use Type BENEVOLENT & CHARITABLE
Property Location 880 FOREST AVE
Owner Information DIOCESAN BUREAU OF HOUSING
 880 FOREST AVE
 PORTLAND ME 04103

Book and Page
Legal Description 136-E-5 137-H-1
 142-G-7-4 HOLLY ST 2
 -10 & 28-30 FOREST AVE
 854-910 305660 SF
Acres 7.017

Current Assessed Valuation:

TAX ACCT NO.	20104	OWNER OF RECORD AS OF APRIL 2011 DIOCESAN BUREAU OF HOUSING
LAND VALUE	\$648,000.00	880 FOREST AVE
BUILDING VALUE	\$8,418,100.00	PORTLAND ME 04103
BENEVOLENT AND CHARITABLE (\$9,066,100.00)		
NET TAXABLE - REAL ESTATE	\$0.00	
TAX AMOUNT	\$0.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

Building Information:

Building 1
Year Built 1973
Style/Structure Type APARTMENT - HIGH RISE
Units 200
Building Num/Name 1 - DEERING PAVILLION
Square Feet 135968

[View Sketch](#)[View Map](#)[View Picture](#)**Exterior/Interior Information:**

Building 1
Levels 01/01
Size 4016
Use OFFICE ENCLOSURE
Height 10
Walls BRICK/STONE
Heating HW/STEAM
A/C CENTRAL

Building 1
Levels 01/01
Size 4016
Use OFFICE ENCLOSURE
Height 10
Walls BRICK/STONE
Heating HW/STEAM
A/C CENTRAL

Building 1
Levels 01/01
Size 4016
Use SUPPORT AREA
Height 10
Walls BRICK/STONE
Heating HW/STEAM
A/C CENTRAL

Building 1
Levels 02/11
Size 12392
Use APARTMENT