



February 05, 2015

J14.067

Barbara Barhydt  
Development Review Manager  
Planning and Urban Development Department  
Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, Maine 04101

**McAuley Place, 605 Stevens Avenue and Walton Street  
Request for Zoning Amendment  
(CBL 136 E006001, 143 F004000, 144 B001000)**

Dear Barbara:

On behalf of Sisters of Mercy of the Americas Northeast Community, Inc. (Sisters of Mercy) and Sea Coast at Baxter Woods Associates, LLC we are pleased to submit this request for a Zoning Text and Map Amendment for the Sisters of Mercy – Catherine McAuley High School Campus located off Stevens Avenue and Walton Streets in Portland.

Enclosed are one (1) hard copy of the following materials and PDF copies on an attached thumb drive:

- Cover Letter
- City of Portland Zoning Map/Text Amendment Application Form
- Map/Text Amendment Fee (\$3,000)
- Appendix A – Chart of a Continuum of Care Community
- Appendix B – Proposed Changes to Land Use Code Section 14-47 Definitions
- Exhibit 1 – Right, Title & Interest (P&S Agreement)
- Exhibit 2 – Context Map
- Exhibit 3 - Site Photographs
- Exhibit 4 - Proposed Parcel Map
- Exhibit 5 - Proposed Zone Change Map
- Exhibit 6 - Conceptual Site Plan

## **1. INTRODUCTION**

The Sisters of Mercy and John B. Wasileski representing Seacoast at Baxter Woods Associates, LLC are proposing to redevelop the historic St. Joseph's Convent and surrounding grounds into a continuum of care senior living community. The property, located off Stevens Avenue and Walton Streets contains 18.96 acres including the Catherine McAuley High School and fields, St. Joseph's Convent and St. Catherine's residence hall. The general concept is to offer seniors a choice of attractive, living arrangements and an array of support services so that they can remain healthy, active and independent. (*Appendix A* illustrates the components of a continuum of care community.) The highlight of the proposed plan is the re-purposing of the former St. Joseph's Convent "Motherhouse" into affordable dwelling units and common areas.

This type of development and community is uniquely suited for the challenges and opportunities offered by the Convent site. If properly designed and integrated, the existing Catherine McAuley High School and the senior community will prosper together for decades to come. This success will result from the compatibility of the two communities and the creation of an attractive, unified campus.

The continuum of care senior community will include four main elements in addition to the McAuley High School. The heart of the community will be the renovated and expanded Convent or Motherhouse building into 88 affordable housing units and large common areas under the Maine Limited Liability Company - Motherhouse, LLC. A Low Income Housing Tax Credit (LIHTC) and Historic Tax Credit (HTC) are being pursued in support of this affordable housing initiative. The second element of the community will be the development of a Main Lodge for the McAuley Retirement Community proposed to include up to 60 independent living apartments with full congregate services and common areas. This phase also includes up to 32 connected semi-independent apartments connected to the Main Lodge with full access to all of the Main Lodge supporting congregate services and common areas.

The third component of the proposed development plan would provide for approximately 140 new senior independent living apartments located within attractive apartment buildings and clusters. Finally, to meet the transitional needs of a full continuum of care community, a 24-36 bed Assisted Living Facility is envisioned as either as a free standing structure or attached to the Motherhouse.

Two uses which will remain in use include the McAuley High School and St. Catherine's residence located off Walton Street. As noted above McAuley High School will remain for the immediate future. St. Catherine's will continue for a period of time to house retired Sisters and former priests with a long term plan for renovating and expanding the 18 unit apartment building into 38 market rate senior apartment units with full access to the campus amenities and activities.

In summary the project proposes a unified campus with:

- 88 affordable housing units within the Motherhouse.
- 232 apartment/congregate units
- 38 apartment units – St. Catherine's
- 24-36 assisted living units

The project will provide a wide variety of benefits. For the city and the community, it addresses several goals of Portland's comprehensive plan including the preservation of historic resources, redevelopment of buildings with currently unused residential potential, dense development and development that serves a diverse market including seniors. In general, senior communities are an excellent form of real estate development and a good neighbor. They are well-designed, attractive and quiet communities that generate little traffic. They also generate significant tax revenue for the city with little drain on city services.

Finally, it is important to note that the Sisters of Mercy have been searching for a new role of the Convent for well over a decade. For everyone involved in this difficult process, there is strong agreement that a senior living community is the best possible reuse plan for the Convent. The project will provide a financially stable reuse plan for the property and a compatible partner for the Catherine McAuley School.

## 2. PROJECT TIMELINE

The applicant is seeking approvals on a dual timeline – moving forward with the campus Zoning Amendments and Master Development Plan review simultaneous with the Motherhouse re-development into 88 affordable apartments as a Level III Site Plan review. It will be critical for the LIHTC Application that the Motherhouse re-development secure Level III Site Plan Approvals by July 2015 in order to retain a strong position for the LIHTC application process. The applicant's team looks forward to working closely with staff to facilitate this process.

## 3. BACKGROUND AND HISTORY

The primary historic use of the buildings and site since the late nineteenth century was as a Convent. As such, it was the principal center of the educational, residential and spiritual life for the Sisters of Mercy in Portland. However, the property has served many other purposes and uses since first established in the early 1880s. This began with the establishment of a girl's school, known as St. Joseph's Academy, in 1881. St. Joseph's Academy was located in the current McAuley wing of the Motherhouse and is still part of the school today. The current Catherine McAuley High School building was completed in 1971 but the school, in one form or another, has been on the site since 1881.

Also in the early 1880's, the Sisters established St. Joseph's Home for Aged Women on the site. It was first housed in a temporary wooden structure on the site and then moved to the two-story brick structure known as St. Catherine's Hall in 1888. This building still stands along the north boundary of the property facing Walton Street. After the home for the aged was moved to downtown Portland in 1914, St. Catherine's Hall became the first St. Joseph's College in 1917. St. Catherine's was enlarged and remodeled in 1940 to accommodate additional classroom space, residential facilities and a chapel. In 1954, the college moved to Standish, Maine.

The site also housed the original St. Joseph's parish church around 1884. The church was eventually removed after a new church was constructed on a nearby site.

The central Motherhouse, the centerpiece of the site today, was constructed in two phases. The first phase, completed in 1909, included the central main block, north wing and chapel wing. In 1921, the south and rear wings were added. It was at this time that the Motherhouse was joined to the St. Joseph's Academy building by a two-story brick addition. Over the next 100 years, the Motherhouse was home to as many as 300 nuns. As the life-long home for many sisters, the building became a de facto senior living facility. This included a wing designed and devoted to nursing home level care for the sisters.

However, as has happened across the country and around the world, the number of sisters dropped dramatically over time. By the late 20<sup>th</sup> century, a Motherhouse and a campus that had served as a home, church, school and senior care facility needed a new purpose if it was going to continue its mission into the next century.

## 4. EXISTING USE AND ZONING

The 18.96 acre property is currently located within the R5 - Medium Density Residential District.

The Motherhouse continued to serve as a residence for the sisters until the summer of 2004. At that time, the few sisters remaining in the Motherhouse moved out to other facilities in the Portland area including the former Eunice Frye residential care center. Today, the first floor of the building is used as office space for the Sisters of Mercy. The Chapel is still used by the Sisters of Mercy and by the adjacent Catherine McAuley High School, but the upper floor residential rooms are vacant.

In the 1980s, St. Catherine's Hall was renovated from a residential dormitory type of use into 18 residential apartment units, several of which are occupied by Sisters of Mercy or other individuals with connections to the Sisters. The high school continues to function to this day and also uses space within the former St. Joseph's Academy building –the northern wing of the Motherhouse.

The Portland Land Use Code (LUC) Sec 14-116 for **R5 Zoning** – Purpose states: *"...for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unity development (PRUD) on substantially sized parcels. ...such PRUD development shall respond to the physical qualities of the site and complements the scale, character and style of the surrounding neighborhood."*

The current R5 zoning was adopted decades after the creation of the Sisters of Mercy campus and reflects the development pattern of the surrounding neighborhood that grew up around the campus. As a result, the Sisters of Mercy campus has never been consistent with or even envisioned by the current zoning.

## 5. PROPOSED ZONING TEXT AND MAP AMENDMENT

### A. Proposed Zoning Map Amendment To R-6A –Residential Zone (See *Exhibit 6*):

The applicant is proposing to develop a comprehensive and coordinated institutional/residential based retirement community land use plan which mirrors the proposed zoning changes of neighbors to the south (Deering Pavilion) and those several blocks to the north (Park Danforth) to provide quality senior residential living opportunities which are in demand off-peninsula.

**The applicant seeks a Zoning Text and Map Amendment Change from the current R5 Medium Residential Zone to an R-6A Residential Zone with supporting amendments to the R-6A District Ordinance Division 7 - Sections 14-135 to 14-140 as noted below and herein.**

In order to consider the rationale and reasoning for the proposed Zoning Change it is important to understand both the history and current uses of the McAuley Campus and the future vision as it relates to the current and future neighborhoods.

1. The R5 Zone is intended to "... provide for moderate-density residential development in off-peninsula sections that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density."

While the R5 Zone in purpose would satisfy the proposed re-purposing and re-development of the current campus the specific dimensional and land use provisions

of Zoning District **R6-A** more specifically suit the proposed development plan. For this reason, the applicant is requesting both a **Text and Map Amendment to change the current McAuley Campus from R5 to R6-A.**

2. The **R-6A Zoning** purpose statement (Section 14-135) states: *“The purpose of the R-6A residential zone is: (c) to encourage neighborhood livability with higher density multi-family housing on large parcels locate off the peninsula. The zone is appropriate in areas that are along major transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.”*

The proposed McAuley Campus redevelopment plan will create needed housing for seniors in an urban influenced campus- infusing the neighborhood with higher density quality housing; responsible residents who tend to utilize public transportation and walking and providing for an inter-generational demographic mix of residents and students within the existing McAuley Campus. As an infill site the development meets smart growth initiatives to curb sprawl into the suburbs which would otherwise be required to provide the same level of housing needs. The site is located near service areas off Stevens Avenue near the UNE campus and Route 302 (Forest Avenue) yet allows for a major access from a side street, Walton Street.

Furthermore the site abuts the Deering Pavilion property and is within close proximity to the Park Danforth properties – both re-zoned to R-6A as medium to high density housing. The McAuley campus will provide similar uses consistent with these neighborhood developments.

3. Consistency with the Comprehensive Plan: As stated in the City of Portland Zoning Amendment Application, the proposed re-use plan for the property could be a model project for the City of Portland’s comprehensive plan. Some of the key areas cited in the Comprehensive Plan and included the project are:
  - Preservation of historic and natural resources
  - Development of currently unused residential potential
  - Seek incentives and partnerships to increase affordable housing options
  - Encourage higher density housing and walk able neighborhoods
  - Identify vacant land and redevelopment opportunities throughout the City
  - Target vacant buildings for maintenance, rehabilitation and reuse
  - Neighborhood stability and integrity
  - Development that is close to city services, transportation and infrastructure
  - Development that serves the diverse market including seniors

In summary, the proposed project and requested zoning amendment is clearly consistent with the goals of the Comprehensive Plan.

3. The proposed use of the property is also consistent with the historic use of the property and therefore consistent with the surrounding neighborhood. The property has been used for a school, college, church, residential apartment building, convent and senior care facility at various times throughout its history. The proposed use as affordable senior housing and a senior retirement community is entirely consistent with this historic use. Moreover, the long history of this campus in this location with these uses – for

approximately 130 years - clearly demonstrates that the proposed use is compatible with both the property and the surrounding neighborhood. As the center-piece of this neighborhood for over a century, the preservation and reuse of this property is essential for maintaining the stability and integrity of the neighborhood.

#### **B. Proposed R-6A Text Amendments:**

The applicant proposes the following text amendments in support of the proposed project. The amendments seek not to change the overall character or intent of the R-6A Zoning but rather to recommend changes to the current R-6A Zone to allow specific design elements of the proposed development which are not inconsistent with R6 or R-6A but rather are minor dimensional deviations from the current District standards.

Land Use Code Section (emphasis added):

1. Section 14-47 Definitions. See *Appendix B* for proposed Definition changes and the addition of the term **“Retirement Community”**.
2. Section 14-136 Permitted Uses, paragraph (a) 2. e – *“Multifamily dwellings, provided that any alteration of a structure in residential use on December 2, 1987: A below grade dwelling unit shall be permitted only if access is provided directly to the outside of the building.”*

Proposed Amendment: Revise §14-136 (a) 2.e. to read, **“A below grade dwelling unit located in a multifamily dwelling with less than four (4) units shall be permitted only if access is provided directly to the outside of the building. This requirement shall not apply for multifamily dwellings of over four (4) units.”**

3. Section 14-137 Conditional Uses, paragraph (b), Add subsection b.7. **“Retirement Community”**.
4. Section 14-139 Dimensional requirements:

Paragraph (a) 1.b. Minimum lot size: *“Residential in the 6A: Four (4) acres.”*

**Proposed Amendment: Revise §14-139 (a) 1.b. to read, “ Residential in the 6A: one (1) acre.”**

Paragraph (a) 9. *“A below grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.”* Revise §14-139 (a) 9. to read, **“A below grade dwelling unit located in a multifamily dwelling with less than four (4) units shall be permitted only if access is provided directly to the outside of the building. This requirement shall not apply for multifamily dwellings of over four (4) units.”**

Paragraph (a) 1.: Add subsection k. **“Retirement Community: 4 acres”**.

Paragraph (a) 2.a. Minimum area per dwelling unit: **Add to end of section, “This requirement shall apply to a Retirement Community equally on a per dwelling unit, unit, per resident or per bed application in the aggregate for all combined uses as defined in Section 14-137.”**

5. Section 14-47. Definitions – other housekeeping recommendations:

*Gross area:* Add to end of definition. **“Gross area shall also mean land area as used herein.”**

*Lot area:* Is this definition still required?

*Lot Coverage:* Define.

*Open space ratio:* Define

**6. APPENDICES:**

*Appendix A* provides an overview of the structure of a continuum of care community

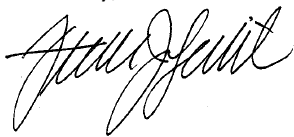
*Appendix B* provides a summary of unit densities based on current and proposed zoning.

*Appendix C* provides proposed text changes and additions to Section 14-47 Definitions.

In summary we believe that the proposed request for a Zoning Amendment to R-6A meets the goals and requirements of the Land Use Code Sections 14-135 to 14-140 both in letter and spirit with the changes and amendments as proposed and is appropriate for re-development of the site and for the neighborhood.

Our project team remains available to meet with staff to review the application in further detail or to provide any additional information and look forward to meeting the Planning Board and City Council in the coming weeks.

Sincerely,



Frederic (Rick) Licht, PE, LSE  
Principal

Encl: As Noted

Cc: (via email - PDF copy)

John Wasileski; Sea Coast at Baxter Woods Associates, LLC  
Sister Lindora Cabral; Sisters of Mercy of the Americas Northeast Community, Inc.  
Daniel Justynski; Sisters of Mercy of the Americas Northeast Community, Inc.  
Dennis Keeler; Pierce Atwood, LP  
Matt Teare; C/O Sea Coast at Baxter Woods Associates, LLC  
David Haynes; RLA; Seacoast Management Company  
Kevin Bunker; Motherhouse, LLC  
Ron Epstein; Jensen, Baird, Gardner & Henry  
Natalie Burns; Jensen, Baird, Gardner & Henry  
Pat Carroll; Carroll Associates, Landscape Architects  
Steve Bushey; Fay, Spofford & Thorndike



# Zoning Map/Text Amendment/Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

#### **Planning Division**

Fourth Floor, City Hall  
389 Congress Street  
(207) 874-8719

#### **Office Hours**

Monday thru Friday  
8:00 a.m. – 4:30 p.m.



**PROJECT NAME:** McAuley Place

**PROPOSED DEVELOPMENT ADDRESS:**

**605 Stevens Avenue and Walton Street**

**PROJECT DESCRIPTION:**

Proposed full continuum of care Senior Retirement Community and Re-Purposing of the former convent "The Motherhouse" into affordable senior housing units.

**CHART/BLOCK/LOT:** 136 E006001 & (143 F004 144 B001)

**CONTACT INFORMATION:**

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| <b>Applicant – must be owner, Lessee or Buyer</b><br>Name: Seacoast At Baxter Woods Associates, LLC<br>Business Name, if applicable:<br>Address: C/O OceanView , 20 Blueberry Lane<br>City/State : Falmouth, ME Zip Code: 04105            | <b>Applicant Contact Information</b><br>Work # C/O Matthew Teare<br>Home#<br>Cell # 207.837.2418 Fax#<br>e-mail: mteare@highlandgreenlifestyle.com |
| <b>Owner – (if different from Applicant)</b><br>Name: St Joseph's Convent & Hospital<br>C/O Sisters of Mercy of the Americas<br>Address: Northeast Community, Inc.<br>15 Highland View Road<br>City/State : Cumberland, RI Zip Code: 02864 | <b>Owner Contact Information</b><br>Work # Attn: Sister Lindora Cabral<br>Home#<br>Cell # Fax# 207-333-6450<br>e-mail: lcabral@mercyne.org         |
| <b>Agent/ Representative</b><br>Name: Frederic (Rick) Licht, PE, LSE,<br>Licht Environmental Design, LLC<br>Address: 35 Fran Circle<br>City/State : Gray, Maine Zip Code: 04039  | <b>Agent/Representative Contact information</b><br>Work # 207.749.4924<br>Cell # 207.749.4924<br>e-mail: rlicht@securespeed.net                    |
| <b>Billing Information</b><br>Name: Matthew Teare<br>C/O The Highlands<br>Address: 30 Governors Way<br>City/State : Topsham, Maine Zip Code: 04086   | <b>Billing Information</b><br>Work # 207.837.2418<br>Cell # 207.837.2418 Fax#<br>e-mail: mteare@highlandgreenlifestyle.com                         |

|   |  |
|---|--|
| <b>Engineer</b> Fay Spofford & Thorndike<br>Name: Steve Bushey<br>Address: 778 Main Street, Suite 8<br>City/State : South Portland, ME Zip Code: 04106          | <b>Engineer Contact Information</b><br>Work # 207.775.1121<br>Cell # Fax# 207.879.0896<br>e-mail: sbushey@fstinc.com         |
| <b>Surveyor</b> Titcomb Associates<br>Name: Dave Titcomb. PLS<br>Address: 133 Gray Road<br>City/State : Falmouth, ME Zip Code: 04105                            | <b>Surveyor Contact Information</b><br>Work # 207.797.9199<br>Cell # 207.797.9018 Fax#<br>e-mail: dtitcomb@titcombsurvey.com |
| <b>Architect</b> Archetype, PA<br>Name: David Lloyd, Maine Licensed Architect<br>Address: 48 Union Wharf<br>City/State : Portland, ME Zip Code: 04101           | <b>Architect Contact Information</b><br>Work # 207.772.6022<br>Cell # Fax# 207.772.4056<br>e-mail: lloyd@archetypepa.com     |
| <b>Attorney</b> Jensen, Baird, Gardner & Henry<br>Name: Ron Epstein, Esq.<br>Address: 10 Free Street , PO BOx 4510<br>City/State : Portland, ME Zip Code: 04112 | <b>Attorney Contact Information</b><br>Work # 207.775.7271<br>Cell # Fax# 207.775.7935<br>e-mail: repstein@jbgh.com          |

**Right, Title, or Interest:** Please identify the status of the applicant’s right, title, or interest in the subject property:

Purchase agreement (**Exhibit 1**)

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**Provide documentary evidence, attached to this application, of applicant’s right, title, or interest in the subject property.**  
(For example, a deed, option or contract to purchase or lease the subject property.) (**Exhibit 1**)

**Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.  
(Applicant may utilize the City Zoning Map or Parcel Map as a source.) (**Exhibits 2, 4, 5**)

**Existing Use:** Describe the existing use of the subject property:

Current use is as the former Sisters of Mercy Convent (currently under very limited use), Catherine McAuley High School and St. Catherine’s Residence building. Site includes campus access, parking , athletic fields and gardens.

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**Current Zoning Designation(s):** R-5 Residential Zone

**Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

Proposed Retirement Community within the current campus and re-development of the former St. Joseph's Convent

"Motherhouse" into 86-88 units of affordable senior housing. The existing St. Catherines residence apartments will

remain and allow forexpansion . McAuley High School will remain for the immediate future. **See Cover Letter and Exhibit 6 for additional information.**

**Site Plan:** On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. **(Exhibit 6 Conceptual Masterplan)**

**APPLICATION FEES:**

**Check all reviews that apply. (Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)**

|  |  |
|--|--|
| <p><b>Zoning Map Amendment</b><br/>___ \$2,000.00 (from _____ zone to _____ zone)</p> <p><b>Zoning Text Amendment</b><br/>___ \$2,000.00 (to Section 14-_____)</p> <p><b>Combination Zoning Text Amendment and Zoning Map Amendment</b><br/><input checked="" type="checkbox"/> \$3,000.00</p> <p><b>Conditional or Contract Zone</b><br/>___ \$3,000.00<br/>(A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Sections 14-60 to 62.)</p> | <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"><li>• Notices (\$.75 each)</li><li>• Legal Ad (% of total Ad)</li><li>• Planning Review (\$40.00 hour)</li><li>• Legal Review (\$75.00 hour)</li><li>•</li></ul> <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p> |
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**APPLICATION SUBMISSION:**

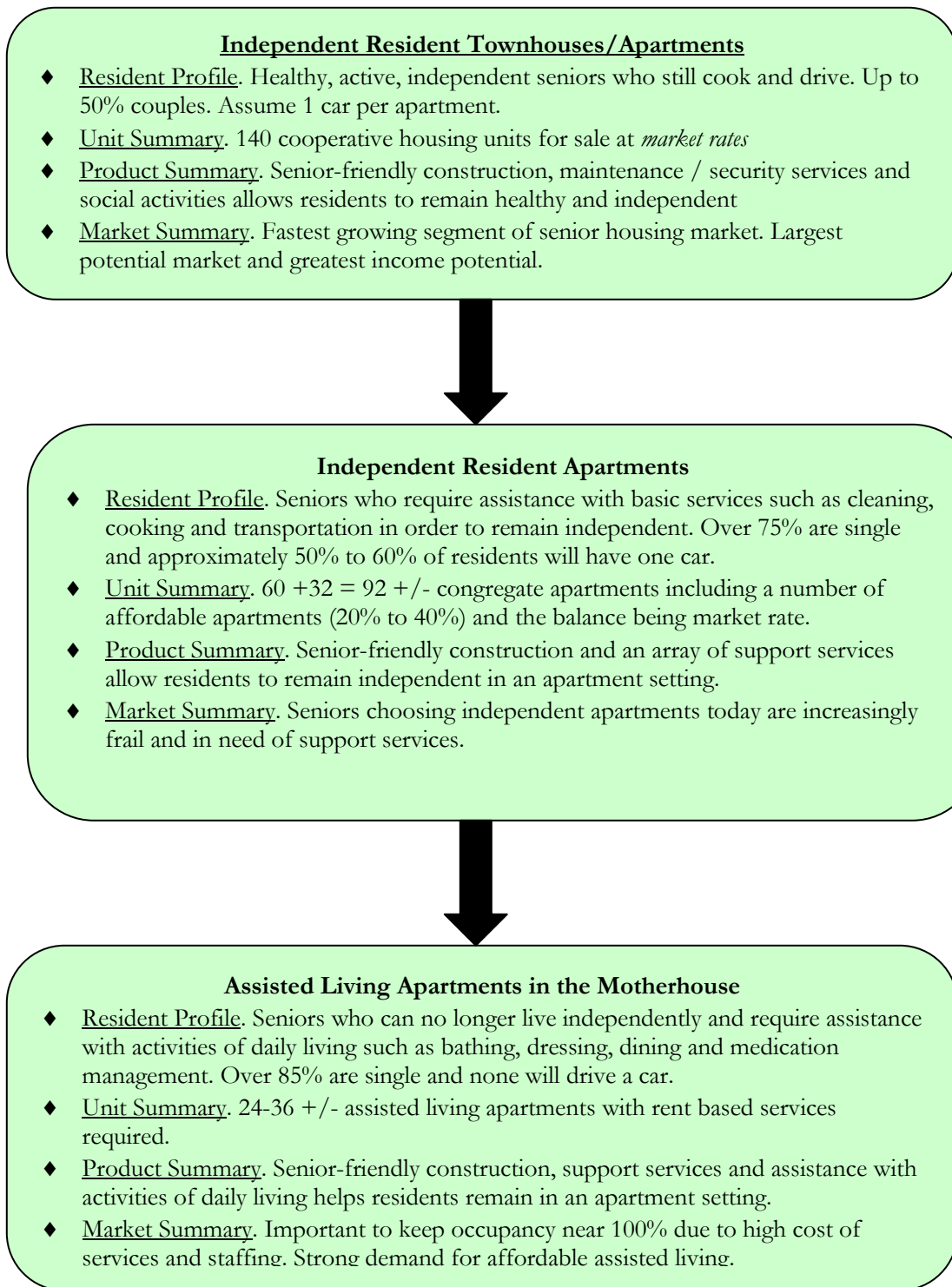
1. All plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file names which can be found on the **Electronic Plan and Document Submittal** page of the City’s website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Documents-Submittal>
  
2. **The submission shall include the following materials:**
  - a. One (1) paper set of the zoning amendment application, concept plan and written narrative.
  - b. Contract and conditional rezoning applications must include site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations and compatible with the surrounding neighborhood.

**APPLICANT SIGNATURE:**

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement’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.

|                                |              |
|--------------------------------|--------------|
| <b>Signature of Applicant:</b> | <b>Date:</b> |
|--------------------------------|--------------|

### Chart of a Continuum of Care Community



**McAuley Place Zoning Amendment Application:**

**Proposed Changes to Portland Land Use Code Article III, Division 1, Section 14-47 Definitions:  
(Proposed changes shown in *Blue Italics*)**

***Retirement Community:*** means a residential community and/or health care facility providing “housing for older persons” within the meaning of the federal Housing for Older Persons Act of 1995 and the regulations issued pursuant thereto, and related facilities which may, but not necessarily will, include, (i) independent living units (apartments or cottages) for the elderly, (ii) a Congregate Care facility, (iii) an Intermediate Care facility, (iv) Long Term or Extended Care facility, (v) assisted living units for elderly, which may but not necessarily will including, but not limited to memory loss care, and/or (vi) a skilled nursing facility. A Retirement Community may include related supporting and accessory uses. Supporting and accessory uses shall be secondary and incidental to the residential units, may include administrative offices, shared areas for communal dining as well as kitchen facilities to serve the Retirement Community and recreational activities, a wellness center, health care offices, community store, bank, barber/beauty salon and guest rooms and similar facilities to serve primarily the Retirement Community residents and staff, all for the benefit of the residents and staff of the Retirement Community, and which may also include facilities for events such as lectures, concerts, meetings, entertainment events, educational and cultural events and marketing events, all of which may be open to members of the public as well as residents of the Retirement Community.

Congregate care facility: A planned residential unit development which provides individual living units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service *may* be included in the base rent;
- (b) Provision of at least one (1) meal per day, *which may be optional*;
- (c) Programmed social activities which are facilitated by staff. This service *may* be included in the base rent;
- (d) Provision of *optional*, personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each congregate care living unit.

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.

Intermediate care facility: A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as *an assisted living or residential care or* board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Long term or extended care facility: An institution or a distinct part of an institution that is licensed or approved to provide full-time convalescent or chronic care, or health care under medical supervision for twenty-four (24) or more consecutive hours, to nine (9) or more individuals who, by reason of advanced age, illness, or infirmity are unable to care for themselves, and who are not related to the governing authority by marriage, blood, or adoption.

Memorandum of Purchase and Sale Agreement

Notice is hereby given of the existence of a Purchase and Sale Agreement, dated June 16, 2014 (the "Agreement") between St. Joseph's Convent and Hospital, a Maine non-profit corporation (hereinafter called "Seller") and Sea Coast Healthcare, Inc., a corporation existing under the laws of the State of Maine or its nominee (hereinafter called "SCH"), and of an Assignment, dated September 15, 2014 by SCH to Sea Coast at Baxter Woods Associates, LLC ("Purchaser") of all of its rights as Purchaser under said Agreement.

Under the Agreement, Purchaser has the right and obligation to purchase, on and subject to the terms and conditions of the Agreement, the following property at the First Closing, as hereafter defined: (i) a portion of that certain real property consisting of the real estate situated at 605 Stevens Avenue in Portland, Maine, which portion is to contain approximately 17.36 acres, and all buildings and improvements thereon, including the Motherhouse, the Catherine McAuley school, the land between the Motherhouse and Baxter Woods and the "ball fields" and being the premises described in Exhibit A hereto (but excluding the St. Catherine's Parcel, as hereafter described) and generally shown as Lots 1, 3, 4 and 5 on the Conditional Zone Concept Plan, McAuley Place at Baxter Woods, Stevens Avenue, Portland, Maine prepared by Belanger Engineering, March 21, 2014 attached hereto as Exhibit A (hereinafter the "Plan"), together with easements over the St. Catherine's Parcel for existing and proposed underground drainage and utilities, including sewer, water and other utilities, a parking easement for use of up to a 20 parking space expansion of the parking lot on the St. Catherine's Parcel, and an easement for secondary ingress and egress from Walton Street, all for the benefit of said Lots 1, 3, 4 and 5 (with Purchaser to have the right but not the obligation after the First Closing to construct the drainage and utility lines, parking lot expansion and secondary access permitted by such Easements) (collectively, the "Easements"), which Easements shall be located substantially as shown on the Plan attached hereto as Exhibit A-1 (hereinafter the "Property"), and (ii) an assignment by McAuley Place at Baxter Woods Retirement Community, Inc. of the Credit Enhancement Agreement, dated May 2009 between the City of Portland and McAuley Place at Baxter Woods Retirement Community, Inc. (which is an affiliate of Seller), to the extent assignable, relating to the existing tax increment financing district, with no representations or warranties other than the fact that Seller has not assigned or caused to be assigned such agreement to any third party. At the Second Closing, as hereinafter defined, Purchaser has the right and obligation to purchase, on and subject to the terms and conditions of the Agreement, the following property, for the price and upon the terms and conditions hereinafter set forth, the St. Catherine's Residence, being the land and 18 unit apartment building generally as depicted as Lot 2 on the Plan and referred to herein as the "St. Catherine's Parcel" and also as generally depicted on Exhibit A-1.

The First Closing shall occur on the earlier of the following dates: (a) the date of the construction loan closing with Maine State Housing Authority relating to an award of low income housing tax credits (such loan closing is anticipated to be in April 2015 if low income housing tax credits are awarded to Purchaser or its nominee in the fall of 2014, or in April 2016 if low income housing tax credits are awarded to Purchaser or its nominee in the fall of 2015); or (b) June 30, 2016. The First Closing shall also occur on any earlier date as specified by Purchaser by at least ten days prior written notice to Seller. The Second Closing shall occur on the earlier of: (i) the date that is ten years after the date of this Agreement, or (ii) the date that is 180 days after Seller certifies to Purchaser in writing that all Non-Market Rate Leases have expired or been terminated, and that the Second Closing Date has been scheduled for 180 days after the date of such certification.

This Memorandum does not modify or alter the terms of the Purchase and Sale Agreement in any way.

Dated as of this \_\_\_ day of October 2014.

WITNESS:

Sea Coast at Baxter Woods Associates, LLC

By: \_\_\_\_\_  
\_\_\_\_\_



**Assignment**

For value received, Sea Coast Healthcare, Inc. hereby assigns the Purchase and Sale Agreement, dated June 16, 2014, between St. Joseph's Convent and Hospital, as Seller and Sea Coast Healthcare, Inc., as Purchaser, relating to property at 605 Steven's Avenue, Portland, Maine, to Sea Coast at Baxter Woods Associates, LLC, a Maine limited liability company. Baxter Woods Associates, LLC hereby assumes and agrees to perform all obligations as purchaser under said Agreement.

Dated: Sept 25, 2014.

Sea Coast Healthcare, Inc.

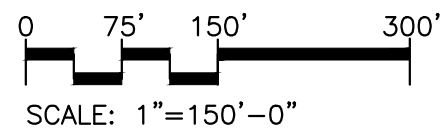
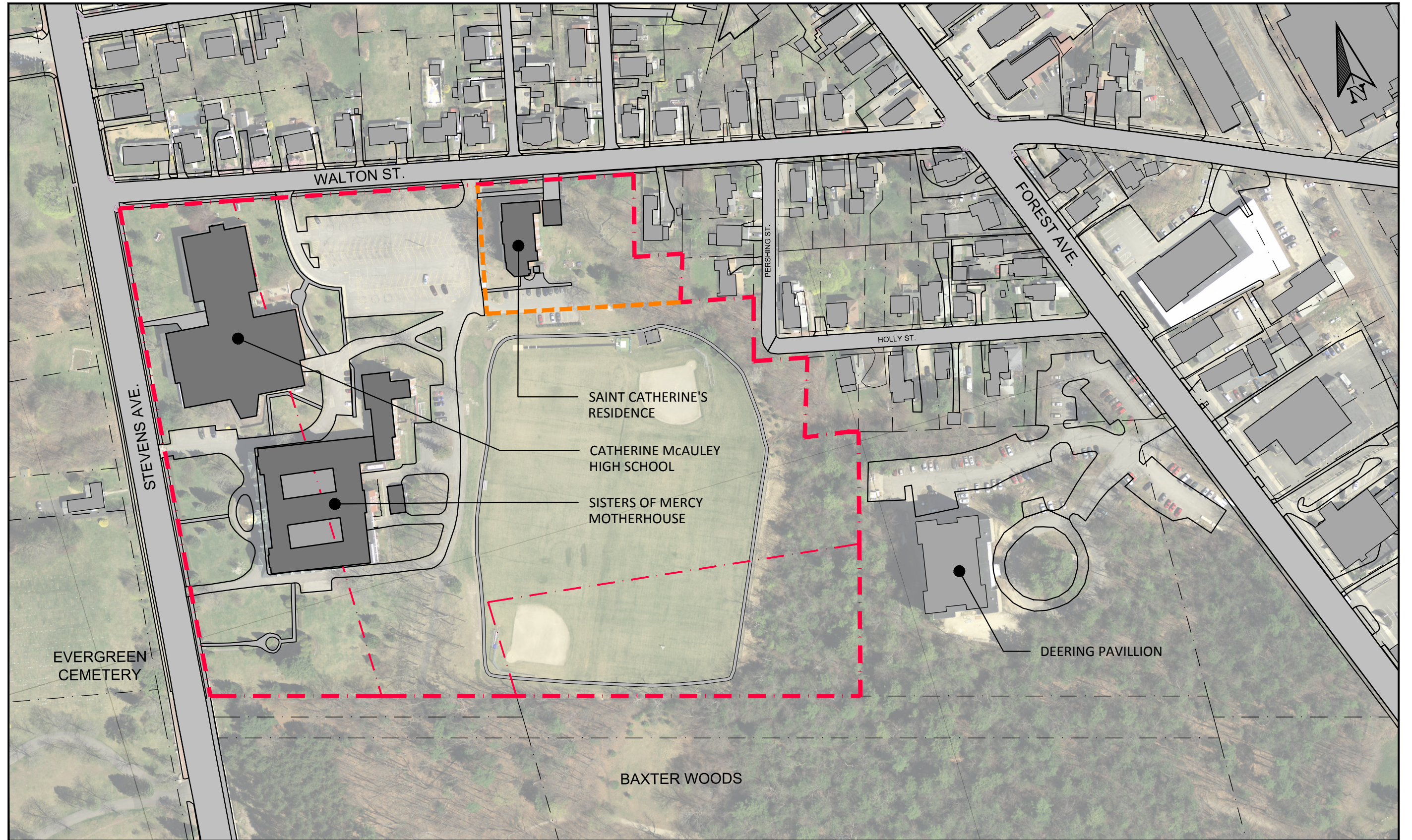
By: 

John B. Wasileski, Its President

Sea Coast at Baxter Woods Associates, LLC

By: 

John B. Wasileski, Its Manager



# McAuley Place

CONTEXT MAP

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# Sisters of Mercy -- St. Joseph's Convent



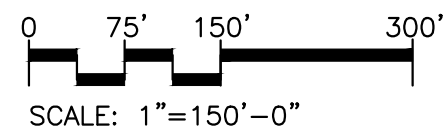
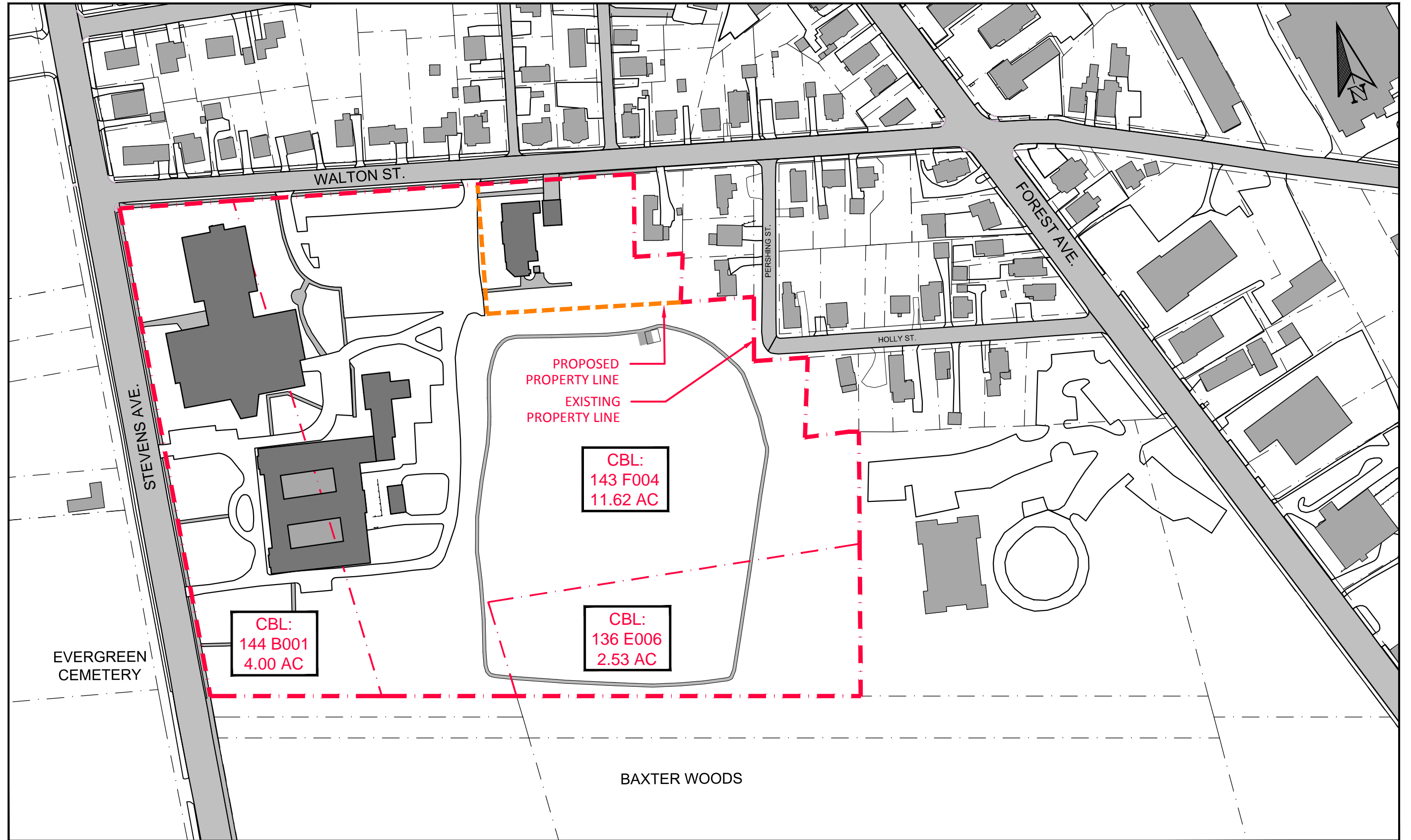
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# Exterior Views of Motherhouse



# Interior Views of Motherhouse

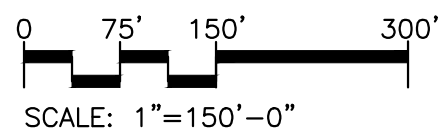
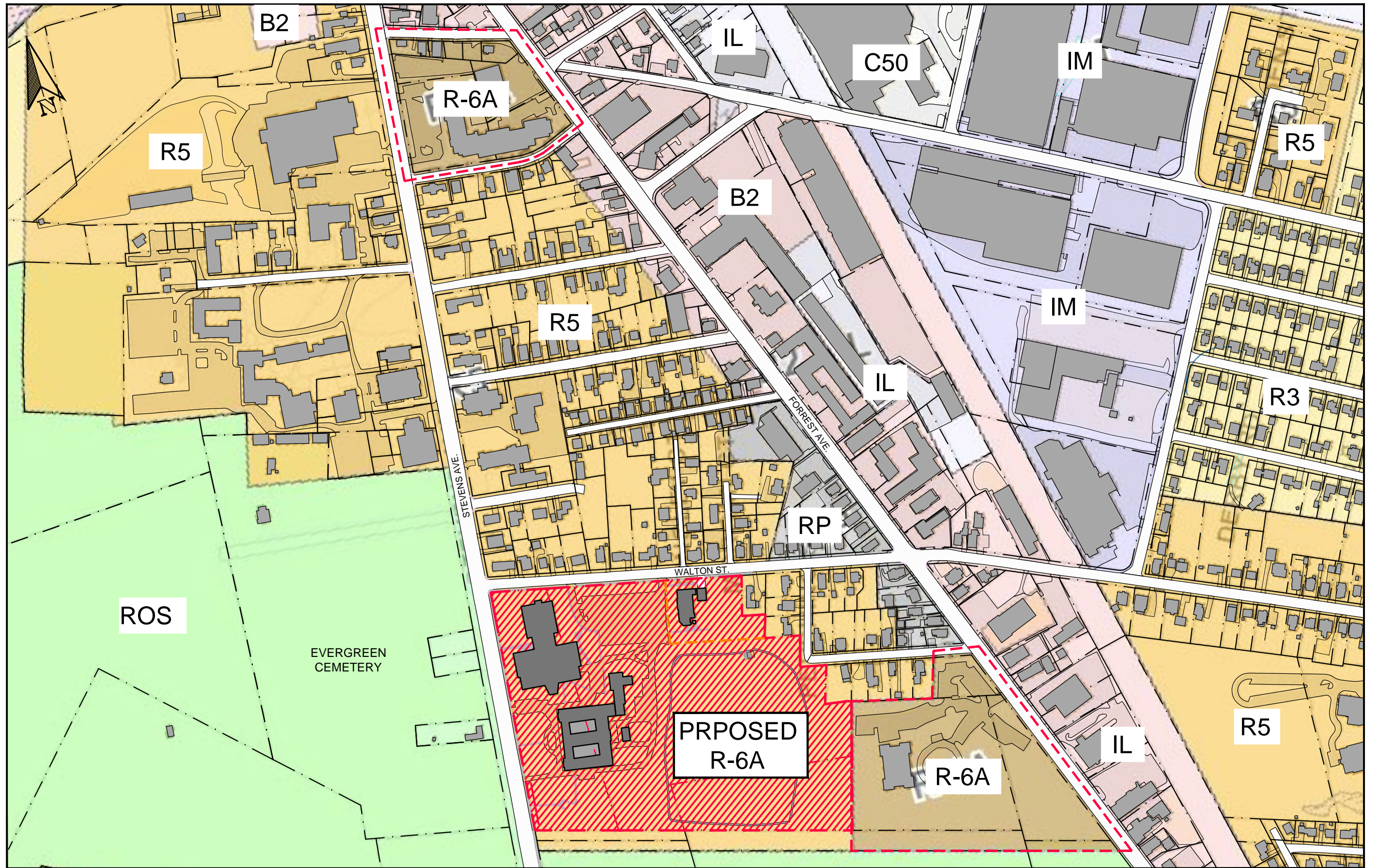




# McAuley Place

## PROPOSED PARCEL MAP

EXHIBIT  
4

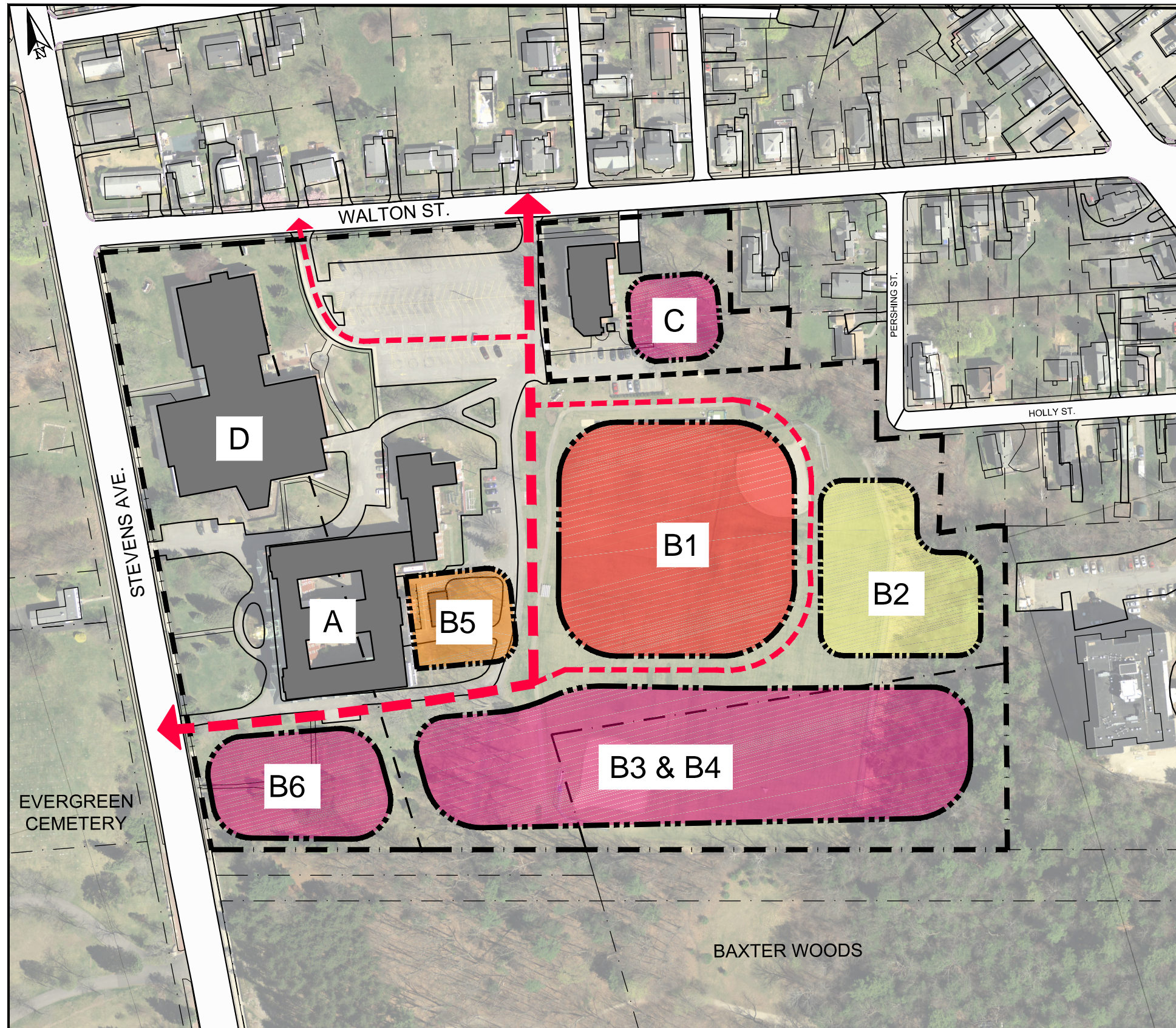


# McAuley Place

PROPOSED ZONE MAP CHANGE

**EXHIBIT**  
**5**

CONCEPTUAL SITE PLAN



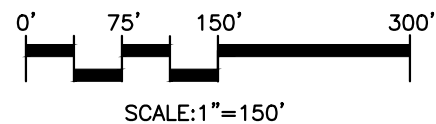
COMPONENT DESCRIPTIONS

# OF UNITS

|   |                         |
|---|-------------------------|
| <p><b>A</b> <u>AFFORDABLE SENIOR LIHTC</u></p> <p>Renovation of Mother house into affordable senior housing using LIHTC and Historic Tax Credits.</p>   | <p><b>88 +/-</b></p>    |
| <p><b>B</b> <u>MARKET RATE SENIOR LIVING</u></p> <ol style="list-style-type: none"> <li>1. New construction of Main Lodge. Includes independent living apartments, dining, fitness, community activity space</li> <li>2. New construction, Senior Independent Living Apartments connected to Main Lodge</li> <li>3. New construction, Senior Independent Living Apartments</li> <li>4. New construction, Senior Independent Living Apartments, high end</li> <li>5. Assisted living community for 24-36 seniors</li> <li>6. New construction, Senior Independent Living Apartments</li> </ol> | <p><b>160-270</b></p>   |
| <p><b>C</b> <u>SAINT CATHERINE'S REDEVELOPMENT</u></p> <p>Renovation and expansion of existing apartment building, 18-20 new apartments</p>   | <p><b>38</b></p>        |
| <p><b>D</b> <u>POTENTIAL FUTURE COMMERCIAL MIXED USE</u></p> <p>High School / future commercial mixed use</p>   | <p><b>N/A</b></p>       |
| <p><b>TOTAL # OF UNITS</b></p>  | <p><b>286 - 369</b></p> |

LEGEND

|  |                                      |
|--|--------------------------------------|
|  | <p>EX. PROPERTY LINE</p>             |
|  | <p>PROP. PROPERTY LINE</p>           |
|  | <p>PRIMARY CIRCULATION</p>           |
|  | <p>SECONDARY CIRCULATION</p>         |
|  | <p>MAIN LODGE - COMMUNITY CENTER</p> |
|  | <p>INDEPENDENT LIVING</p>            |
|  | <p>SEMI-INDEPENDENT LIVING</p>       |
|  | <p>ASSISTED LIVING</p>               |



**McAuley Place**  
CONCEPTUAL MASTER PLAN