Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director Marge Schmuckal, Zoning Administrator

October 21, 2013

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

Department of Housing & Urban Dev. c/o Roland Gagnier Gagnier, Hicks Associates, LLC 24 Pinewood Hills Longmeadow, MA 01106

RE:

Deering Pavillion, 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 an updated 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 as outlined 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.



Planning & Urban Development Department

Pg. 2

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 violation. Please note that the proposed work will require separate electrical, plumbing and building permits through the Inspection Services office.

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

Very truly yours,

Marge Schmuckal

Zoning Administrator

City of Portland, Maine

Enclosures

Cc: file

May 23, 1978

Mr. Nick Holt Krusolear & Holt Associates 66 Hain Street Ellsworth, Haine

Dear Hr. Holts

Yesterday, the Planning Board discussed your exendment to the previously approved site plan for Dearing Pavilion. This exendment incorporates the additional parking FNA and the developer have requested.

The Planning Board feels that this site plan embodies a sixeable 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. Host members of the Board felt that the functional needs of the elderly should dictate the forms 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 meintenance of a near-perfect idylic setting. In this particular case, however, the Board's views are warely edutacry and cannot therefore be binding. The Board would strongly urgs 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 les as to allow maximum room for parking lot screening from passing vehicular and padestrian 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 18 feet.

Sincerely.

Berald A. Holtenhoff Ass't Planning Director

cc: R. Loveli Brown, Building Inspector Helson Cartwright, Building Inspection

CAH/Jk

15.00 pd 8-9-7/2.

CITY OF PORTLAND, MAINE IN THE BOARD OF APPEALS Shanted 4/16/71

mour '

VARIANCE APPEAL

Digressan & Bureay of Housing; owner of property at A56-862 Forest Aveunder 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 parmit: 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-McResidential Zone in which
this building is to be located, as established in Section 602.78.8 is 5
stories or 65 ft. This building is 11 stories and 108'4" high. (2) Section
602.148.1 requires one parking space for each dwelling unit. Two hundred
MXXMM parking spaces will need to be provided instead of 57 spaces as
indicated on the plan.

LECAL 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.

DECISION

After public hearing held September 16, 1971, the Roard 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

Charles Ch

APPLICATION FOR PERMIT

Class of Building or Type of Structure

PERMIT ISSUED

DEC 15 1971

CITY of PUNILEND

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(COPY)



OF PORTLAND, MAINE ipulment of Building Impection

Occupancy

listed to Diognam & Bureau of Bousing.

Dete of Issue Ouly 17, 1973

Eitis in to restify that the building premises, or past thereof, at the above focation, built—slieted—changed as to use under Building Permit No. 72, 1863, has had find impection, 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 PRINTED TO THE PROPERTY OCCUPANCY

Housing for the elderly

Limiting Conditions:

This certificate superaedes cercificate issued

Approved:

Nelson F. Cartwrig (Date)

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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:

(Bate)

Inspector

Notice: This certificase identifies bracks use of building or premium, and ought to be cransferred from owner to crawer when property charges backs. Copy will be furnished to owner or lessee for one delice.

TWELVE PORTLAND PIER PORTLAND, MAINE 04/01-4713

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

DOUGLAS J. ALOFS RICHARD D. BAYER CARA L. BIDDINGS MARIANNA FENTON HIBBARD JAMES C. HUNT HUMPHREY H. N. JOHNSON THOMAS R. KELLY TOHN M. McCALLUM ALAN R. NYE. THOMAS QUARTARARO KAITLIN G. ROY

FOUNDERS

ROBERT C. ROBINSON

IEFEREY B. WILSON

JAMES S. KRIGER

October 4, 2013

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

ROBINSON

Kriger &

McCallum

ATTORNEYS AT LAW

Re: **Zoning Compliance Letter**

> 880 Forest Avenue Diocesan Bureau of Housing, Deering Pavilion R-6 Residential Zone 136-E5 & 137 H1 & 142 G7&4

RECEIVED

OCT - 8 2013

Dept. of Building Inspections City of Portland Maine

Dear Marge:

We represent the Diocesan Bureau of Housing, which operates a multifamily 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.

You supplied a similar letter a little over a year ago, needed as part of an earlier grant application. I attach a copy of your letter from that time. The work being proposed is the same this time around, except for a few items.

We request the letter on or before October 30, 2013, 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

3 Address

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. With the exceptions noted, this is the same description of work that I supplied to you when I requested the attached letter over a year ago. As you can see below, I have crossed off the work that is not part of the present grant application.

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 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 is 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 always appreciate your professionalism.

Thank you for your assistance.

Sincerely,

Thomas R. Kelly

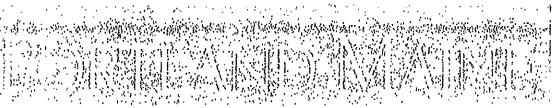
TRK:tlh Enc.s

cc: Roland Gagnier

bc: David Twomey

Helen McGuinness, DBH Management, Inc., c/o Chancery Joanne Bean, Deering Pavilion





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

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,

Marge Schmuckal
Zoning Administrator

Enclosures

Cc: file

15. N p. 1 8-9-7/c

CITY OF PORTLAND, MAINE IN THE BOARD OF APPEALS

Shanted 4/16/71

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VARIANCE APPEAL

Digressan & Rursay of Housing : owner of property et Ridand2 Forest Ave.

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DECISION

After public hearing held <u>September 16, 1971</u>, the heard of Appeale 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 verience from the provisions of the Zoning Ordinance should be granted in this case.

Board of appeals

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OITY OF PORTLAND, WAINS

Aren Gode 207 701. 7/4-8221

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			CO MAD	PETENED PE

No. 0673 P. 7

May 23, 1973

Hr. Hick Holt Krusbiser & Holt Associates 66 Hain Street Ellaworth, Maine

Dear Mr. Holes

Yesterday, the Planning Soard discussed your assendment to the previously approved site plan for Osering Pavilion. This assendment incorporates the additional parking PHA and the developer have requested.

The Planning Board feels that this site plan embodies a sixuable disadvantage in that the average unliking distance from parked car to main entry is excessive, thereby increasing the likelihood of potential wishers, especially in winter when slippery conditions can privall. Not members of the Board felt that the functional needs of the alderly idealed distate the form of the site plan ("form follows function") and that the basic need of welking from car to building is a more meaningful day to-day consideration than the meintenance of a near-perfect idyllic setting. In this particular case, however, the Board's views are merely advisory and casest therefore be binding. The Board sould strongly urge to further evaluate; this easter by placing the parking more southerly and westerly.

If you persidt in this perticular location we would strongly suggest a setback from Forest Avenue of at least 50 feat so as to ast conflict with any future widening of Forest Avenue and also iso as to allow maximum room for parking lot screening from passing wehicular and pedestrian traffic. The soutting reclumital properties should also be buffered by retaining as such of the existing vegetation cover as possible and desirable. The present setback is 15 feet.

Sincerely,

Gerald A. Holtenhoff Ass's Planning Disector

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

CAH/J&



(COPY)

ON FORTLAND, MAINE partment of Building Impection

Occupancy

Einued to Diogesam & Aurent of Metaling, Dete of time Day 17, 1973

Shin to to certify that the building, premien, or pass thereof, at the above location, built—eltered changed as to use under Building Permit No. 49 / 1882 has had first inspection, has been found to conform substantially to requirements of Zonias Ordinaire and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below to Pontrion or Burnous or Paners' in the City of Community Occurancy

Umliling Conditions:

This conficete supersedn certificate beurd

Approved:

(Date)









CITY OF PORTLAND, MAINE Department of Building Inspection

Certificate of Occupancy

LOCATION 880 ForestiAve 136-8-005

lasted to Atlantic Teloop Services Inc.

Date of Essie April 7 2000

Ultis 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 PRIMITIES

APPROVED OCCUPANCY

Entire equipment shelter on roof

type 2B use group R2 Boca 96

Limiting Conditions:

This certificate supersedes certificate issued

Approved

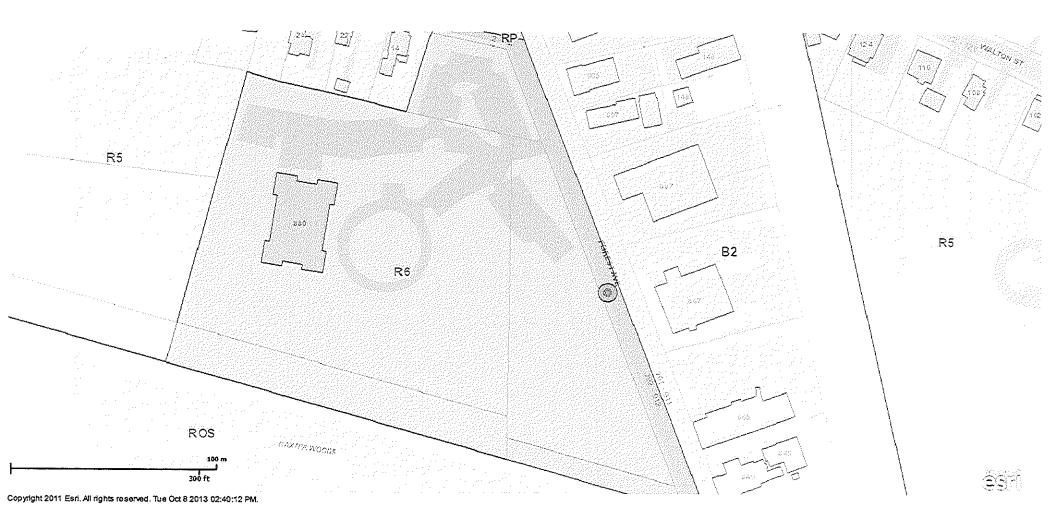
morland Wing

Impactor

Provings This contribute intensities breaks use of bothing or presenters, and ought to be unserted from overest us toward when property charges basels. Copy will be furnished to owner we know the one delice.

DHOTEUD

880 Forest Ave



CITY OF PORTLAND DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street Portland, Maine 04101

RECEIPT OF FEES

Application No:

0000-1805

Applicant: DIOCESAN BUREAU OF HOUSIN

Project Name:

880 FOREST AVE

Location: 880 FOREST AVE

CBL:

136 E005001

Application Type: Determination Letter

Invoice Date:

10/08/2013

Current

Current Payment

1

Total Due

Payment **Due Date**

Balance \$0.00

Previous

Received \$0.00

Payment

Fees \$150.00

+

\$150.00

\$0.00

On Receipt

Previous Balance

\$0.00

Fee Description Qty Fee/Deposit Charge

Zoning Determinations

\$150.00

\$150.00

Total Current Fees:

\$150.00

Total Current Payments:

\$150.00

Amount Due Now:

\$0.00

Application No: 0000-1805

136 E005001

CBL

Invoice Date: 10/08/2013

Bill to: DIOCESAN BUREAU OF HOUSING Invoice No: 43003

880 FOREST AVE PORTLAND, ME 04103

Total Amt Due: \$0.00

Payment Amount: \$150.00