

**JENSEN BAIRD
GARDNER HENRY**

Attorneys at Law

TEN FREE STREET
P. O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271 (Phone)
(207) 775-7935 (Fax)

www.jbgh.com

MERTON G. HENRY
KENNETH M. COLE III
NICHOLAS S. NADZIG
FRANK H. FRYE
MICHAEL A. NELSON
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)

KENNETH BAIRD
(1914-1987)

M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
(207) 985-4932 (Fax)

DAVID J. JONES
RICHARD H. SPENCER, JR.
LAWRENCE R. CLOUGH
RONALD A. EPSTEIN
WILLIAM H. DALE
F. BRUCE SLEEPER
DEBORAH M. MANN
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K. LEE IVY

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BRENDAN P. RIELLY
NICHOLAS J. MORRILL
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J. CASEY MCCORMACK
TUDOR N. GOLDSMITH

September 1, 2017

HAND DELIVERED

Zoning Board of Appeals
City of Portland
389 Congress St.
Portland, ME 04101

RE: 630 OCEAN AVENUE; VARIANCE APPEAL

Dear Board Members:

I am writing on behalf of my clients, Cedars Nursing Care Center, Inc. and JHA Assisted Living, Inc. (collectively, The "Cedars"). Enclosed please find eleven (11) copies of a variance appeal application with respect to property owned by The Cedars and located at 630 Ocean Avenue, which is designated by the City Assessor as Map 170, Block A, Lot 20 and Map 174, Block A, Lot 13 (the "Property"). The documents submitted herewith are in support of The Cedars' request for a variance from the height requirements for the R-3 and R-5 zoning districts contained in Sections 14-90(g) and 14-120(a)(7) of the Land Use Ordinance.

The Cedars seeks to expand its current facility to add 20 new beds and to reconfigure the existing facility so that all nursing care beds will be located in private rooms, which is not currently the case. The Cedars also seeks to add memory care services, which it does currently provide. This will allow The Cedars to provide a full continuum of care to current and future residents, as well as to allow family members needing memory care to remain on the same campus as their relatives who do not need such services.

The Cedars has operated in its current location since 1991. It provides housing and services to residents who are able to pay entirely from their own resources, as well as those who are funded through Medicare and Medicaid. It is part of The Cedars' mission to be able to provide services when residents are no longer able to privately pay for those services. This in turn requires a need for the continuum of care for all residents so that The Cedars will be sufficiently funded and will not have to turn away someone who no longer has an ability to pay.

~ Over 60 Years of Service ~

Jensen Baird
Gardner Henry

September 1, 2017
Page 2

Photographs of the Property are included, which show both the area to be developed and the existing buildings on the site. The existing Atrium building, which is 3 stories in height, was previously approved by the City without a variance, because the City determined that the roof fell within the mansard roof portion of the definition of height in Section 14-47. While we believe that the proposed new structure also falls within this definition, we are seeking a variance in case it is finally determined that the proposed roof is instead a pitched roof. If this determination is made, then the roof will exceed the 35-foot height limit for both the R-3 and R-5 zones by just under 7 feet.

For the reasons set forth in the enclosed application and supporting documentation, the Cedars respectfully requests that the Board grant its request for a variance from the above-referenced provisions. We look forward to meeting with you on September 21 to review this application.

Sincerely,



Natalie L. Burns

NLB/gw
Enclosures



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS Variance Appeal Application

Applicant Information:

Cedars Nursing Care Center, Inc.; JHA Assisted Living, Inc.
NAME

c/o Natalie L. Burns, Esq., Jensen Baird Gardner & Henry
BUSINESS NAME

10 Free Street, Portland, ME 04101
BUSINESS ADDRESS

(207) 775-7271; nburns@jbgh.com
BUSINESS TELEPHONE & EMAIL

Owner
APPLICANT'S RIGHT/TITLE/INTEREST

R-3, R-5
CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:
Elderly housing and assisted living (continuum care).

Subject Property Information:

630 Ocean Ave.

PROPERTY ADDRESS

170-A-20; 174-A-13

CHART/BLOCK/LOT (CBL)

SAME

PROPERTY OWNER (If Different)

SAME

ADDRESS (If Different)

N/A

PHONE # AND E-MAIL

VARIANCE FROM SECTION 14- 90(g); 14-120(a)(7)

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

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

Natalie L. Burns
SIGNATURE OF APPLICANT

September 1, 2017
DATE

ZONING BOARD OF APPEALS
Variance Appeal Application

Except as specifically provided by the Ordinance, a variance may be granted by the Board of Appeals ONLY where strict application of the Ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. In order for the Board to find "undue hardship" the applicant must answer ALL of the following questions and provide supporting evidence. The Board will consider this evidence in deciding whether to grant the appeal.

1. The land in question cannot yield a reasonable return unless a variance is granted.
[NOTE: "failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land...Reasonable return DOES NOT mean maximum return" *Rowe v. City of South Portland, 730 A.2d 673, 675 (ME 1999) (citations omitted.)*]

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

2. The need for a variance is due to the unique circumstances of the property and NOT to the general conditions of the neighborhood.

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

ZONING BOARD OF APPEALS
Variance Appeal Application

3. The granting of a variance will NOT alter the essential character of the locality.

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

4. The hardship is NOT the result of action taken by the applicant or a prior owner.

Satisfied: _____ NOT Satisfied: _____

Reason & supporting facts:

1. The land in question cannot yield a reasonable return unless a variance is not granted.

The existing land is developed as a facility for elderly living that accommodates several levels of care, including independent living, assisted living, long-term care and rehabilitative care. To remain viable as a facility dedicated to the elderly living, the facility must adapt to the marketplace expectations, evolving care models and expand the continuum of care to include assisted living for memory care.

In order to remain viable and marketable, the facility must adapt and transform with the care expectations of the occupants and their caretakers. There are three important drivers that The Cedars must meet: 1) current and future residents' desires to occupy private rooms in both the short-term stay rehabilitation setting as well as in long-term nursing care; 2) current and future residents' desires to live in a home-like setting (the Household Model) as opposed to an institutional skilled nursing facility; 3) current and future residents' desires to have a Household that can accommodate the needs of the memory impaired so that residents do not have to leave The Cedars as a result of memory impairment. The third driver is especially important when it comes to the desires of couples in which one spouse may have memory loss while the other does not. The Cedars wants to make sure that those couples can continue to live together on the same campus, which currently is not possible.

Satisfying these three key drivers is essential for The Cedars to be able to remain in the market, attract residents, maintain occupancy, and continue to fulfill The Cedars' non-profit mission of subsidizing those residents who do not have private resources and rely on Medicaid.

The Household Model concepts will be applied to both the existing nursing building and the new buildings. Each Household has private resident rooms that are segmented into uniquely individualized households of twenty residents, complete with separate entry, living room, dining room, kitchen and gathering spaces. While there are the typical spaces as required by regulations, such as clean and soiled utility, charting room,

medication preparation, spa, storage, etc., the floor plan is arranged so that it does not just feel like home; it is home.

The Household Model is not just an architectural solution, it is also an operational and cultural change that puts residents back in the driver's seat of their own lives. The Household Model provides a homey physical environment where residents choose simple things like when they awaken, what they eat, and how they spend each day. While this may sound normal, many people are shocked to learn that institutional nursing home residents have almost no choice or control over how life unfolds. The Household Model returns to its residents the freedoms, choices, and spontaneity that we all take for granted.

The current site has 60 independent living apartments, 30 assisted living apartments and 102 licensed nursing care beds, and in the aggregate, represents a significant investment in the site, facilities and staffing. The site could not viably be adapted to other uses because of the specific nature of the uses for which the buildings are designed. Under the proposed expansion, only 20 new beds will be added, but all will be in private rooms, resulting in the relocation of beds.

The 10-acre site is configured so that the existing structures are at the center of the site and are interconnected and the parking and access is around the perimeter of the site. The site also contains several large areas of protected wetland that constrain the site development.

The building program for the site includes the renovation of the existing Hoffmann long term care facility into single occupancy rooms and the creation of three households within the existing building. This will displace 40 beds from the existing Hoffman facility, which will be put in a new building that will require two households with 20 beds each. In addition, an assisted living – memory care unit configured in a household model will be added to meet the needs of elders and to extend the care offered at the facility. It is critical to the development plan and financial performance that 3 Households are built on the site. Without 3 Households, none of the key drivers can be

met. If the development included just 2 Households, then the plan would not function financially or meet the needs of the residents. If only 2 Households were constructed, then there are two possible scenarios:

Scenario 1: 2 Long-term Care Households

- Would not deliver the needed assisted living memory care Household.
- Because the new Households are not adding beds, but are merely replacing existing beds, the revenue generated from these Households would not pay for the debt required to build them; the assisted living memory care rooms are critical as they will generate additional revenue to help fund the Project.

Scenario 2: 1 Long-term Care Household; 1 Assisted Living Memory Care Household

- Would not create enough nursing private rooms and would put The Cedars in a perilous market position.
- Would jeopardize the ability to renovate the existing building into the Household Model because there wouldn't be enough space for residents to move during the renovation.
- Would create an unsatisfactory financial outcome and operating outcome – can't generate enough revenue from 2 Households and would force The Cedars to operate some long-term care as a Household and the existing building as an institutional nursing home.

Each Household requires a floor area of approximately 14,000 to 15,000 square feet and it is critical to the care delivery model to have each Household as a distinct entity. A Household cannot be split between two floors because of accessibility for residents and the staffing of the Household. It would be problematic if residents had to get on an elevator for some services, such as meals, and staff would be required to attend to residents in the elevator. In addition, the single-floor concept supports the household concept because all residents are in the same area and not divided by floor. This means that that there would have to be either a 3-story 15,000 square foot building or a 2-story building with a 30,000 square foot footprint on the first floor and 15,000 square feet on the second floor.

The existing site will only accommodate a single 15,000 square foot footprint while still accommodating the parking and access for the facility and respecting the wetland preservation areas on the site. In order to carry out the vital building program, the new facility needs to be a three story building. The design of the building will have a floor to floor height of 12 feet to accommodate the structural spans and mechanical equipment for the building. Because the structure is meant to be consistent in appearance with a residential use rather than an institutional-style structure, the architectural features will include a partial sloped roof to convey the residential scale and feeling to the building. The other buildings on the campus have similar roof features and will tie into the overall campus. The Atrium building on campus is three stories and was determined to meet the 35-foot height limit because it had a mansard roof.

2. The need for a variance is due to unique circumstances of the property and not to the conditions of the neighborhood.

The need for the variance stems from the unique characteristics at the site. The core of the site is developed with the existing facility and the perimeter of the site contains the supporting parking and access infrastructure. Several of the remaining undeveloped portions of the site contain wetlands that have preservation easements as part of the mitigation for prior wetland impacts at the site. These wetland preservation areas also serve as stormwater treatment for runoff from developed portions of the site. The one remaining area on the site without constraints, that is large enough to accommodate the 15,000 square foot building footprint, is at the corner of Ocean Avenue and Rainbow Mall Road. Because there is only one location large enough to support the 15,000 square foot footprint, there must be a three story building to support the vital building expansion.

The unique conditions of the site include the wetland areas that are the main reason for the variance. The neighborhood is both residential and commercial in character.

Another factor for the variance is that if The Cedars put a second building footprint on existing parking areas (the only other place the building could go), the only way to

replace that parking and accommodate new required parking would be with underground parking under the new building. Because of the ledge on the site, as well as the costs to create the underground parking, there is no conceivable way to accomplish it.

3. The granting of a variance will not alter the essential character of the locality.

The site has been used as an institutional elder care facility since August 11, 1991 with the opening of the Hoffman building. The area includes single- and multi-family residential uses and public building including a fire station and a former school building as well as commercial buildings on Rainbow Mall Road. The Cedars facility has been part of the neighborhood for over 25 years and the additional building will not alter the essential character of the locality.

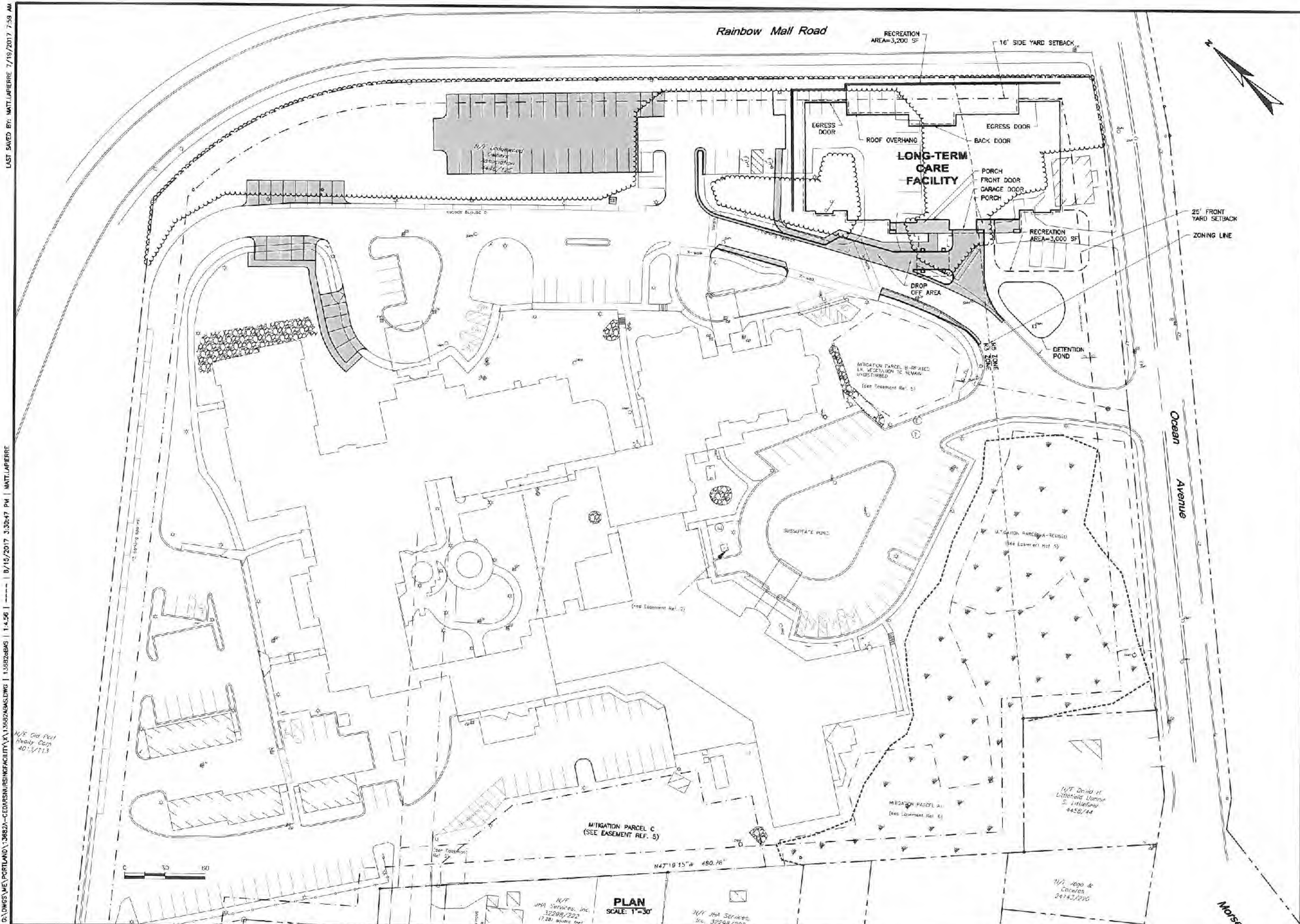
The design of the building will have residential elements including a sloped roof, which is a prevalent building element in the local area. Without the sloped roof element, the building would be out of character with both the existing buildings on the Cedars campus and the building form in the local area and would have a more institutional appearance. The sloped roof element is essential from a number of perspectives. These include the fit within the local area and campus and assists in the marketability of the facility, which is essential to the viability of the project and site. The building's appearance is a factor in attracting residents to the facility.

The household model of care is conceptually closer to residential uses than an institutional care model and the building architecture will reflect the household care model with residential details and construction finishes. One of the essential elements of the residential character of the building is the sloped roof feature. Without this feature the building will lose much of the residential character to the potential detriment of the aesthetics in a particularly visible location on the campus, which could result in a change to the essential character of the locality.

4. The hardship is not the result of action taken by the applicant or the prior owner.

The hardship is due to the constraints of the site including wetlands. The change in care delivery model is a primary driver of the need for the additional building and market requirements for the expanded continuum of care and private rooms are not caused by the applicant but are driven by outside market and care model changes. In order to remain a viable elder care institution, the facility must adapt to the market demands and operate at a scale that creates an efficient and long term sustainable business. Even though the facility operates as a non-profit facility, the business must be sustainable with the income supporting the operation of the facility, including the provision of care to those residents who are funded through Medicaid.

N/E Old Post
Ready Corp
4013/113



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THE CEDARS
 LONG-TERM CARE FACILITY
 PORTLAND, ME
 SKETCH PLAN

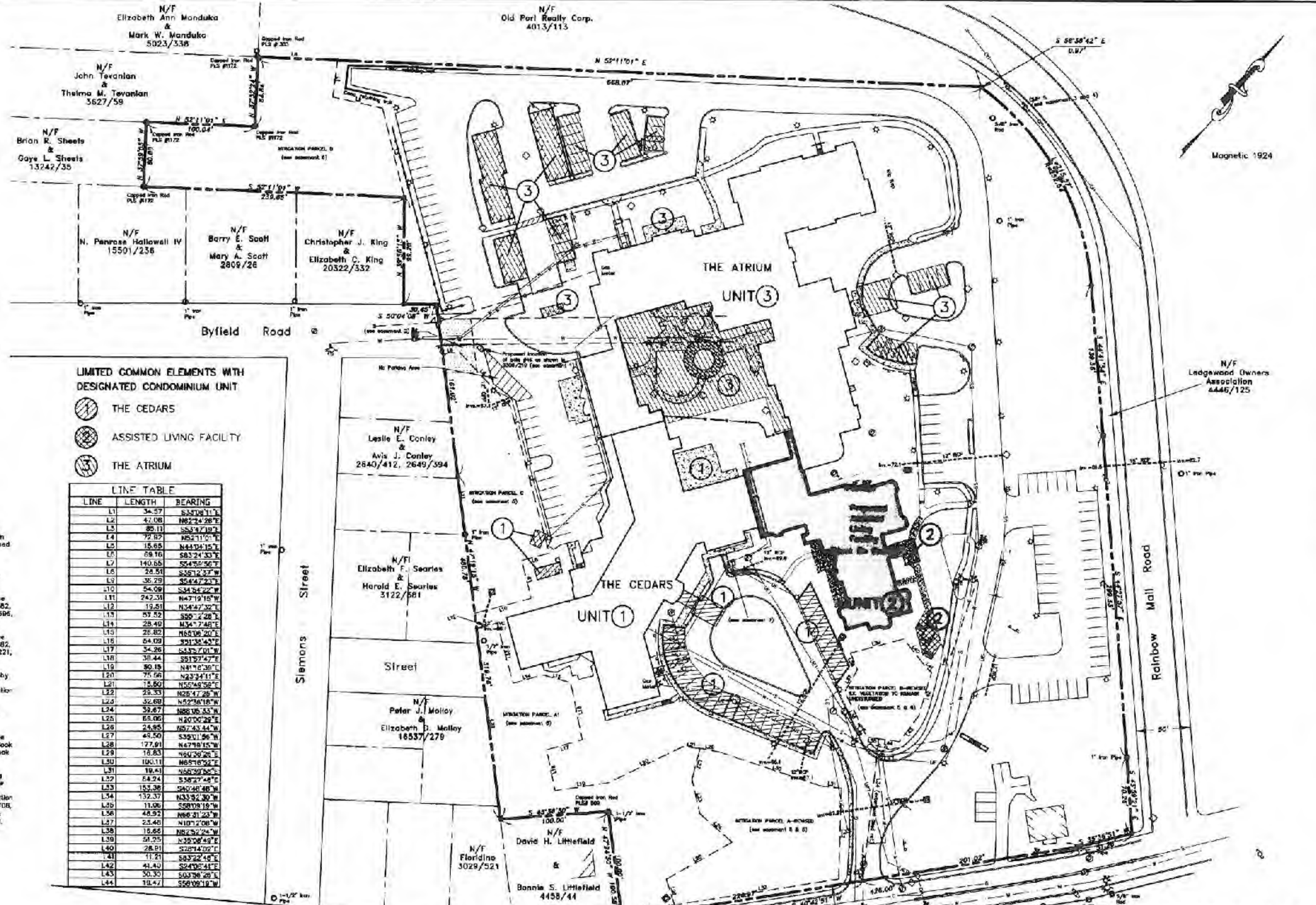
DRAWING
 C-01

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DESIGNED BY: IMAG
 CAD: ZOOB, MRL
 A: MRL
 CHECKED BY: IMAG
 DATE: 7-6-17
 APPROVED BY: JBM
 DATE: 7-6-17
 PROJECT NO: 13682A

- LEGEND**
- 5/8" Capped iron rod set
 - Iron pin found
 - Monument found
 - Catch basin
 - Sewer manhole
 - Drain manhole
 - Gas valve
 - Water shutoff
 - Fire hydrant
 - Utility pole
 - Light pole
 - Elec. manhole
 - Tel. manhole
 - Sign
 - Edge of pavement
 - Curb
 - Abutter's line
 - Property line
 - Easement line
 - S Sanitary sewer
 - W Water line
 - OH Overhead utility wires
 - Underground gas
 - Underground tel./elec.
 - Fence

- Existing building
- Concrete pad or surface
- Elec. Transformer
- Proposed Construction Unit 2
- Existing Unit 3
- Existing Unit 1



- LIMITED COMMON ELEMENTS WITH DESIGNATED CONDOMINIUM UNIT**
- THE CEDARS
 - ASSISTED LIVING FACILITY
 - THE ATRIUM

LINE	LENGTH	BEARING
L1	34.57	S45°08'11"E
L2	47.08	N85°24'28"E
L3	89.11	S51°18'21"E
L4	72.82	N52°11'01"E
L5	15.65	N44°04'15"E
L6	89.16	S83°24'33"E
L7	140.65	S54°55'56"E
L8	38.51	S58°14'37"E
L9	36.29	S64°24'27"E
L10	54.09	S44°24'22"E
L11	242.31	N47°19'16"W
L12	19.51	N34°47'32"E
L13	87.52	S50°14'28"E
L14	28.49	S54°17'42"E
L15	28.82	N65°06'20"E
L16	64.09	S51°35'42"E
L17	34.26	S43°27'01"W
L18	38.44	S51°27'47"E
L19	80.18	N47°02'36"E
L20	75.56	N22°24'11"E
L21	73.60	N50°45'58"E
L22	28.33	N26°14'26"W
L23	32.69	N52°36'18"W
L24	33.67	N68°06'33"E
L25	65.06	N65°02'24"E
L26	24.85	N62°43'44"W
L27	45.50	S33°01'56"W
L28	177.91	N47°08'15"W
L29	16.83	N44°20'26"E
L30	100.11	N69°16'24"E
L31	19.41	S58°30'25"E
L32	54.24	S58°27'48"E
L33	152.38	S20°48'46"W
L34	152.37	N33°32'30"W
L35	11.06	S58°09'18"W
L36	44.93	N66°31'23"E
L37	23.40	N10°17'08"W
L38	18.64	N82°32'24"W
L39	51.25	N32°08'49"E
L40	28.91	S22°14'09"E
L41	11.21	S63°42'45"E
L42	41.40	S24°02'41"E
L43	30.33	S03°36'29"E
L44	18.47	S58°09'18"W

EASEMENTS AND ENCUMBRANCES

(1) Utility Easement conveyed to Central Maine Power Company and New England Telephone and Telegraph Company by Cedars Nursing Care Center, Inc. described in Book 9336, Page 211. The proposed utility pole mentioned in description was not found on premises.

(2) Snow Piling Easement conveyed to the City of Portland by Cedars Nursing Care Center, Inc. and Jewish Home for the Aged described in Book 9260, Page 236.

(3) Underground Line Easement conveyed to Central Maine Power Company by JHA Properties described in Book 14362, Page 187; encumbers the property described in Book 13696, Page 317.

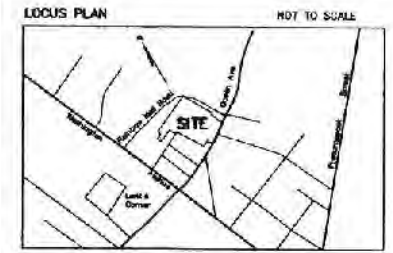
(4) Underground Line Easement conveyed to Central Maine Power Company by JHA Properties described in Book 14362, Page 188; encumbers the property described in Book 14221, Page 219.

(5) The Declaration of Covenants and Restrictions made by Cedars Nursing Care Center, Inc. and JHA Properties, Inc. described in Book 13708, Page 75. The described MFLU-Parcels have been delineated on plan.

(6) The Declaration of Covenants and Restrictions to be filed in Registry of Deeds upon execution by the State.

(7) Underground Line Easement conveyed to Central Maine Power Company by Cedars Nursing Care Center, Inc. in Book 9162, Page 236; encumbers the property described in Book 7734, Page 632.

(8) In addition to the easements noted above, the following rights and easements contained in the deeds listed below currently affect the surveyed properties. These rights and easements will be terminated upon recording of the Declaration of Condominium for the Cedars Condominium: (a) Book 13708, Page 205; (b) Book 9168, Page 115; (c) Book 13696, Page 321; (d) Book 13696, Page 322; (e) Book 14421, Page 219.



- NOTES**
- (1) Book and Page references are to the Cumberland County Registry of Deeds, unless otherwise specified.
 - (2) Bearings are referenced to magnetic north 1924.
 - (3) All utility locations shown on this plan are approximate, based on location of utility features and information provided by others. Dig Site and/or the appropriate utilities should be contacted prior to any construction.
 - (4) According to the Flood Insurance Rate Map for the City of Portland (FIRM Panel 230001 0007 B, effective date July 17, 1985), this parcel is not located within a flood hazard area.

AREA

TOTAL PROJECT AREA = 10.57 ACRES

- PLAN REFERENCES**
- (1) Plan of Lots Number 3 & 4 made for the Estate of Mary S. Lunt by Edwin C. Townsend dated March 6, 1877 recorded in Plan Book 4, Page 4.
 - (2) Plan of Land made for Dorothy S. True and heirs of F.W.M. Smith dated October 1023, recorded in Plan Book 25, Page 50.
 - (3) Revised Final Plan of Ledgeswood Subdivision made for the Dartmouth Company by Land Use Consultants dated April 27, 1979, recorded in Plan Book 123, Page 51.
 - (4) Plan of Property made for Jewish Home for the Aged made by H.I. and E.C. Jordan dated March 19, 1927.
 - (5) Plan of Property/Land Title Survey of the Cedars made by H.I. and E.C. Jordan dated March 29, 1930, recorded in Plan Book 125, Page 14.
 - (6) Record Drawing of Cedars Nursing Care Center, Inc. made by Owen Hebble, Inc. dated August 22, 1981.
 - (7) Easement and Utilities Plan of Cedars (drawing number 6202) made by Isonidas Associates dated May 27, 1997.
 - (8) Topographic Site Survey made for JHA Properties, Inc. by Danke J. DiPietro dated February 28, 1997.
 - (9) Plan Showing Proposed Property Lines made for JHA Properties, Inc. by Danke J. DiPietro dated November 4, 1997.
 - (10) Plan Showing Standard Boundary Survey made for JHA Properties, Inc. by Danke J. DiPietro dated July 14, 1997, recorded in Plan Book 128, Page 325.
 - (11) Plan of Cedars Phase 3-Wetland Mitigation Areas made by Land Use Consultants dated August 24, 2004.
 - (12) ALTA/ACSM Land Title Survey made for JHA Properties, Inc. & Cedars Nursing Care Center, Inc. dated November 4, 2004, by Titcomb Associates.

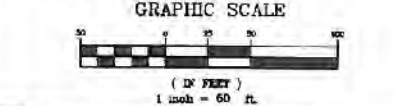
OWNERS OF RECORD

Cedars Nursing Care Center, Inc. (formerly Jewish Home for the Aged)

Book 7734, Page 282
Book 13696, Page 315

JHA Properties, Inc.

Book 12942, Page 715
Book 12942, Page 331
Book 12946, Page 087
Book 13696, Page 319
Book 13696, Page 312
Book 14321, Page 218



CITY OF PORTLAND SITE PLAN & SUBDIVISION NOTES: CITY OF PORTLAND NOTES CONT:

1. LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE QUALITIES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND SPECIFICATIONS.
2. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, CONTOURING, TERRAZZING, LANDSCAPING, RETENTION OF WOODS OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACES OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWER LINE UTILITIES SHALL BE UNDERGROUND.
4. CONDUITS AND CHASES SHALL BE DESIGNED AND BUILT WITH TOP DOWN RAMP AT ALL STREET CORNERS, CROSSINGS AND OVERCROSSINGS WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND SPECIFICATIONS.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH MAINE REGULATIONS AND STATEMENT CONTROL MEASURES FOR CONSTRUCTION. BEST MANAGEMENT PRACTICES PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, WHICH ARE ON LATEST EDITION. (NOTE: THE SITE PLAN SHOULD SPECIFY THE EROSION CONTROL DEVICE TO BE EMPLOYED (SILT FENCE, HAY BALE, ETC.) AS WELL AS THEIR LOCATION).
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REPAIRS.
7. ALL UNGRADED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LEAN AND SLOD OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES [SEE ABOVE].

APPROVED BY CITY OF PORTLAND PLANNING BOARD: **SEPT. 13, 2006 (DATE)**

John Bob
John Bob
John Bob

CERTIFICATION
This survey conforms to the current standards of the Maine State Board of Licensure for Land Surveyors.

FOR REGISTRY OF DEEDS
State of Maine, Cumberland SS
Registry of Deeds
Received **June 30, 2006**
at **1:37 p.m.** and recorded in
Plan Book **206**, Page **430**
Attest: **John BOB**, Registrar

I certify hereby to the U.S. Department of Housing and Urban Development, JHA Properties, Inc., Cedars Nursing Care Center, Inc., JHA Assisted Living, Inc., and to their successors and assigns, that:

I made an on the ground survey per record description of the land shown hereon located in the City of Portland, County of Cumberland, State of Maine, on November 11, 2004 and that it and this map was made in accordance with the HUD Survey Instructions and Report, Form HUD-2427, and the requirements for a Land Title Survey, as defined in the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys dated 1999.

To the best of my knowledge, belief and information, there are no encroachments other than those shown on this map, and the lines and areas of actual possession are the same; and the premises completely lie in the one divided as Zone C ("Area of minimal flooding") as shown on the Federal Flood Insurance rate Map, Community Panel Number 230001 0007 B.

Res. J. Titcomb, Maine P.S. 8274
REGISTERED PROFESSIONAL LAND SURVEYOR

Rev. 2 04/05/06 Estabments and Encumbrances R/C
Rev. 1 04/05/06 Removed historical lot lines and Parcel info. R/C

CEDARS CONDOMINIUMS
RECORDING PLAT/CONDOMINIUM PLAN
ALTA / ACSM Land Title Survey
830 Ocean Avenue Portland, Maine

MADE FOR
JHA Properties, Inc. & Cedars Nursing Care Center, Inc. JHA Assisted Living, Inc.
830 Ocean Avenue Portland, Maine

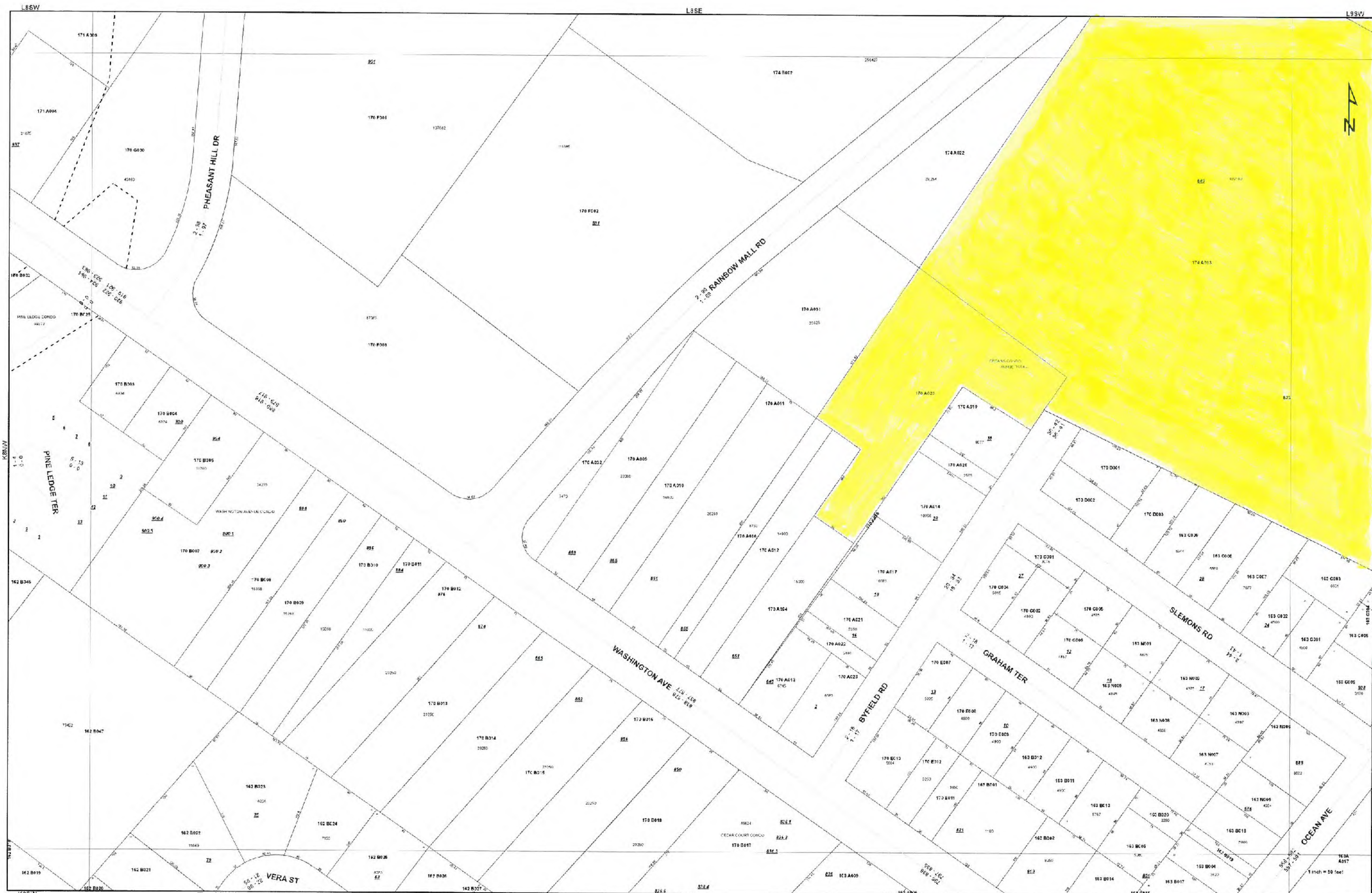
DATE: Sept 08, 2005 SCALE: 1"=50'
BOOK# 734
DWS: 204086_PB
FILE# 8647

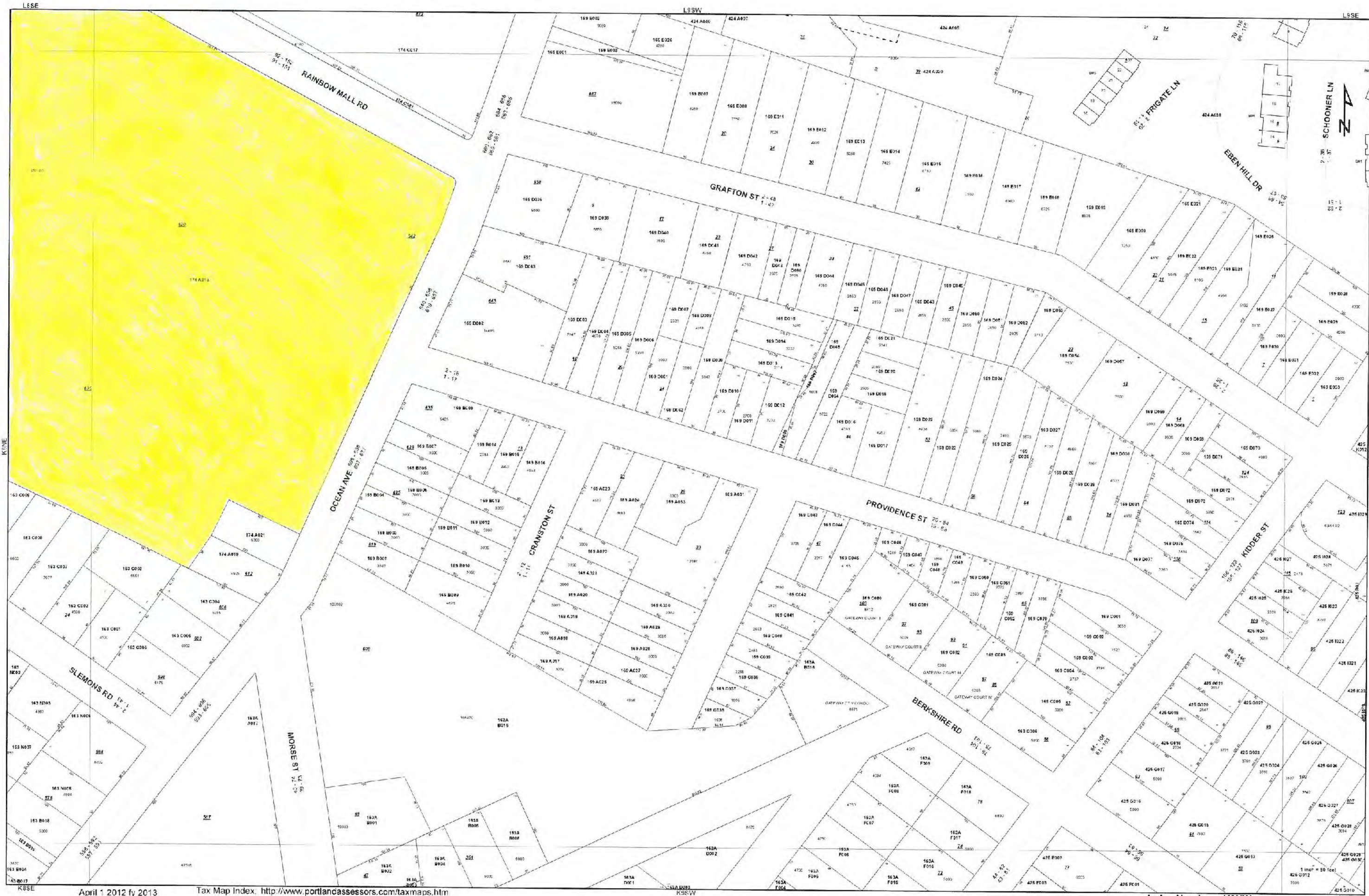
Titcomb Associates
133 Gray Road
Falmouth, Maine 04103 (207)737-8198



1 First Floor Plan
SD2 1/8" = 1'-0"











1 East Elevation
SD4 1/8" = 1'-0"

ELEVATION MATERIAL LEGEND

- WALL MATERIALS**
- BRICK VENEER
 - CEMENT BOARD LAP SIDING
 - CEMENT BOARD VERTICAL SIDING
- ROOFING MATERIALS**
- ARCHITECTURAL ASPHALT SHINGLES
 - STANDING SEAM METAL ROOFING



2 West Elevation
SD4 1/8" = 1'-0"









2 South Elevation SD
SD3 1/8" = 1'-0"

ELEVATION MATERIAL LEGEND

WALL MATERIALS

-  BRICK VENEER
-  CEMENT BOARD LAP BOARD
-  CEMENT BOARD VERTICAL BOARD

ROOFING MATERIALS

-  ARCHITECTURAL ASPHALT/FLUOROCARBON
-  STANDING SEAM METAL ROOFING



1 North Elevation SD
SD3 1/8" = 1'-0"





Looking Southeast along entrance drive, site is on left.



Building Site looking from entrance drive to the north. The building will occupy the parking lot.



Looking to the Northeast from the entrance drive. The building will overlap the rear portion of the white building.



The front portion of the parking lot will be taken up with the building. The rear portion will remain.



Looking to the Northwest towards the parking lot from next to the white building to where the proposed structure will be located.



The Atrium
at the cedars



THE
HOFFMAN
CENTER

Dedicated by
Sylvia B. and Dr. Aivin A. Hoffman M.D.



017153

**SHORT FORM QUITCLAIM DEED
WITH COVENANT**

KNOW ALL PERSONS BY THESE PRESENTS, that JHA SERVICES, INC., a Maine nonprofit corporation with a place of business in Portland, Maine, FOR CONSIDERATION PAID, grants to CEDARS NURSING CARE CENTER, INC., a Maine nonprofit corporation whose mailing address is 630 Ocean Avenue, Portland, Maine 04103, WITH QUITCLAIM COVENANT, certain real property located in Portland, Cumberland County, Maine, more particularly described below:

A certain lot or parcel of land situated on the northwesterly side of Ocean Avenue (but not adjacent thereto) in Portland, Cumberland County, Maine, bounded and described as follows:

Beginning at an angle point in the southerly line of land described in the deed of Cedars Nursing Care Center, Inc. to JHA Services Inc. dated May 25, 1990 and recorded in Cumberland County Registry of Deeds in Book 9188, Page 115; at a point located N34°-30'-33"W, 164.30 feet from a railroad spike in the said northwesterly sideline of Ocean Avenue at the beginning point in the said deed from Cedars Nursing Care Center, Inc. to JHA Services Inc.;

Thence along land now or formerly of Cedars Nursing Care Center, Inc. and along the said southerly line of JHA Services Inc. by the following two (2) courses and distances N69°-03'-11"W, 200.82 feet; and thence N56°-15'31"W, 107.14 feet;

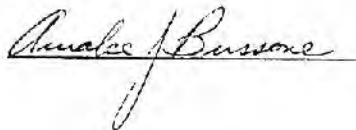
Thence along remaining land of the grantor herein, JHA Services Inc., by the following seven (7) courses and distances: N33°-51'-03"E, 14.07 feet; thence S56°-08'-57"E, 34.35 feet; thence N33°-51'-03"E, 16.00 feet; thence S56°-08'-57"E, 39.15 feet; thence N33°-51'-03"E, 22.39 feet; thence S56°-08'-57"E, 79.32 feet; and thence S53°-19'-22"E, 150.26 feet to the point of beginning. Containing 8698 square feet more or less.

Bearings are referenced to the 1924 magnetic meridian. Being a portion of the premises described in the deed of Cedars Nursing Care Center Inc. to JHA Services Inc. recorded in said Registry in Book 9188, Page 115.

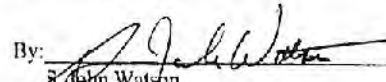
IN WITNESS WHEREOF, JHA Services, Inc., the Grantor, has caused this instrument to be executed by S. John Watson, its duly authorized Chief Financial Officer, this 27th day of March, 1998.

WITNESS:

JHA SERVICES, INC., Grantor



By:



S. John Watson
its Chief Financial Officer

BK 13696PG316

STATE OF MAINE
CUMBERLAND, SS.

March 17, 1998

Personally appeared the above-named S. John Watson, Chief Financial Officer of JHA Services, Inc., as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said nonprofit corporation.

Before me,

AJRALEE J. BUSSONE
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JULY 31, 1998

Ajralee J. Bussone
Notary Public/Attorney-at-Law

Print Name: _____
My commission expires: _____

SEAL

F:\WPDOC\SWAS43353\SVSTCCD.DED

2

RECEIVED
PROPERTY DEPT. OF DEEDS
1998 MAR 27 PM 4:00
CUMBERLAND COUNTY
John B. O'Brien

QUIT CLAIM DEED WITH COVENANT

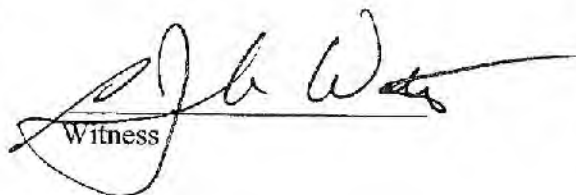
KNOW ALL MEN BY THESE PRESENTS, that, JHA PROPERTIES, INC., a Maine non-profit corporation with a principal place of business in Portland, Cumberland County, Maine, for consideration paid grants to JHA ASSISTED LIVING, INC., a Maine non-profit corporation having a mailing address of 630 Ocean Avenue, Portland, Maine 04103, WITH QUIT CLAIM COVENANT its 66.4% (Sixty-Six and Four Tenths Percent) tenancy-in-common interest in the following described property:

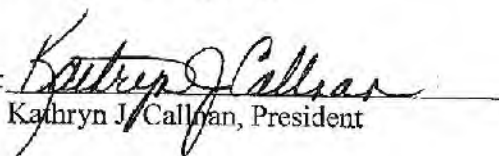
SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED HEREIN

WITNESS my hand and seal this 27th day of September, 2006.

Signed, Sealed and Delivered
in the presence of

JHA PROPERTIES, INC.


Witness

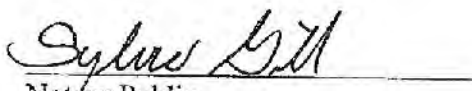
By: 
Kathryn J. Callnan, President

State of Maine
County of Cumberland

September 27, 2006

Personally appeared the above-named Kathryn J. Callnan, President, of JHA Properties, Inc., duly authorized, and acknowledged the foregoing instrument to be her free act and deed, and the free act and deed of JHA Properties, Inc.

Before me,


Notary Public
Print Name:
Commission Expires:

SYLVIA GILL
Notary Public, Maine
My Commission Expires October 21, 2013

MAINE REAL ESTATE TAX PAID

EXHIBIT A

The Unit ("Unit") designated as Number 2 of the Cedars Condominiums located at 630 Ocean Avenue, Portland, Cumberland County, Maine, ("Condominium") created pursuant to the provisions of the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes of 1964, as amended, and set forth in Declaration of Cedars Condominiums, dated as of June 30, 2006, and recorded in Cumberland County Registry of Deeds in Book 24129, Page 276, as may be amended, and shown on the related plats and plans recorded in Plan Book 206, Page 430. The Unit is subject to and has the benefit of the Declaration, the Plats, Plans and the Act which are incorporated herein by reference, to which reference is hereby made for a more particular specification of the definition, location and description of the real property hereby conveyed and of the rights, obligations, easements, development rights, special Declarant rights, restrictions, covenants and conditions pertaining thereto.

Received
Recorded Register of Deeds
Oct 10 2006 11:34:34A
Cumberland County
John B O'Brien

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that JHA Properties, Inc., a Maine nonprofit corporation, of Portland, County of Cumberland, and State of Maine, for consideration paid, grants to JHA Assisted Living, Inc., a Maine nonprofit corporation organized and existing under the laws of the State of Maine, and having its principal place of business at Portland, in the County of Cumberland, and State of Maine, whose mailing address is 630 Ocean Avenue, Portland, Maine, with **WARRANTY COVENANTS**, the land in Portland, County of Cumberland, State of Maine, described as follows: The Unit ("Unit") designated as Number 3 of the Cedars Condominium located at 630 Ocean Avenue, Portland, Cumberland County, Maine, ("Condominium"), together with the Unit's undivided percentage interest in the Common Elements of the Condominium as set forth in the Declaration, created pursuant to the provisions of the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes of 1964, as amended, and set forth in Declaration of Cedars Condominiums, dated as of June 30, 2006 and recorded in Cumberland County Registry of Deeds in Book 24129, Page 276, as may be amended, and shown on the related plats and plans recorded in Plan Book 206, Page 430. The Unit is subject to and has the benefit of the Declaration, the Plats, Plans and the Act which are incorporated herein by reference, to which reference is hereby made for a more particular specification of the definition, location and description of the real property hereby conveyed and of the rights, obligations, easements, development rights, special Declarant rights, restrictions, covenants and conditions pertaining thereto.

IN WITNESS WHEREOF, it, the said JHA Properties, Inc., has caused this deed to be signed and sealed in its corporate name by Kathryn Callnan, its President/Chief Executive Officer, thereunto duly authorized, this 1st day of May, 2014.

Received
Recorded Register of Deeds
May 06, 2014 09:12:50A
Cumberland County
Pamela E. Lovley

WITNESS:

JHA Properties, Inc.

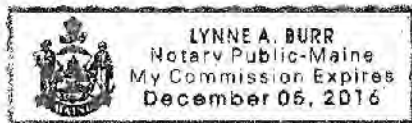
Holly Nicholson

By: *Kathryn Callnan*
Name: Kathryn Callnan
Title: President/Chief Executive Officer

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

May 1, 2014

Then personally appeared the above named Kathryn Callnan, President/Chief Executive Officer of said Corporation, as aforesaid, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said Corporation, before me,



[Signature]
Attorney at Law/Notary Public

SEAL



630 Ocean Avenue, Portland, ME 04103
phone: 207-221-7000 / fax: 207-772-6038
www.thecedarsportland.org



Ann Machado, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Variance Application by JHA Assisted Living, Inc. and Cedars Nursing Care Center,
Inc., 630 Ocean Avenue

Dear Ann:

This letter will confirm that Natalie Burns of Jensen Baird Gardner & Henry is authorized to represent JHA Assisted Living, Inc. and Cedars Nursing Care Center, Inc., collectively known as The Cedars, before the Zoning Board of Appeals in the variance application for the property located at 630 Ocean Avenue.

Sincerely,