

114-142 Coyle St.

W
Oxford
STOCK No. 753 1/2
MADE IN U. S. A.

II. APPLICABLE LEGAL STANDARDS

Peabody's proposal is in direct conflict with existing law. The ordinances of the City of Portland provide for zoning and variances to implement a comprehensive plan, regulating inter alia, "congestion in the streets; securing safety from fire . . . avoiding undue concentration of population; facilitating the adequate provision of transportation . . . with reasonable consideration, among other things, to the character of each zone . . ." Section 602.1. The neighborhood affected by this application is zoned R-3 through R-6, except along Forest Avenue where the zoning is B-2 and Peabody's parcel is zoned B-1. Hence, variances are required.

But they are not authorized by the standards governing this Board of Appeals. Section 602.24.3.C of the City ordinances provides that variances shall be allowed only if the application "is in harmony with the general purpose and intent of the Zoning Ordinance and the Land Development Plan". A variance is allowed only if "carry-ing out the strict letter of the provisions of the Zoning Ordinance would cause undue hardship". But even then, the ordinance goes on to declare that it is "in the best interest of the City that all development take place in accord with the strict letter of the provisions of the zoning ordinance".

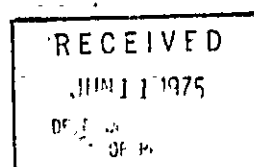
There is thus a clear, emphatic policy to control development by a master plan and to allow variances only under the narrowest of circumstances: "undue hardship". To show this, Section 602.24.3C2 requires Peabody Construction to show as to space and bulk variances:

- (a) The land is exceptional in ways "peculiar and inherent" existing when the zoning ordinance was adopted or "created by natural forces or . . . governmental action;" and
- (b) "loss" . . . of substantial use and enjoyment . . . commonly enjoyed by owners of other lots or parcels subject to the same provision", rather than simply loss of some "special privilege or additional rights", and
- (c) property in the neighborhood won't be "adversely affected".

As to a use variance, the same Section (in §602.24.3.C.2.(b)) requires Peabody to show that:

- (a) The property can not make a reasonable return under existing zoning for reasons unique to the property and not self created;* and
- (b) The variance would not conflict with the Master Plan or be "materially injurious to the enjoyment, use or development of property . . . in the vicinity or . . . materially impair an adequate supply of light and air to properties in the vicinity, substantially increase congestion in the public streets due to traffic or parking. . ." and
- (c) There is no other means "to permit the economic use of the subject lot or parcel."

*"acquisition or improvement of the subject lot or parcel at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owners inability to realize a reasonable return is the result of his own actions".



III. THE APPLICATION FOR A VARIANCE SHOULD BE DENIED

Peabody Construction Company cannot meet these standards.

First, of course, any "undue hardship" is of their own making. Public housing could be three stories high rather than twelve. There is nothing unique about the property that necessitates a variance, nor is there anything unique about public housing. The ordinances require that the variance be dictated by the property, not the plans of the developer. Clearly, a two and a half acre lot along Forest Avenue has many uses, any of which could be profitable and consistent with existing zoning.

Secondly, and related to the first point, existing zoning would not deprive the owner of the property of uses enjoyed by neighbors. Small business, commercial or residential development is perfectly feasible. In fact, to quote Section 602.24.3.C.2. (a) (iv), Peabody's application is a perfect example of a claim of "hardship" where the applicant is simply trying to get "some special privilege or additional right".

Thirdly, denial of Peabody's application does not mean the end of public housing for the elderly in Portland. The federal office of Housing and Urban Development in Manchester, N.H. has confirmed* that the Public Housing Authority may:

- (a) consider its second and third builders who did not pose the zoning problems posed by Peabody; or
- (b) reopen bidding, obtain new proposals and still obtain federal funds**

That office has also confirmed that it has not yet concurred in the selection of Peabody by the Housing Authority. Thus, this Board of Appeals, in denying a variance, is not "killing" housing for the elderly.

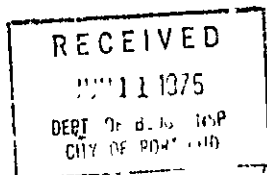
In addition to these factors, this Board should also consider the impact of Peabody's proposal on the neighborhood. That impact clearly violates the ordinances governing variances.

First and most obviously, the height of the proposed structure is four times that presently allowed. Business zoning under Sections 602.8 et seq. permits heights equivalent to that of adjacent residential zoning, in this case three stories. There is good reason for this. Large, overpowering, cold structures dominate a residential neighborhood and rob it of its warmth and human character. The "light and air" spoken of in the ordinances is lost. The neighborhood soon deteriorates and ceases to be a viable social entity. That would happen here.

Secondly, the Peabody proposal would increase traffic, parking and vehicular congestion. Peabody's present zoning is B-1, which requires (Section 602.8.D.) that off street parking must be provided as required by Section 602.14. That Section requires one space for each dwelling unit, to be located on the building lot, each space to be eight feet wide and eighteen feet long. Peabody proposes only sixty-six such units for two hundred units, or only one-third the number required by law.

*In a conversation with Richard Moran and Paul Stewart on June 9, 1975.

**By converting old \$23 funds to new \$8 funds.



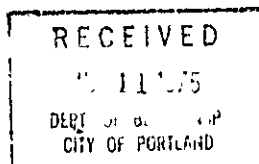
It is true, of course, that the elderly have fewer cars than younger people with families. But Peabody's building is not just for the elderly; it also includes four commercial spaces for lease. These businesses will have employees and customers, all of whom will need parking. Hence, sixty-six spaces are clearly inadequate.

One other factor must be considered. Besides adding to the neighborhood's parking needs, Peabody will eliminate existing parking. There are approximately one hundred and fifty to two hundred spaces on the land Peabody will occupy. All of the automobiles* now using these spaces will be thrown onto the streets of the neighborhood. The owners will be forced to park on residential streets which are now free of such parking or on newly-created parking lots, with further zoning changes.

Thirdly, the impact on existing businesses in the neighborhood should be considered. Peabody's proposal will add four stores to the neighborhood, with the impact on traffic previously noted. But a further impact will be to deprive existing stores of business and discourage the opening of new stores in spaces which are now vacant. The Forest Avenue and Woodfords Corner area of Portland were formerly occupied by a number of stores which catered to human services. Their absence is a serious loss to the quality of the neighborhood. By denying the requested variance, this Board would assure that the elderly tenants would trade at nearby stores-old and new - involving them in the community and helping to revive the neighborhood. Granting the variance will assure the decline of the neighborhood.

This Brief is not being submitted to support applicants - such as G.D.T. or Roy and Steele - who were rejected by the Housing Authority. But it is worthwhile to note that there were seven other applicants and that in varying respects several were rated as acceptable by the Planning Staff, the Housing Authority or by Citicorp, an independent consulting firm. Indeed, some of the other applicants had more land area or better locations than Peabody and did not pose the neighborhood or zoning problems posed by Peabody. It is unfortunate that the Housing Authority, before it chose Peabody, did not consult extensively with the Board, or the City Council or the neighborhood residents.

Some of the detailed comparisons of the Planning Staff are worth noting concerning the merits of the competing proposals. In terms of acreage, only one was smaller than Peabody's. Only one other required review by the Board. Only one proposed less parking. Only one had a higher density per acre. Only one proposed a greater height. Only two had less open space. None had a higher volume of traffic on nearby streets. No other proposal included commercial space. Only Peabody said that it would install only the landscaping actually required by the Board. And the consistent comment on Peabody was "scale not sensitive to surroundings", or "excessive scale in comparison to neighborhood", or "not the best setting for a high rise", or "relationship with surrounding neighborhood: Poor - excessive scale is a problem but configuration and setting is also a problem".



*by actual count, some fifty to seventy vehicles.

IV. CONCLUSION

In conclusion, the neighborhood residents wish to emphasize that this is the first time we have had an opportunity to be heard. The Housing Authority never consulted us; nor did the Planning Board Staff; nor did HUD; nor did Peabody. There was never a public hearing. Yet it has been clear from the outset that the project would affect us vitally and that zoning variances would be required. We therefor turn to this Board as the first (and perhaps our last) opportunity for protection.

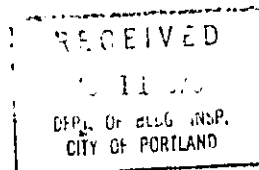
Clearly Peabody has violated all the bounds of reasonableness in its application. It wants to quadruple the height limits yet offer one-third the required parking. It wants to increase congestion in the neighborhood yet discourage existing and new businesses. And it wants to do all of this on land which could as well be put to other uses, wholly consistent with existing zoning.

This Board should not be intimidated by the fact that Peabody has already gone before HUD and the Housing Authority. HUD has not yet acted on Peabody's application and the Housing Authority has other possibilities if Peabody's variance is refused. At least two of the rejected builders remain ready to proceed if Peabody cannot. Hence, this Board should not allow itself to be maneuvered into being a rubber stamp for others; it is free - and must remain free - to act in the public interest.

That interest - the public interest - requires denial of this variance.

Respectfully Submitted,

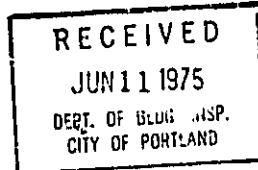
Arthur B. LaFrance
Attorney at Law
51 Coyle Street
Portland, Maine



June 7, 1975

To: City of Portland
Zoning Appeal Board

Earle Eskilson, Chairman
Thomas J. Murphy, Secretary
James F. O'Malley
Earl J. Wahl
Jacqueline Cohen



Subject: Proposed 200 Unit Development at Ashmont/Coyle Streets
and Site Selection for Major Developments in General

Dear Zoning Appeal Board Member:

The proposed 200 unit development at Ashmont/Coyle Streets would have major adverse effects upon the surrounding neighborhood which another site or much smaller development would not generate.

The residential area surrounding the Ashmont/Coyle site (particularly to the west and south) remains one of the few city neighborhoods continuing to hold a normal proportion of young, middle-income families. It is the closest such neighborhood of substantial size to the city center.

The number of young, middle-income families in Portland has been declining as Cape Elizabeth, Falmouth, and now Yarmouth and Gorham have been chosen as better places to live.

This exodus drains the city of a vitality of spirit as well as financial strength. It leaves the city with a high proportion of low-income and older families, and without the tax base necessary to solve its problems.

The proposed Ashmont/Coyle development (200 units on 2.8 acres) would cause a substantial reduction in the livability of the neighborhood. Increased density and traffic in an area which is already perceived as congested, particularly by families with

children, are the factors which "make the difference". The proposed Ashmont/Coyle development, or any of a similar size, would cause an exodus of the young, middle-income families from another Portland neighborhood.

The city government is aware that "The essential housing and community development needs of the City of Portland.... (include)....the preservation and enhancement of stable neighborhoods...." (First sentence, Community Development Program, Portland Planning Department report.)

The Planning Department concluded in its city-wide study that the area encompassing the Ashmont/Coyle site is an inferior location for major new construction. (Same CDP report, section on site selection for housing for the elderly and low income families.) The City Council criticized the proposed high-rise as out of scale with the surrounding neighborhood.

It is the responsibility of the Planning and Zoning Appeal Boards to be aware of and consider the effects of proposed developments on site neighborhoods.

It is vital that needed housing for the elderly is not provided by developments which cause more young, middle-income families to leave Portland.

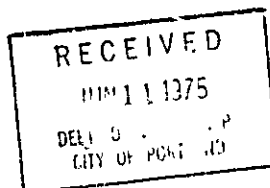
Truly yours,
Brian Furwell
Brian Furwell
21 Longfellow Street
Portland

Copies: Harry E. Cummings, Chairman, Planning Board
Donald Megathlin, Manager, Planning Department

APPLICATION FOR VARIANCE
BEFORE THE BOARD OF APPEALS
PORTLAND, MAINE

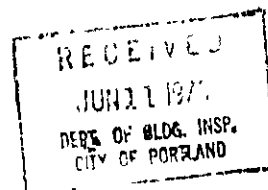
SUBMITTED BY
PEABODY CONSTRUCTION CO., INC.
DESIGNATED DEVELOPER
FOR
PROJECT ME. 3-12
200 UNITS OF ELDERLY HOUSING

FOR THE PORTLAND HOUSING AUTHORITY



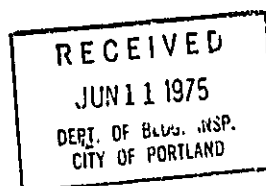
June 11, 1975

There being no further business, the meeting was adjourned at 5:30 P.M.

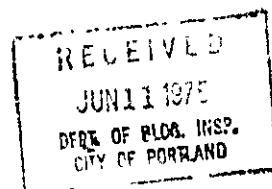


Index

1. Statement by George J. Mitchell and Robert W. Donovan, Attorneys for Peabody Construction Co., Inc.
2. Statement by Howard U. Heller and Paul J. Spiegel, Real Estate Consultants for Peabody Construction Co., Inc.
3. Statement by Kenneth F. Parry, Architect for Peabody Construction Co., Inc.
4. Summary of Housing Projects designed by Kenneth F. Parry & Associates
5. Resolution of Portland Housing Authority selecting Peabody Construction Co., Inc. as designated developer for Project ME 3-12
6. Summary of Housing Projects constructed by Peabody Construction Co., Inc.
7. Approval of Preliminary Site Plan by Portland Planning Board
8. Application by Peabody Construction Co., Inc. to Building Inspector for building permit
9. Letter from Building Inspector to Peabody Construction Co., Inc. denying application for building permit
10. Appeal by Peabody Construction Co., Inc. to Board of Appeals
11. Option Agreement between Ashco, Inc., and Peabody Construction Co., Inc.
12. Letter from Ashco, Inc. authorizing and joining in Application for Variance
13. Site Analysis for Project ME 3-12
14. Schematic Plan for Project ME 3-12



There being no further business, the meeting was adjourned at 5:30 P.M.



Statement by George J. Mitchell and Robert W. DONOVAN
Attorneys for Peabody Construction Co., Inc.

Introduction: My name is George J. Mitchell. I am a member of the law firm of Jensen Baird Gardner Donovan & Henry, 477 Congress Street, Portland, Maine. Our firm represents Peabody Construction Co., Inc. With me as co-counsel today is Robert W. Donovan, who is also a member of our firm.

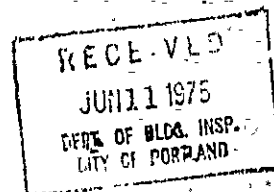
This application is made pursuant to Section 602.24.B of the Municipal Code, which authorizes appeals to this Board from decisions of the Building and Inspection Services Department.

Our presentation today in support of the application will be in two parts.

First, I submit for introduction into the record a number of documents which relate to and support the appeal. These include evidence of the selection of this project by the Portland Housing Authority; preliminary site plan approval by the Portland Planning Board; a detailed analysis of the site; a large schematic plan of the entire project; and detailed statements supporting the need for the requested variance.

Our oral presentation will consist of my statement, and a statement by Mr. Kenneth Parry, the architect on the project, who will describe the physical aspects of the site and the building. There may be others who wish to speak in behalf of the project, and

There being no further business, the meeting was adjourned at 5:30 P.M.



I assume the Board will hear them when the Chairman deems it appropriate.

Description of the Project: On June 3, 1974 the Portland City Council unanimously adopted a resolution authorizing an application to be submitted to the Department of Housing and Urban Development (HUD) for financial assistance to be provided to the Portland Housing Authority for housing for the elderly under Section 23 of the United States Housing Act. An application was duly filed, and on November 20, 1974 was approved by the Manchester, New Hampshire Area Office of HUD. Pursuant to that approval the Portland Housing Authority advertised for bids from interested developers for 200 one bedroom dwelling units for the elderly, designated as Project NE 3-12.

On December 11, 1974 the City circulated publicly a memorandum listing "potential elderly housing sites under section 23". The parcel of land now the subject of this application was included in that memorandum.

Bids were received up to December 31, 1974. After a careful screening process the Portland Housing Authority on March 24, 1975 adopted a resolution selecting the proposal submitted by Peabody Construction Co., Inc. for this project.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF INGS. INSP.
CITY OF PORTLAND

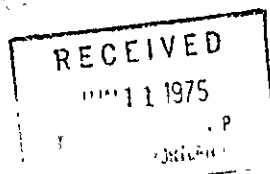
On April 22, 1975 Peabody formally filed with the Portland Planning Board an application for preliminary site approval. After several meetings with the staff of the Portland Planning Department, and with the Planning Board, that Board on June 10, 1975 approved the preliminary site plan.

On May 23, 1975 Peabody filed an application for a building permit with the Department of Building and Inspection Services. On May 30, 1975 the Department of Building and Inspection Services notified Peabody that its application for a permit was not issuable under the zoning ordinance because:

1. The maximum height allowed for a building in the B-1 Business Zone for residential use is only 2 1/2 stories or 35 feet instead of the 12 stories and 121 feet with a wing of 8 stories and 82 feet as shown. (Sec. 602.6.B.5)
2. This building will have 200 dwelling units and will therefore require under Sec. 602.14B.1 - 200 parking spaces. One space for each dwelling unit, instead of 66 spaces as indicated on the plans.

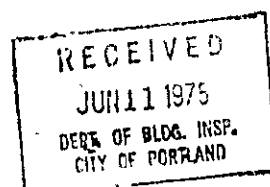
On that same day Peabody filed its application for a variance with this Board of Appeals.

Peabody proposes to build an L shaped apartment building containing 200 one bedroom units for the elderly and handicapped. The building will be located on a parcel of land which consists of approximately 2.8 acres and is located in the interior of the block bounded by Forest Avenue, Ashmont Street, Deering Avenue, and



-3-

There being no further business, the meeting was adjourned at 5:30 P.M.



Coyle Street. The parcel itself does not front on either Forest Avenue or Peering Avenue. It does front on Ashmont Street and Coyle Street. The building will occupy 11% of the site; parking and driveways will occupy 30%; and the remaining 59% will be open space and pedestrian areas.

Grounds For Appeal: As noted above, this appeal is necessary because the application for the building permit does not meet the provisions of a B-1 zone in two respects: (1) height; and (2) parking. With respect to height, the proposed building will be twelve stories and 121 feet high while the provisions of a B-1 zone include a 35 foot height limit. With respect to parking, the ordinance requires one parking space per dwelling unit.

There will be 200 dwelling units in this building. However, as this board knows, the need for parking on housing for the elderly projects is substantially less than one per dwelling unit. Therefore, this proposal includes a total of 66 parking spaces.

The parcel of land in question is owned by Ashco, Inc., a Maine corporation with its offices located in Portland. The land is subject to a valid option agreement dated May 29, 1975 between Ashco, Inc. and Peabody. In addition, Ashco has authorized Peabody to pursue this application in behalf of both Peabody and Ashco.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

This parcel of land is exceptional, compared to other parcels of land subject to the provisions of a B-1 zone:

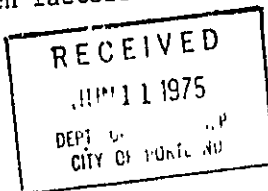
1. The parcel itself comprises almost the entire B-1 zone in this area.

2. It does not front on a major or a minor arterial street. The only frontage of this parcel is on Coyle Street and Ashmont Street. With two exceptions, this is the only parcel of land in Portland that is zoned B-1 that does not front on a major or minor arterial street.¹

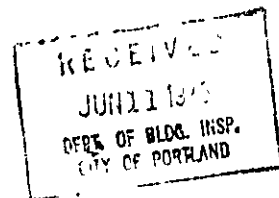
3. On its easterly side it is adjacent to a B-2 zone, which does front on Forest Avenue, a major arterial street. On the southerly, westerly and northerly sides this parcel is surrounded by an R-5 zone.

4. This parcel has an unusual U shaped configuration. Because of the above and other factors which amount to more than a mere inconvenience, it is not feasible to utilize this parcel for B-1 uses, unless this request is granted by the Board. The lack of frontage on a major street makes the parcel economically undesirable for most commercial uses, such as a shopping center. At the same time, the U shaped configuration of the parcel makes horizontal, as opposed to vertical, development economically

¹The Portland Planning Board designates streets as major or minor arterials, taking into account such factors as traffic volume and designation as state routes.



There being no further business, the meeting was adjourned at 5:30 P.M.



unfeasible.

The need for vertical development for this parcel is further indicated by the high value of land in this area, including this parcel itself. As the Option Agreement indicates, the purchase price for this 2.8 acre parcel is \$225,000, a per acre value of about \$80,000.

The unique characteristics of this parcel existed at the time of the adoption of the B-1 zone classification for this area.

The carrying out of the strict letter of the provision of the B-1 zone with respect to height and parking would deprive the owner of this parcel of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other B-1 zoned parcels. This is particularly significant because, as noted above, with two exceptions this is the only B-1 zoned parcel of land in Portland that does not front on a major or minor arterial; and because it adjoins a B-2 zone which does front on a major arterial, the economic usefulness of this parcel for ordinary B-1 commercial uses is greatly diminished.

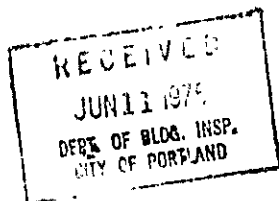
The hardship relative to this parcel is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners of other B-1 zoned parcels.

Other property in the neighborhood will not be adversely

-6-



There being no further business, the meeting was adjourned at 5:30 P.M.



affected by the granting of the requested variances. Indeed, the construction of this building will enhance the neighborhood by eliminating a large, open parking lot that has in the past sometime been a source of noise and disruption, especially at night; by contributing to the stabilization of the Woodford's Corner shopping and trading area; and by acting as an effective buffer between the residential properties in the R-5 zone and the commercial properties in the B-2 zone.

"The prime purpose of the variance is to benefit the community and the individual property owner by assuring that property capable of being put to commercial, industrial or residential use does not lie idle." * * * But the granting of variances is limited to "unique circumstances" because "to allow a variance when the conditions are not unique would probably result in like demands from all the neighboring landowners similarly affected. If their requests were granted, the board would be in effect rezoning the area under the guise of the variance procedure." 74 Harvard Law Review 1396, 1403.

This restatement of the fundamental purpose of and reasons for the law of variances demonstrates clearly the propriety of the variance sought in this case.

The property involved is capable of being put to a use which meets a very high need in the community: housing for the elderly.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

-7-

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

According to the Portland Housing Authority there is a backlog of over 700 elderly families in Portland who need and want adequate housing. The waiting period at Deering Pavilion is over two years. Thus there is a clear and compelling need for this type of use.

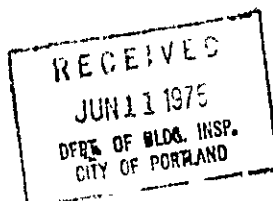
Yet, as Portland's recent history has shown, such housing simply cannot be constructed without the granting of a variance. This is because there is general agreement that the best locations for the elderly are intown, close to shopping, churches, etc. Yet it is in precisely these areas that the available land is limited and expensive. And so every major housing for the elderly project built in Portland in recent years has required a variance of the type sought here: Franklin Towers in 1966, Harbor Terrace in 1969, and Deering Pavilion in 1971.

The property involved in this appeal is unique in that, with two exceptions, it is the only parcel of land in Portland that is in a B-1 zone that does not front on a major or minor arterial street. In addition, its peculiar U shape drastically limits development alternatives.

It is virtually certain that similar requests will not be made by neighboring landowners. The specific use here involved - an apartment building for the elderly and handicapped - requires an initial request for commitment of funds by the City Council to the Department of Housing and Urban Development, approval by that

-8-

There being no further business, the meeting was adjourned at 5:30 P.M.



Department, solicitation of bids by the Portland Housing Authority and selection of one proposal by that authority. The likelihood of that taking place in this same neighborhood is extremely remote.

Thus, the essential requisites for the granting of a variance are present here:

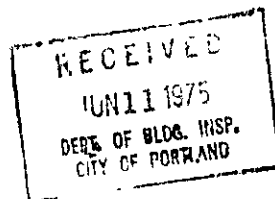
1. Benefit to the community and the property owner by assuring that a valuable property that can be used to meet a high community need does not lie idle;
2. The property is unique; and
3. It is extremely unlikely that there will be like demands from neighboring landowners.

Issues: Title 30, Sections 4963 and 2411 of the Maine Revised Statutes authorizes the creation of municipal Boards of Appeals and establishes their authority to grant variances from applicable zoning ordinances. Section 602.24 of the Municipal Code of Portland sets forth the jurisdiction and authority of this Board of Appeals, and the standards it must apply in deciding whether or not to grant an application for a variance.

Section 602.24.C.3 sets forth those standards and the method of their application in a three part process:

First, Section 602.24.C.3.d limits the granting of a variance to those situations where it is established that "it is in harmony

There being no further business, the meeting was adjourned at 5:30 P.M.



with the general purpose and intent of the Zoning Ordinance and the Land Development Plan and that carrying out the strict letter of the provisions of the Zoning Ordinance would cause undue hardship."

Second, Section 602.24.C.3.b defines undue hardship according to three categories of cases: (1) Space and Bulk Variances other than for Dwelling Unit Conversions; (2) Variances for Dwelling Unit Conversion; and (3) Use Variances. For each of the three categories specific standards are prescribed.

Finally, Section 602.24.C.3.c. prohibits altogether certain specified variances.

Since this application involves a space and bulk variance other than for dwelling unit conversions, the applicable standards are those set forth in Section 602.24.C.3.b.(1).

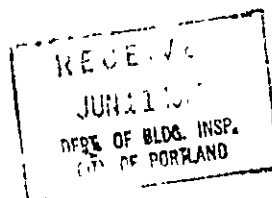
The Supreme Judicial Court of Maine has in recent years decided three cases dealing with the subject of variances. Barnard v. Zoning Board of Appeals of Town of Yarmouth, Me., 313 A.2d 741 (1974); Lipboth v. Zoning Board of Appeals, City of South Portland, Me., 311 A.2d 552 (1973); and Lovely v. The Zoning Board of Appeals of the City of Presque Isle, Me., 259 A.2d 666 (1969).

In each of those cases the Court described the applicable law as follows:

Before the Board may exercise its discretion and grant a variance upon the ground of unnecessary hardship, the record must show that (1) the land in

-10-

There being no further business, the meeting was adjourned at 5:30 P.M.



question cannot yield a reasonable return if used only for a purpose allowed in that zone; (2) that the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself; and (3) that the use to be authorized by the variance will not alter the essential character of the locality.

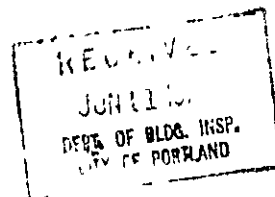
The specific, unique factors affecting the parcel of land involved in this appeal (as set forth previously in this statement and in the accompanying statement by Howard U. Heller and Paul J. Spiegel) demonstrate that this applicant meets the test established in Lovely, insofar as the elements of that test are applicable here.

As to their applicability, it should be noted that the Lovely test clearly involves only a so-called "use" variance, that is, a variance permitting a use not otherwise allowed under the zoning ordinance. Since a "use" variance represents the greatest possible deviation from the zoning ordinance, it follows that the test for granting such variances should be the highest.

But as the Portland Municipal Code itself recognizes, there are other types of variances - commonly called "area" variances - which involve such matters as height and parking restrictions on uses already permitted in the applicable zone. Since such "area" variances deal only with already permitted uses, they result in substantially less deviation from the ordinance and thus are subject to different and lower standards than are "use" variances.

-11-

There being no further business, the meeting was adjourned at 5:30 P.M.



This distinction is well recognized in the law of zoning:

Use variances are customarily concerned with "hardship," i.e., that the land cannot yield a reasonable return if used only in accordance with the use restrictions contained in the Ordinance. Consequently, a use not permitted by the board of appeals must, under such circumstances, be permitted by the board of appeals in order that the Ordinance will not operate in such manner as to confiscate the value of the land.

Area variances are customarily concerned with "practical difficulty," i.e., that the property or a structure thereon cannot, as a practical matter, be used for a permitted use without coming into conflict with certain of the restrictions of the Ordinance Rathkopf, The Law of Zoning and Planning, §45-1.

See also Hoffman v. Harris, 216 N.E.2d 326 (1966), a New York case which draws a clear distinction between "use" and "area" variances.

This application is for an "area" variance. The B-1 zone permits the intended use - an apartment building - but places certain restrictions on height and parking which this project does not and cannot meet. For the reasons set forth in the statement of Heller and Spiegel, it is apparent that no apartment building - or any other residential unit - is economically feasible under the applicable height and parking requirements of a B-1 zone. Further, the unique status of this B-1 parcel - its location as compared to other B-1 parcels, its unusual configuration, its high value - all combine to compel the conclusion that no permitted use can yield a reasonable return to the land's owner unless a variance is granted. The requested variances will not conflict with the general

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1966
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

purpose and intent of the Zoning Ordinance and the Land Development Plan, and will not involve any of the specified variances prohibited in Section 602.24.C.3.c.

Indeed, as the fundamental purpose of the Zoning Ordinance is to "promote the health, safety, convenience, and general welfare of the citizens of the City of Portland", the granting of this variance will clearly further that purpose. As the Planning Department Report notes:

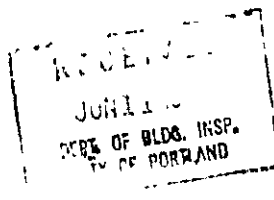
The Need for Elderly Housing - The Planning Board is aware of the housing needs of the elderly. Several studies prepared by the staff in recent years have demonstrated the need. The most recent program, the Housing and Community Development Program, April 1975, indicated an unmet need by PHA of 700 families on the waiting list. In addition, there is a two year waiting period at Deering Pavilion (a FHA subsidized 236 project).

Time Schedule for Alleviating Elderly Housing Needs - This project, even if approved by all agencies on schedule, would not be available for occupancy until early 1977. It is unfortunate, eligible elderly families will have to wait almost two years for relief to a critical housing need for low-income elderly units. A further delay could be very detrimental.

Every matter before this Board must be weighed in the light of its total impact on the community, a concern recognized by the Legislature when, in the enabling legislation, it authorized the granting of variances "where strict application of the ordinance, or a provision thereof, to the petitioner and his property would

-13-

There being no further business, the meeting was adjourned at 5:30 P.M.



cause undue hardship or would not be in the best interest of the community". 30 M.R.S.A. 4963(3).

This is, of course, not the first time a request for a variance for an apartment building has been before this Board. Similar applications were made, and approved by the Board, in connection with Franklin Towers (1966, height and parking); Portland House (1968, height and setback); Harbor Terrace (1969, parking and setback); Deering Pavilion (1971, height and parking); and Portland Convalescent Center, a nursing home (1974, height and parking).

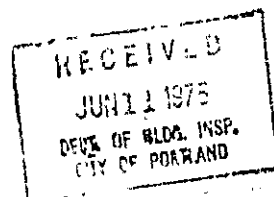
In each of these cases the applicant was in a residential zone (R-6), a generally more restrictive zone than the business zone (B-1) involved in this appeal.

Conclusion: For the reasons set forth herein, and in the other oral and written evidence presented to the Board of Appeals, we urge that this application for a variance be granted on the grounds that:

1. It is in the best interest of the citizens of the City of Portland;
2. It is in harmony with the Zoning Ordinance and the Land Development Plan of the City of Portland; and
3. It meets the applicable standards of the Laws of the State of Maine and the Municipal Code of the City of Portland.

-14-

There being no further business, the meeting was adjourned at 5:30 P. M.





Mark Stimson Associates *Realtors*

Statement

by

Howard U. Heller and Paul J. Spiegel
Real Estate Consultants to Peabody Construction Corporation

As real estate consultants to Peabody Construction Corporation, we should like to explain our findings that the Ashmont-Coyle-Deering site, under discussion, has only one economic feasibility: to wit, a proposed high rise for elderly housing. Our findings are as outlined below.

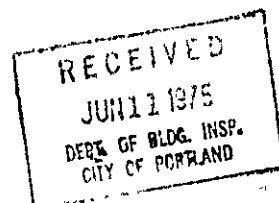
A B-1 zone, as we know, permits retail or service business. However, due to the fact that the site has no frontage on either a major or minor artery, it would offer no attraction to prospective tenants. In addition, Forest Avenue has a shopping center within three blocks from the site as well as a myriad of retail and service facilities between the shopping center and Woodfords Corner.

From a financing point of view, it would be impossible to develop a shopping mall without at least one major or anchor tenant. These anchor tenants have traditionally been the so-

Excellence in Real Estate

813 WASHINGTON AVE., PORTLAND, MAINE 04104 (207) 774-6141 / 758 MAIN ST., SOUTH PORTLAND, MAINE 04106 (207) 774-5858
MAIN ST., GRAY, MAINE 04039 (207) 657-4999, (207) 774-4503 / OLD ALFRED RD., WATFORD, MAINE 04087 (207) 282-5931

There being no further business, the meeting was adjourned at 5:30 P.M.





Mark Stimson Associates *Realtors*

called discount department stores. Economic conditions today are such that several of these discount retailers have been experiencing financial difficulties. The community is aware that there are several large vacant stores in the Greater Portland area which came about as a direct result of these financial problems. We are aware that at least one Portland shopping center is now in the hands of the mortgagee. Large food stores would not find the site suitable as these food retailers ordinarily team up with a discounter. The site is too small to support two major tenants. This fact would also preclude traditional department store from showing interest here.

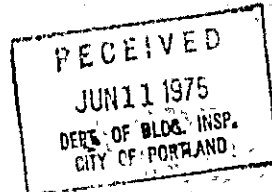
Further, with a site acquisition cost of more than \$80,000 per acre, a scaled down mall or center would have economic rents so high that a small food store, appliance store etc. would never survive. In summation of this point, in the absence of frontage on a busy thoroughfare together with a high site acquisition cost, the site could not economically be developed into either a large or small shopping facility.


We next explored the possibility of utilizing the space for

Excellence in Real Estate

813 WASHINGTON AVE., PORTLAND, MAINE 04104 (207) 774-6141 / 758 MAIN ST., SOUTH PORTLAND, MAINE 04106 (207) 774-5858
MAIN ST., GRAY, MAINE 04039 (207) 657-4999, (207) 774-4503 / OLD ALFRED RD., WATERBORO, MAINE 04087 (207) 282-5931

There being no further business, the meeting was adjourned at 5:30 P.M.



 **Mark Stimson Associates** *Realtors*

office use. Due to the high site acquisition cost, a low-rise office building becomes economically unsuitable. A high-rise office structure is a conceivable alternative, but Portland's available market for office space is currently saturated. This is readily apparent in the recent abandonment of several proposals for development of office complexes in the downtown and outlying areas.

We have further attempted to look at the feasibility of low-rise multi-family dwelling units structured within the existing parking, height and density requirements. Once again, it is economically unfeasible. The setback requirements and the parking requirement of a one to one ratio for low-rise residential use would limit the number of units to approximately 47 which would figure out to a per unit land cost of \$4,783, not including site development fees.

We further find that the marketability of low rise units would be poor because the land abuts a memorial chapel on one side, a parking lot and office building on another, and mixed B-2 along Forest Avenue. However, these adverse effects can be offset in a high-rise building by putting service and recreational facilities on the first floor along with a

Excellence in Real Estate

813 WASHINGTON AVE., PORTLAND, MAINE 04104 (207) 774-6141 / 758 MAIN ST., SOUTH PORTLAND, MAINE 04106 (207) 774-5858
MAIN ST., GRAY, MAINE 04039 (207) 657-4999, (207) 774-4503 / OLD ALFRED RD., WATERBORO, MAINE 04087 (207) 282-5931

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND



Mark Stimson Associates *Realtors*

small amount of commercial space to serve the tenants of the building. A high-rise residential structure also permits good buffer strips that can be well landscaped to compensate for adjacent uses. Previous experience with housing for the elderly has proven that the ratio of cars to living units is much lower than for other types of high-rise housing. It therefore seems appropriate to use this site for high-rise housing for the elderly and to reduce the parking so that a maximum portion of the space can be devoted to landscaping and outdoor passive recreation areas.

In closing, we wish to make one further pertinent point. Any development of this site will be somewhat difficult because of the peculiar U-shape of the available land. By resorting to a high-rise, one is able to overcome this disadvantage of the site configuration.

Respectfully,

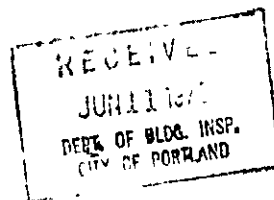
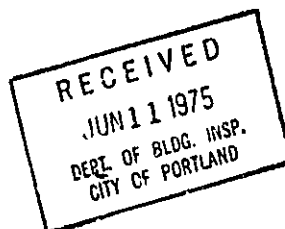
HOWARD U. HELLER

PAUL J. SPIEGEL

Excellence in Real Estate

813 WASHINGTON AVE., PORTLAND, MAINE 04104 (207) 774-6141 / 758 MAIN ST., SOUTH PORTLAND, MAINE 04106 (207) 774-5858
MAIN ST., GRAY, MAINE 04039 (207) 657-4999, (207) 774-4503 / OLD ALFRED RD., WATERBORO, MAINE 04087 (207) 282-5931

There being no further business, the meeting was adjourned at 5:30 P.M.



PAUL J. SPIEGEL

Mr. Spiegel was educated at the Kanter Hall Preparatory School in Cambridge, Massachusetts, attended Harvard College and received a degree in Economics from the University of Pennsylvania. Prior to his association with Mark Stimson Associates, he was President and General Manager of the Bruce Shoe Company (Biddeford, Maine) Division of the Cardinal Shoe Corporation (Lawrence, Massachusetts). In this capacity, he had overall responsibility for marketing, production, administration and finance.

He became a part of the Mark Stimson organization in 1971 as Manager of Stimson's Commercial/Industrial Real Estate Division. In this capacity he is involved with commercial and industrial sales and leasing, business brokerage, construction/leasebacks, site packaging, syndications and limited partnerships, as well as being involved in the financing for these various projects.

HOWARD U. HELLER

Mr. Heller, who is a graduate of Yale University, received his Masters degree in Urban Sociology from The University of Chicago. Prior to coming to Portland, Mr. Heller held positions in Chicago and Philadelphia where he worked for both private and public agencies involved in housing and urban redevelopment. He was Urban Renewal Coordinator and Assistant Housing Coordinator for the City of Philadelphia from 1958 to 1960.

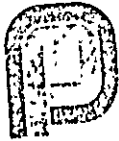
Mr. Heller served as Director of the Portland Renewal Authority from 1960 to 1970. He has been a consultant to the Boston Renewal Authority, the Philadelphia Renewal Authority, E.C. Jordan Company, the town of Cape Elizabeth and The Greater Portland Council of Governments among others. He has been affiliated with Mark Stimson Associates since 1971 and has specialized in sales of recreation properties while continuing to pursue his interest in development of low and middle income housing.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Statement by Kenneth F. Parry
Architect for Peabody Construction Co., Inc.



General Description of Project

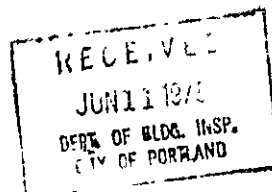
KENNETH F. PARRY
& ASSOCIATES
INC.
ARCHITECTS
200
MOUNTAIN
AVENUE
PORTLAND
MAINE
04103
PHONE
553-5500

The site located on a parcel of land in Portland, Maine bounded by Coyle Avenue and Ashmont Street is less than 500 feet from Forest Avenue, which is a main connector artery to downtown Portland. The proximity to this major artery services North-South and East-West vehicular traffic, allows easy access to the neighboring communities and convenient accessibility to the regional highway that connects Portland to its surrounding communities.

The proposed project is to be located in a neighborhood that contains little or no subsidized housing, and the project is accessible to social, recreational, educational, commercial, health facilities and services, and other municipal services that are equivalent to, or better than those typically found in neighborhoods consisting largely of un-subsidized housing.

The project location has few comparables within the City of Portland in terms of location, neighborhood amenities, and available municipal services for a Housing

There being no further business, the meeting was adjourned at 5:30 P.M.



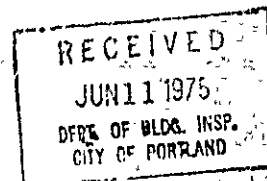
development in the neighborhood consists mainly of un-subsidized development and privately owned residences. The existence of shopping, medical, transportation, recreation and other amenities in close proximity and of sufficient scale and quality, weighed heavily in the developer's site selection process in selecting this site as an area very desirable for housing for the elderly.

The site is conveniently located in respect to major employment concentration and offers possible part-time employment for those retired and living in the units. Travel by low-cost public transportation or travel by private auto from the neighborhood to employment centers is within a convenient travel time for the elderly. Public bus transportation from the area includes three transportation companies, which have bus routes less than 500 feet from the proposed project. These bus routes provide a safe, efficient, and low-cost method of transportation for all residents of the area.

The availability of all required service utilities in the adjacent street also add to the appropriateness of the site for the density of housing suggested in our Proposal.

The large open area available for development provides the opportunity to enhance the area with extensive landscaping incorporating trees, shrubs and lawn area. Close by, the Cove area will also provide an additional natural amenity, available to the residents of the area.

There being no further business, the meeting was adjourned at 5:30 P.M.



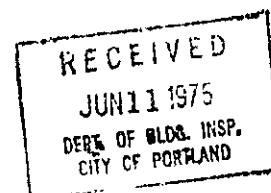
borhood at large, but it is felt the high-rise complex

suggested for the area will provide a housing environment that is particularly responsive to the needs of the elderly for developing safe, secure and convenient housing.

The structure would be built within all requirements of the City of Portland building regulations and other municipal agencies and governmental agencies.

The building structure will occupy approximately 10 percent of the land area available for development, with approximately 30 percent of site developed for required parking spaces. The balance of site or nearly 60 percent will be used in developing walks, sitting areas, open recreation spaces, landscaped planting gardens and terraces. The screening of parking areas with trees and landscaping will increase the environmental conditions greatly over the present land use that is blacktopped to the extent of nearly 60 percent of site area. Every aspect of controlled planning has been initiated into project design to allow for maximum use of site in regards to safe convenient access and egress of traffic, proper siting of building affords maximum utility of natural sunlight and prevailing summer winds in open areas, recreation spaces and sitting areas. Intensive planning of community facilities was given the highest priority including the latest techniques in providing services to the elderly; such as, recreation rooms, community rooms, libraries, kitchen facilities, crafts room, laundry and drying rooms

There being no further business, the meeting was adjourned at 5:30 P.M.



of the design is a ninth floor roof terrace for residents that can be used in the summer.

The building provides 10 percent of its units for the handicapped and every aspect of design for their convenience is incorporated into the project, including grade level entrances to building and recreational areas, generous corridors and lobby spaces for passage of wheel chairs, stretchers and other equipment servicing handicapped families.

Attention was also given to convenient and accessible storage and service facilities for building maintenance. Service areas are located out of main traffic patterns so as not to inconvenience residents of the building.

The commercial shops have been carefully integrated within the structure to become part of and yet separately function as an adjunct to the service and convenience of the structure. It is anticipated that shops such as grocery shop, beauty shop, barber shop, card shop, insurance, travel agency and others will vie competitively for space in this most attractive location.

The staff of the Architect and Developer has a combined experience of developing more than 4,000 housing units for the elderly, and can offer the highest caliber of experience in the field to the Portland Housing Authority. In studying, analyzing and designing for this particular site, we can say it is a site with exceptional advantages.

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

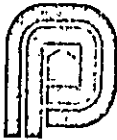
in regard to location and amenities. It could be developed into one of the finest and best examples of public housing in the City and one in which the Portland Housing Authority will be justly proud.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

There being no further business, the meeting was adjourned at 5:30 P.M.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

20 March 1975



Portland Housing Authority
211 Cumberland Avenue
Portland, Maine

Attn: Mr. Peter Howe

KENNETH F PARRY
& ASSOCIATES

INC
ARCHITECTS

29

COTTAGE

AVENUE

QUINCY

MASS

02169

PHONE

773 5500

Gentlemen:

Ed Fish of Peabody Construction Company and I were most happy to be informed that our team has been selected as one of two finalists under the Section 23 Proposal of December 31, 1974.

In order to save some presentation time, which seems to go unbearably fast, I am taking the liberty to briefly recap our staff and experience record of recently completed housing projects:

Staff, Offices:

Concord, New Hampshire and Quincy, Massachusetts

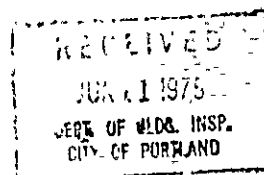
- 6 Registered Architects
- 1 Registered Engineer and Professional Estimator
- 11 Project Architects and Design Draftsmen
- 2 Administrators
- 1 Specification Specialist

Total 21

Recent Housing Projects Completed or Under Construction:

Brookline Housing Authority	100 units (under construction) (Turnkey)
Quincy Shore Drive	168 units (under construction)
Union Towers-Weymouth	200 units (completed) (Turnkey)
President Lane Apartments	54 units (completed)
Stoughton Housing	200 units (completed)
Foxboro Housing	100 units (completed)
Plainsville Housing	380 units (completed)
Reilly Apartments	24 units (completed)

There being no further business, the meeting was adjourned at 5:30 P.M.



MINUTES OF THE REGULAR MEETING
PORTLAND HOUSING AUTHORITY
March 20 & 24, 1975

The regular meeting of the Portland Housing Authority was held at 211 Cumberland Avenue, Portland, Maine at 3:00 P.M. The meeting was called to order by Stanley A. Rogers, Chairman.

PRESENT: Stanley A. Rogers, Chairman
Wilburn B. Miller, Vice Chairman
Frances B. Gleckman, Commissioner
Dolores V. Paquette, Commissioner
Barbara A. Whitmore, Commissioner

1. The minutes of the regular meeting of February 20, 1975 were read and approved.

Reports:

2. Received and approved the Tenants' Occupancy Reports for all projects for the month of February 1975.

Resolutions:

3. Resolution approving the revised occupancy priorities.

The resolution was tabled to the April 17 meeting.

4. Resolution amending the personnel policy.

The resolution was tabled to the April 17 meeting.

The meeting was recessed at 3:30 P.M. The meeting was reconvened at 4:00 P.M., March 24, 1975.

5. Resolution selecting the tentative developer of Project ME 3-12 under the Section 23 program.

Resolution #1475

Be it resolved by the Portland Housing Authority that, after lengthy review and study of proposals submitted for the construction of Project ME 3-12 under the Section 23 Leased Housing Program, the Peabody Construction Company, Inc., be and hereby is tentatively selected as the developer of the project, subject to HUD approval.

The above resolution was moved by Dolores V. Paquette, Commissioner and seconded by Wilburn B. Miller, Vice Chairman and upon roll call the ayes and nays were as follows:

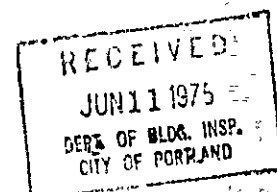
Ayes

Stanley A. Rogers, Chairman
Wilburn B. Miller, Vice Chairman
Frances B. Gleckman, Commissioner
Dolores V. Paquette, Commissioner
Barbara A. Whitmore, Commissioner

Nays
None

The chairman thereupon declared said motion carried and said resolution adopted.

There being no further business, the meeting was adjourned at 5:30 P.M.

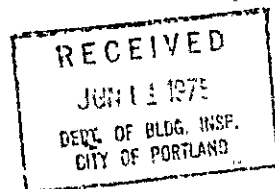


C E R T I F I C A T E

I, Peter A. Howe, the duly appointed and qualified
Secretary of the Portland Housing Authority, do hereby
certify that the attached minutes of the Regular Meeting
of the Commissioners of said Housing Authority, held on
March 20 & 24, 1975, is a true and correct copy
of the original minutes of said meeting.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and the seal of said Housing Authority, this 31st day
of March 1975.


Executive Director and Secretary



DATA ON HOUSING PROJECTS

<u>Name</u>	<u>Location</u>	<u>Apartments</u>
Northside Housing	Beverly	66
Northside Housing	Danvers	44
Northside Housing	Peabody	88
Northside Housing	Salem	123
Total Northside		
Sundial	Fitchburg	156
Parkside West	Lawrence	146
Sherrill Horse	Boston	100
Quincy (20-2)	Quincy	15
1000 So. Artery II	Quincy	226
Quincy Turnkey	Quincy	275
Lowell Turnkey	Lowell	208
Malden Turnkey	Malden	209
Riverview Towers	Fall River	200
Milliken Apartments	Fall River	200
MIT Housing	Hamilton St.	199
MIT Housing	Clarendon Ave.	181
MIT Housing	Gore Street	304

RECEIVED
 JUN 11 1975
 DEPT. OF BLDG. I...
 CITY OF PORTLAND



536 GRANITE STREET BRAINTREE, MASS. 02104 TEL 848-2660

APPROVALS BY: _____ DATE _____ MISCELLANEOUS _____

BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street? ..

ZONING: Will there be in charge of the above work a person competent

BUILDING CODE: to see that the State and City requirements pertaining thereto

Fire Dept.: are observed? ... Y/N

Health Dept.:

Others:

Signature of Applicant *George Mitchell* Phone # 772-1901

Type Name of above *George Mitchell* 1 2 3 4

for: Peabody Constr. Co. Other

and Address

FIELD INSPECTOR'S COPY

PEABODY CONSTRUCTION CO., INC.
 builders consultants developers

Name	Location	Apartments
Dorchester Turnkey	Boston	108
Lower Mills Turnkey	Boston	183
1000 So. Artery III	Quincy	201
St. Botolph Street	Boston	134
South End Housing	Tremont St.	78
South End Housing	Northampton St.	78
South End Housing	Washington St.	78
ETC Housing	Boston	204
Weymouth Turnkey	Weymouth	70
Malden Turnkey	Malden	175
Salem Heights	Salem	275
Loring Towers	Salem	250
Franklin Street	Cambridge	123
E. Boston Turnkey	E. Boston	300
Leisure Tower	Lynn	181
Jaycee Housing	Lowell	137
77 Adams Street	Quincy	113
Rita Hall Hsg.	Lawrence	90
Mercantile Bldg.	Boston	121
Reservoir Dormitory	Boston	208

RECEIVED
 JUN 11 1975
 DEPT. OF BLDG. INSP.
 CITY OF PORTLAND



536 GRANITE STREET BRAintree, MASS. 02184 TEL 948-2680

APPROVALS BY: _____ DATE _____

BUILDING INSPECTION--PLAN EXAMINER

ZONING:

BUILDING CODE:

Fire Dept.:

Health Dept.:

Others:

MISCELLANEOUS

Will work require disturbing of any tree on a public street?

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? YES

Signature of Applicant *George Mitchell* Phone # 772-1901

Type Name of above *George Mitchell* 1 2 3 4

FOR: Peabody Constr. Co. Other _____

and Address _____

FIELD INSPECTOR'S COPY

Name	Location	Apartments
St. Francis of Assisi Housing	Braintree	95
Friendly Sons of Saint Patrick	Boston	Office Building
Elm St. Parking Garage	New Bedford	1100 cars
Melville Towers	New Bedford	420 car parking garage and 320 units of housing
Bedford Towers	New Bedford	240
North End Turnkey	Boston	103
Corey Road Elderly	Brighton	225
Air Rights Parking Structure	New Bedford	150
Ausonia Homes	Boston	156
Headstart Housing	Boston	162
Quincy Towers	Boston	130
Walnut Hill	Somerville	112
St. Mary's Housing	Boston	7,681
Total Units		

RECEIVED
 JUN 11 1975
 DEPT. OF BLDG. INSP.
 CITY OF PORTLAND



536 GRANITE STREET BRAINTREE, MASS. 02184 TEL 848-2680

APPROVALS BY: _____ DATE _____ MISCELLANEOUS
 BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street? ..
 ZONING: Will there be in charge of the above work a person competent
 BUILDING CODE: to see that the State and City requirements pertaining thereto
 Fire Dept.: are observed? ... Y/N ..
 Health Dept.:
 Others:

Signature of Applicant *George Mitchell* Phone # 772-1901
 Type Name of above *George Mitchell*
 for: Peabody Constr. Co. Other 1 2 3 4
 and Address

FIELD INSPECTOR'S COPY



CITY OF PORTLAND-MAINE

DONALD L. MEGATHLIN, JR.
PLANNING DIRECTOR

June 11, 1975

TO: Chairman and Members of the Board of Appeals
FROM: Chairman and Members of the Planning Board
SUBJECT: Peabody Elderly Housing

At the June 10th meeting of the Planning Board, the Board heard the request for action on a site plan for this project. The Board has had the opportunity to review the site plans in detail coupled with a lengthy presentation by the architect.

There was significant opposition to the project and several petitions presented to the Board. After extensive deliberation and debate, and weighing all the alternatives, the Board voted 3 to 1 (Gilpatrick), to approve the site plan.

Basis of Recommendation

1. Excellent Location

The location has been assessed as excellent including proximity to downtown and Forest Avenue, commercial area including a shopping center, hospitals, the regional office of the State Health & Welfare, some churches and three bus lines.

2. Need For Elderly Housing

There is presently a waiting list of 700 elderly people on record in the Portland Housing Authority Office and a waiting period of two years at Deering Pavilion (A FHA subsidized 236 project).

3. Meets the Standards of the Site Plan Ordinance.

The project meets the requirements and standards of the Site Plan Ordinance. However, the Planning Board did acknowledge concern regarding the scale and height of the building. In fact, attempts were made to reduce the height. This matter was fully covered in the Planning Department report previously submitted to the Board of Appeals.

RECEIVED
JUN 11 1975
DEPT. OF BLDG INSP.
CITY OF PORTLAND

389 CONGRESS STREET • PORTLAND, MAINE 04111 • TELEPHONE (207) 775-5451

APPROVALS BY: _____ DATE _____
BUILDING INSPECTION—PLAN EXAMINER
ZONING:
BUILDING CODE:
Fire Dept.:
Health Dept.:
Others:

MISCELLANEOUS
Will work require disturbing of any tree on a public street? ..
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? ...YES..

Signature of Applicant *George Mitchell* Phone # 772-1901
Type Name of above *George Mitchell* 1 2 3 4
ATTORNEY For: Peabody Constr. Co. Other
and Address

FIELD INSPECTOR'S COPY

LOCATION PORTLAND, MAINE

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE
The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

- 1. Owner's name and address *Peabody Constr. Co., Brintree, Mass.* Fire District #1 #2
- 2. Lessee's name and address
- 3. Contractor's name and address *George Coyle & Ashmont* Telephone
- 4. Architect *Kenneth Parry & Assoc.* Specifications *per no Plans* Yes No No. of sheets
- Proposed use of building *home for elderly persons* No. families
- Last use
- Material construction *wood* Heat
- Other buildings on same lot *none* Style of roof
- Estimated contractual cost \$..... Roofing
- Fee \$.....

FIELD INSPECTOR—Mr. Hoffsee GENERAL DESCRIPTION
This application is for: @ 775-5451 to construct building as per plan 170' x 170'

- Dwelling
- Garage
- Masonry Bldg.
- Metal Bldg.
- Alterations
- Demolitions
- Change of Use
- Other

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 2 3 4

DETAILS OF NEW WORK

- Is any plumbing involved in this work? *yes* Is any electrical work involved in this work? *yes*
- Is connection to be made to public sewer?
- Has septic tank notice been sent?
- Height average grade to top of plate
- Size, front
- Material of foundation
- Kind of roof
- No. of chimneys
- Framing Lumber—Kind
- Size Girder
- Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
- Joists and rafters: 1st floor
- On centers: 1st floor
- Maximum span: 1st floor
- If one story building with masonry walls, thickness of walls?

IF A GARAGE

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

APPROVALS BY: BUILDING INSPECTION—PLAN EXAMINER

MISCELLANEOUS
Will work require disturbing of any tree on a public street?

Signature of Applicant *George Mitchell* Phone # 772-1901
Type Name of above *George Mitchell* 1 2 3 4
for: Peabody Constr. Co. Other

FIELD INSPECTOR'S COPY



CITY OF PORTLAND - MAINE

R LOVELL BROWN
BUILDING AND INSPECTION DIRECTOR

May 30, 1975

Peabody Construction Co.
536 Granite St.
Braintree, Mass. 02184

c.c. George J. Mitchell
477 Congress St.

c.c. Portland Housing Auth.
Att: Peter H. Howe
211 Cumberland Ave.

Re: 114-142 Coyle St.
29-49, 63-71 Ashmont St.

c.c. Corporation Counsel

Gentlemen:

A building permit for construction of a 12 story apartment building 170' x 170' (Home for the Elderly) at the above named location is not issuable under the Zoning Ordinance for the following reasons.

1. The maximum height allowed for a building in the B-1 Business Zone for residential use is only 2 1/2 stories or 35 feet instead of the 12 stories and 121 feet with a wing of 8 stories and 82 feet as shown. (Sec. 602.6.B.5)
2. This building will have 200 dwelling units and will therefore require under Sec. 602.14B.1 - 200 parking spaces. One space for each dwelling unit, instead of 66 spaces as indicated on the plans.

We understand you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 113 City Hall, to file an appeal on forms which are available here. A fee of \$5. for a space and bulk appeal shall be paid at this office at the time the appeal is filed. If the fee has been paid and appeal filed prior to this letter then consider this letter a matter of formality. (Sec. 602.24.C.3.b.1.)

RECEIVED
PEABODY CONSTRUCTION CO., I.C.

Very truly yours,

A. Allan Soule

A. Allan Soule
Asst. Director

JUN 2 1975

AAS:k

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Peabody Construction Co., owner of property at 114-142 Coyle Street, cor. of
29-49, 63-71 Ashmont Street

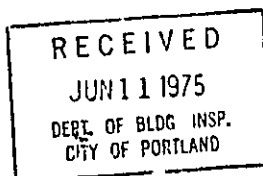
under the provisions of Section 602.24 C of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit: the construction of a 12 story apartment building 170' x 170' (home for the elderly) at the above named location. This permit is not issuable under the Zoning Ordinance for the following reasons. (1) The maximum height allowed for a building in the B-1 Business Zone for residential use is only 2½ stories or 35 feet instead of the 12 stories and 121 feet with a wing of 8 stories and 82 feet as shown, (Sec. 602.6.B.5). (2) This building will have 200 dwelling units and will therefore require under Section 602.14B.1 200 parking spaces (one space for each dwelling unit) instead of 66 spaces as indicated on the plans.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

George J. Mitchell
APPELLANT
Attorney for
Peabody Construction Company



~~and shall be granted only when the following conditions are met:~~

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

RECEIVED

JUN 11 1975

DEPT. OF BLDG. INSP.
CITY OF PORTLAND

OPTION, granted this 29th day of May, 1975 by ASICO INC., a Maine corporation (hereinafter called the "Optionor"), to PEABODY CONSTRUCTION CO., INC., a Massachusetts corporation (hereinafter called the "Optionee").

WHEREAS, under date of December 30, 1975 the parties hereto entered into an Option Agreement for the purchase and sale of certain real property in Portland, Maine; and

WHEREAS, said Option Agreement has, by its terms, expired; and

WHEREAS the parties hereto are desirous of entering into a further Option Agreement for the purchase and sale of said property;

NOW, THEREFORE, the parties hereto agree as follows:

(1) Grant of Option. In consideration of Two Thousand Five Hundred Dollars (\$2,500.00), the Optionor hereby gives the Optionee the exclusive option to purchase, upon the following terms and conditions, the real property in Portland, Maine (hereinafter referred to as "the real property") described as follows:

(a) All land owned by the Optionor in Portland, County of Cumberland and State of Maine in the block bounded by Forest Avenue, Deering Avenue, Coyle Street, and Ashmont Street, except for that portion of said land presently leased to Honeywell, Inc., and as shown on the plan attached hereto as Exhibit A, and

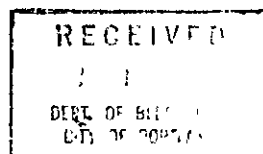
(b) Any assignable interest the Optionor may have at the time of closing in and to any land of Ralph Allen and/or Helen Allen located within said block.

... Expiration Date ... the term of this option shall expire at midnight of the date one hundred twenty (120) days from the date hereof, unless it is renewed under paragraph 11 hereof, or unless sooner terminated under paragraph 12 hereof.

3. Notice of Exercise. This option shall be exercisable by the Optionee at any time prior to the expiration of the term or any renewal thereof by written notice signed by the Optionee and mailed to Optionor, registered mail, return receipt requested.

4. Failure to Exercise Option. If the Optionee does not exercise this option as herein provided on the closing date, then the sum paid by the Optionee shall be retained by the Optionor as liquidated damages free of all claims of the Optionee, and neither party shall have any further rights or claims against the other, except that if this option shall terminate pursuant to paragraph 12 hereof, all option payments shall be returned to Optionee by Optionor and this agreement shall thereupon be void and of no further force and effect. It is understood that Optionor shall have no obligations whatsoever to expend any funds to obtain the release of any leases or options with respect to the real property.

5. Assignment. This option and all rights hereunder shall be freely assignable; provided, however, that no such assignment shall be effective until receipt of written notice of such assignment by the Optionor, including in such notice the name(s), and address(es) of the assignee; and provided further, that the



Optionee shall continue to be bound by any and all of the terms of this option.

6. Closing. The closing of the sale of the real property shall take place at a time and place designated to Optionor by written notice from Optionee mailed no less than five (5) days prior to such closing date, which time and place shall be the time and place of the FHA-HUD initial closing of Maine Project 3-12. The parties agree that any change of the initial closing time and place shall automatically and without need of further notice amend this agreement to establish a new closing time and place.

7. Payment of Purchase Price. The purchase price for the real property is Two Hundred Twenty-five Thousand Dollars (\$225,000.00), against which there shall be credited the consideration paid for this option, and for any renewals expressly provided for hereunder. The Optionee shall pay the balance of the purchase price at the closing in cash or bank or certified checks. If the Optionee shall default in its obligation to pay the purchase price at the closing in accordance with the terms hereof, the Optionor shall retain all consideration paid for this option as liquidated damages. The Optionee has previously paid to the Optionor Twenty Five Hundred Dollars (\$2,500.00) as consideration for the prior option. That option having expired, it is agreed that the Optionor may retain said prior payment of Twenty Five Hundred Dollars (\$2,500.00) for and in consideration of said prior option and that said sum shall not be credited against the consideration paid for this present option or for any renewal provided for hereunder or against the purchase price

as aforesaid. It is further agreed that said sum of Twenty Five Hundred Dollars (\$2,500.00) which was previously paid, together with any interest thereon, is being paid to the Optioner by the Optionee in recognition of the expenses which the Optioner has had to incur in regard to this matter and that, regardless of whether this instant option is exercised or not, the Optionee shall make no claim whatsoever in regard to said sum of Twenty Five Hundred Dollars (\$2,500.00).

8. Delivery of Deed and Possession. Upon receipt of the purchase price on the closing date, the Optioner will simultaneously execute and deliver to the Optionee a good and sufficient quitclaim deed of the real property, with covenants, conveying a good clear record and marketable title thereto, free and clear of all leases and options, liens and encumbrances, to the Optionee, and shall at the same time deliver possession of the real property to the Optionee in the same condition as at present, free of tenants. It is further agreed by the parties hereto that if Optioner cannot convey title to the real property with good and marketable title thereto, free and clear of all leases and options, and if the Optionee does not elect to take such title as Optioner can convey, then all monies paid hereunder shall be repaid by the Optioner to the Optionee and neither party shall have any further right or claims against the other.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

9. Taxes and Right to Deal with Property During

Option Period. Real estate taxes for the then current year shall be prorated at the closing.

Optionee may enter upon the real property for the purposes of making test borings, site investigatory work, surveys, and other preliminary site work, at its own expense, Optionor agrees to join in any applications or proceedings as to which its participation is necessary or appropriate to achieve initial closing, provided that Optionee absorbs all direct expenses of such proceedings.

10. Time of Essence. Time is of the essence of this option.

11. Renewal. Unless terminated pursuant to paragraph 12 hereof, this option may be renewed for a first renewal term of an additional one hundred twenty (120) days by written notice received by the Optionor on or before midnight of the date of expiration of the term of this option, together with Two Thousand Five Hundred Dollars (\$2,500.00) in cash or bank or certified checks; and, in addition, this option may be further renewed for a second renewal term of one hundred twenty days (120) by written notice received by the Optionor on or before midnight of the expiration of the first renewal term, together with Five Thousand Dollars (\$5,000.00) in cash or bank or certified checks. Delivery into the United States mails, registered mail, return receipt requested, at least three (3) days prior to such expiration date, shall also constitute notice received timely by Optionor.

RECEIVED

JUN 11 1975

DEPT. OF BLDG. INSP.
CITY OF PORTLAND

PIERCE, ATWOOD, SCRIBNER, ALLEN & MCKUSICK

ATTORNEYS AT LAW

ONE MONUMENT SQUARE

PORTLAND, MAINE 04111

AREA CODE 207

773-6411

LEONARD A. PIERCE

1885-1980

COUNSEL

EDWARD W. ATWOOD

FRED C. SCRIBNER, JR.
CHARLES W. ALLEN
JOTHAM D. PIERCE
SIGRID C. TOMPKINS
VINCENT L. MCKUSICK
WILLIAM C. SMITH
RALPH I. LANCASTER, JR.
JEREMIAH D. NEWBURY
DONALD W. PERKINS
GERALD M. AMERO
DONALD A. FOWLER, JR.
BRUCE A. COGGESHALL
S. HASON PRATT, JR.
DANIEL E. BORER
JOTHAM D. PIERCE, JR.
ALBERT G. AYRE
EVERETT P. INGALLS
JAMES B. ZIMPRICH
ERNEST J. BABCOCK
JAMES G. GOOD
JAMES C. PURCELL
JOHN J. O'LEARY

June 10, 1975

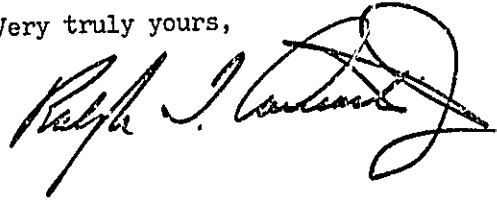
Peabody Construction Co., Inc.
c/o George J. Mitchell, Esq.
Jensen, Baird, Gardner, Donovan & Henry
477 Congress Street
Portland, Maine 04111

Dear George:

As you are aware, this office represents Ashco Inc.

Ashco Inc. hereby joins with Peabody Construction Co., Inc. in its application for a variance relating to the land Ashco owns in the block bounded by Forest Avenue, Coyle Street and Ashmont Street and which is subject to the Option Agreement dated May 29, 1975. Ashco Inc. also authorizes Peabody Construction Co., Inc. to appear for it and on its behalf before the Board of Appeals in connection with this application for a variance.

Very truly yours,



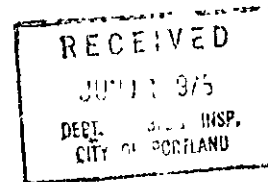
RILJr:nmc

RECEIVED

JUN 11 1975

DEPT. OF BLDG INSP.
CITY OF PORTLAND

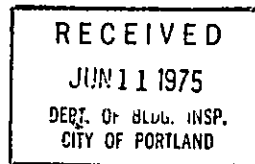
APPLICATION FOR VARIANCE
BEFORE THE BOARD OF APPEALS
PORTLAND, MAINE



SUBMITTED BY
PEABODY CONSTRUCTION CO., INC.
DESIGNATED DEVELOPER
FOR
PROJECT ME. 3-12
200 UNITS OF ELDERLY HOUSING
FOR THE PORTLAND HOUSING AUTHORITY

June 11, 1975

STATEMENT TO APPEALS BOARD
CITY OF PORTLAND, MAINE
JUNE 11, 1975



BY

STANLEY A. ROGERS, CHAIRMAN
PORTLAND HOUSING AUTHORITY

MR. CHAIRMAN:

I AM HERE TODAY TO URGE APPROVAL OF THE APPEAL OF THE PEABODY CONSTRUCTION COMPANY BOTH AS A PRIVATE CITIZEN WITH A DEEP AND ABIDING CONCERN FOR THE PLIGHT OF SO MANY OF PORTLAND'S SENIOR CITIZENS AND AS THE CHAIRMAN OF THE PORTLAND HOUSING AUTHORITY WHICH WILL LEASE THE PEABODY BUILDING FOR THE NEXT TWENTY YEARS.

MR. CHAIRMAN, THE HOUSING AUTHORITY DID NOT LIGHTLY MAKE THE DECISION OF CHOOSING THE PEABODY CONSTRUCTION COMPANY TO BUILD THIS BUILDING ON THIS PARTICULAR SITE. WE MADE THIS DECISION ONLY AFTER SEVERAL MONTHS OF DETAILED REVIEW OF THIS PROPOSAL ENTAILING AN EVALUATION OF NOT JUST SITE BUT DESIGN AND QUALITY OF THE CONSTRUCTION, THE RENTS, THE DEVELOPER'S CREDENTIALS, THE DEVELOPER'S MANAGEMENT PLAN FOR THE TWENTY YEARS WHICH WE WOULD BE LEASING THE BUILDING, THE DEVELOPER'S RESPONSE TO EQUAL OPPORTUNITY CRITERIA, THE DEVELOPER'S WILLINGNESS TO USE LOCAL LABOR AND BUSINESSES AND INNUMERABLE OTHER CONSIDERATIONS. IT IS UNFORTUNATE THAT WE IN OUR CHOICE WERE UNABLE TO PROVIDE THE CITY OF PORTLAND WITH THE PERFECT PROPOSAL IN ALL RESPECTS, BUT THIS WAS NOT POSSIBLE. ANY DECISION ON A DEVELOPER ENTAILS COMPROMISE AND A BALANCING OF FACTORS RELATED

TO DEVELOPMENT, THUS, THE PROPOSAL BEFORE YOU, WHILE NOT BEING PERFECT, IS THE PROPOSAL WHICH IN THE JUDGMENT OF THE AUTHORITY IS IN THE BEST INTEREST OF THE CITY AND THE PEOPLE IT SERVES. IT IS THE PROPOSAL WHICH WILL BEST SERVE THE NEEDS OF OVER 200 OF PORTLAND'S ELDERLY WHILE CREATING THE LEAST AMOUNT OF HARDSHIP FOR ITS TENANTS. IT IS THE PROPOSAL WHICH WILL BEST SERVE OUR MUNICIPAL PURPOSE.

WE URGE APPROVAL OF THE PEABODY REQUEST, FOR TO WITHHOLD APPROVAL IS TO CREATE HARDSHIP FOR THE PORTLAND ELDERLY WHO HAVE BEEN WAITING SO LONG FOR RELIEF. A DISAPPROVAL OF THE PEABODY PROPOSAL ON THIS SITE IS TO DENY THE CITY THE BENEFITS OF A LOCATION AND STRUCTURE WHICH EXCELS AT MEETING SOCIOLOGICAL AND PSYCHOLOGICAL NEEDS OF THIS COMMUNITY'S ELDERLY CITIZENS. A DISAPPROVAL IS TO RELEGATE OUR ELDERLY TO AREAS OF LEAST VISIBILITY AND ACTIVITY OR TO DICTATE THAT THEY LIVE IN GARDEN OR ROW-TYPE APARTMENTS WHICH FOR THE ELDERLY IN MAINE CAN MEAN MONTHS OF INACTIVITY AND ISOLATION DUE TO AN INABILITY TO WITHSTAND THE RIGOR OF OUR WINTER MONTHS.

THIS COMMUNITY NEEDS HOUSING AND IF IT IS TO BEST MEET THE NEEDS OF THE ELDERLY THEN THAT HOUSING SHOULD BE OF THE HIGH-RISE TYPE, AND BE IN AN AREA OF ACTIVITY AND BE WITHIN WALKING DISTANCE OF RETAIL, RELIGIOUS, CULTURAL AND SERVICE FACILITIES. IN PORTLAND, THIS IN ALL PROBABILITY MEANS A SMALL SITE AND A BUILDING WHOSE HEIGHT WILL NOT MEET ZONING CRITERIA EXCEPT THROUGH THE APPEAL PROCESS. WE ASK THAT YOU IN YOUR REVIEW CAPACITY CONSIDER THE HARDSHIP TO BE CREATED FOR PORTLAND'S ELDERLY AND OUR MUNICIPAL PURPOSE IF THIS APPEAL IS DENIED.

RECEIVED

JUN 11 1975

DEPT. OF BLDG. INSP.
CITY OF PORTLAND



CITY OF PORTLAND-MAINE

DONALD E. MEGATHLIN, JR.
PLANNING DIRECTOR

June 11, 1975

TO: Chairman and Members of the Board of Appeals
FROM: Chairman and Members of the Planning Board
SUBJECT: Peabody Elderly Housing

At the June 10th meeting of the Planning Board, the Board heard the request for action on a site plan for this project. The Board has had the opportunity to review the site plans in detail coupled with a lengthy presentation by the architect.

There was significant opposition to the project and several petitions presented to the Board. After extensive deliberation and debate, and weighing all the alternatives, the Board voted 3 to 1 (Gilpatrick), to approve the site plan.

Basis of Recommendation

1. Excellent Location

The location has been assessed as excellent including proximity to downtown and Forest Avenue, commercial area including a shopping center, hospitals, the regional office of the State Health & Welfare, some churches and three bus lines.

2. Need For Elderly Housing

There is presently a waiting list of 700 elderly people on record in the Portland Housing Authority Office and a waiting period of two years at Deering Pavilion (A FHA subsidized 236 project).

3. Meets the Standards of the Site Plan Ordinance.

The project meets the requirements and standards of the Site Plan Ordinance. However, the Planning Board did acknowledge concern regarding the scale and height of the building. In fact, attempts were made to reduce the height. This matter was fully covered in the Planning Department report previously submitted to the Board of Appeals.

RECEIVED

JUN 11 1975

DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Statement by Helen Rickett, President
and Lawrence Bilber, Past President
Woodford's Merchants Association

RECEIVED

JUN 11 1975

DEPT. OF BLDG INSP.
CITY OF PORTLAND

All of us in the Woodford's Corner area are interested in the housing for the elderly project to be located in the interior of the block bounded by Forest Avenue, Ashmont Street, Deering Avenue and Coyle Street.

The Woodford's Merchants Association strongly favors this proposal. Among our reasons are:

1. As citizens of Portland we are deeply concerned about the housing needs of our elderly. The Portland Housing Authority now has on its waiting list over 700 elderly families in need of housing. The waiting period at Deering Pavilion is over two years. Even if this proposal encounters no delays it will not be completed and available to our elderly until 1977. We need housing for the elderly in Portland, and the Portland Housing Authority, after a careful screening process, has chosen this as the best project.
2. The intown location of this site is one of the best features of this project. Those of us who live and work in the Woodford's Corner area have long been aware of its unique qualities. Virtually every study of elderly housing needs confirms the desires of the elderly themselves not to be shunted off to suburban or semi-rural sites, but rather to be located intown, close to shopping, churches, bus lines, etc. In addition, a major office of the State Department of Health and Welfare is a short walk from the site.
3. The project will improve this area. It will replace a large open parking lot, which has on occasion been a source of noise and disruption at night, with an attractive, well-planned, well-landscaped and well-maintained building. It will enhance Woodford's Corner as a shopping and trading area.
4. Last but not least it eliminates the possibility that this site could be used for some commercial use which some residents and businesses in the area might find undesirable. Housing for the elderly will be an attractive, positive asset to the Woodford's Corner area.

These are some of the reasons why the Woodford's Merchants Association supports this proposal. We hope you agree.

Attached is a copy of petitions in support of this proposal signed by over 25 persons who work or live in the immediate area. Others signed but we have crossed out those who are not from the immediate area. Thank you for giving me this opportunity.

~~Thomas A. Bilber~~ 94 Hastings St.
~~Steph Bilber~~ 1105 Forest Avenue
~~William Bilber~~ 624 Forest Ave

WOODFORD'S MERCHANTS ASSOCIATION

I SUPPORT THE HOUSING FOR THE ELDERLY PROJECT IN THE FOREST AVENUE - ASHIMONT STREET - COYLE STREET AREA.

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Name	Address
Francis W. ...	1544 Forest Ave.
Robert ...	88 Forest Ave.
Margaret T. Brewster	1544 Forest Ave.
Bob Merrill	570 Forest Ave.
Shirley ...	15 Adirondack St.
Paul J. ...	1595 Forest Ave.
Stephen Sawyer	1593 Forest Ave.
Paul H. ...	601-930 Forest Ave.
Robert ...	1601 Forest Ave.
Sally ...	1611 Forest Ave.
Mr. H. O. ...	1613 Forest Ave.
Mr. Richard W. ...	1619 Forest Ave.
Margaret M. ...	619 Forest Ave.
Shirley ...	625 Greenwood
John M. ...	635 Forest Ave.
John ...	119 Forest Ave.
Paul J. Merrill	681 Forest Ave.
Paul ...	77 Pleasant Ave.
H. W. ...	358 Jordan St.
George ...	652 Forest Ave.
George ...	46 Bay St. City
Conrad ...	215 Bancroft Court
Thomas ...	94 Hastings St.
Stephen ...	1105 Forest Ave.
Wanda ...	624 Forest Ave.

WOODFORD'S MERCHANTS ASSOCIATION

I SUPPORT THE HOUSING FOR THE ELDERLY PROJECT IN THE FOREST AVENUE - ASHIMONT STREET - COYLE STREET AREA.

<u>Name</u>	<u>Address</u>
<i>A. P. Corcoran</i>	<i>494 Deering Ave</i>
<i>Alice E. Hyinton</i>	<i>15 Cottage Street</i>
<i>Eleanor Y. Bunsick</i>	<i>18 Cottage St. Pitts</i>
<i>Alexander Bunsick</i>	<i>18 Cottage St. Pitts</i>
<i>Carl G. Lindholm</i>	<i>14 Timms St.</i>
<i>Susan J. Barwell</i>	<i>8 Holwell St.</i>
<i>Samuel J. Barwell</i>	<i>8 Holwell St.</i>

RECEIVED
JUN 11 1975
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

WOODFORD'S MERCHANTS ASSOCIATION

I SUPPORT THE HOUSING FOR THE ELDERLY PROJECT IN THE FOREST AVENUE - ASHMONT STREET - COYLE STREET AREA.

<u>Name</u>	<u>Address</u>
John A. B. H.	28 Lewis St.
Mary E. Trankle	5 Holwell St.

RECEIVED
JUN 11 1973
DEPT. OF ELDER AFFAIRS
CITY OF PORTLAND