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Posted: May 12  
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## Lawsuit holding up Bay View project

### But a Saco convent is razed to make way for a 14-lot subdivision.

By Emma Bouthillette ebouthillette@mainetoday.com  
Staff Writer

SACO - Demolition of the former Bay View Convent is nearly complete, despite a pending lawsuit from abutting property owners who oppose plans to create a subdivision on the oceanfront property.

Developer Tim Swenson is tearing down the 62-year-old convent and plans to divide the roughly 8-acre site into 14 buildable lots. In a contract zoning agreement with city officials, he was allowed smaller lot sizes in exchange for providing land for a public walkway, dedicated beach access for residents and a public bathroom.

But soon after demolition began in August, neighbors sued Swenson and city officials, arguing that the city shouldn't have allowed some of the lots to be smaller than required under current zoning.

In April, Justice Paul Fritzsche ruled in favor of the city on one count of the lawsuit that challenged whether the contract zoning agreement had been negotiated legally. But four other counts questioning the legality of the contract zoning agreement and a Planning Board site plan approval are still pending.

Attorney David Lourie, who represents the neighbors, said his clients have tried to negotiate with the developer and the city.

"At one point my clients offered not to sue them if they would get rid of the public restroom right in front of my client's home," Lourie said.

Historically, the Good Shepherd Sisters allowed the public to use the beach in front of the convent. In recent years, the city put a portable toilet on the edge of the beach. The proposed bathroom would be in the same location as the portable toilet.

Lourie said his clients plan to appeal if the judge rules against them on the other counts.

City Development Director Peter Morelli said the lawsuit holding up the project is "frivolous."

"The neighbors are gathering up everything to throw into a suit," he said.

The developer has met all city requirements and the contract zoning deal secures public access to the beach, Morelli said.

"This is a very good thing for the city," Morelli said.

The Good Shepherd Sisters order, formally called the Servants of the Immaculate Heart of Mary, had owned the site since 1949. The sisters operated the convent as a retreat, renting out most of the 76 bedrooms to groups and individuals. They sold the site to Melissa Remington in August 2009 for what was described as "close" to the \$3.6 million asking price.

Swenson is developing the site, known as Estates at Bay View, for Remington. The 14 lots are estimated to sell for \$500,000 to \$1.5 million each.



A developer is tearing down the former Bay View Convent in Saco and plans to divide the site into 14 lots. A lawsuit by the property's abutters questions the legality of the contract zoning agreement and site plan approval.  
Gregory Rec/Staff Photographer



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Lourie has said that without the special contract zoning agreement, the developers would have had room for 10 to 12 lots.

Despite the pending lawsuits, Swenson said he moved forward with demolition this spring because the property was "looking very dilapidated."

"We wanted to get that demolition done before summer hits so neither the tourists or the city residents will have to look at the debris," he said.

The building, which once stood prominently on the oceanfront property, has been partially torn down. A portion of the building with a steel-beam frame was torn down Wednesday, and all that remains standing is an elevator shaft. Demolition will continue for up to six more weeks.

"Hopefully (that) will correspond with when we can get the judgment from the judge," he said. "If that hasn't come yet, we will clean up the site, cut the road in and continue to do some work.

"We can't sell lots until (the lawsuit) is over and done with," Swenson said.

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**NeighborToo** 13 hours ago

It is very revealing when Saco's City Planner Morelli says that a law suit about zoning is "frivolous" and "neighbors are gathering up everything to throw into a suit." Are not City Planners supposed to enforce zoning? NOT IN SACO! If it were frivolous, why would Judge Fritzsche have allowed the four counts questioning the legality of the contract zoning to go forward? What this situation represents is the City taking funds from an outside developer to change the zoning in his benefit (he can make more money), leaving the neighbors, neighborhood, and citizens of Saco with the results of their poor planning. If anyone wants to build, even outside developer that will leave with his money when he is done, then he should be allowed to do so only by adhering to same rules that everyone has to live with. If this capricious zoning change is allowed, then no neighborhood is safe! The abutters to this property are to be commended for taking on the time, expense and burden of this court case.

Naran Row-Spauling and 5 more liked this [Like](#) [Reply](#)



**billswifey** 16 hours ago

It's sad to me that the convent is gone...When my children were young, my mother-in-law owned a beach house at Ferry beach and every year we would take the kids for a week . They would run over to the convent and visit the nuns....memories! It really was a beautiful building, dispite what the article says.

Naran Row-Spauling and 4 more liked this [Like](#) [Reply](#)



**prettyfoolish** 16 hours ago

"In April, Justice Paul Fritzsche ruled in favor of the city on one count of the lawsuit that challenged whether the contract zoning agreement had been negotiated legally. But four other counts questioning the legality of the contract zoning agreement and a Planning Board site plan approval are still pending.' It would be helpful to know what the other 4 counts ARE!!!! not mentioned in the article at all!!!

Naran Row-Spauling and 4 more liked this [Like](#) [Reply](#)



**deltaeighty8** 8 hours ago

"At one point my clients offered not to sue them if they would get rid of the public restroom right in front of my client's home," Lourie said.

LOL so this is really the problem: You don't want out of state visitors pooping near your ocean front property. I hear that. But you live in a tourist trap on the beach. They're going to poop all around your property whether or not there's a public bathroom.

2 people liked this. [Like](#) [Reply](#)



**sapphiregirl** 13 hours ago

What more will the Catholic Church have to sell when all of these beautiful, grand assets are gone? However I believe the old convent was more than 62 years old though. Its design alone appeared to be at least one-hundred years old.

3 people liked this. [Like](#) [Reply](#)

 **deltaeighty8** 8 hours ago in reply to sapphiregirl

The Catholic Church has been selling everything lately.

[Like](#) [Reply](#)

 **NeighborToo** 14 hours ago

It is a pretty sad statement when City Planner Morelli calls a law suit by neighbors questioning the legality of an outside developer (with a bad reputation in a neighboring city) changing zoning requirements in favor of payoffs to the City of Saco "frivolous." And, he maligns all these neighbors saying are "gathering up everything to throw into a suit." These should not be statements of a public official, or is he working for the developer? You would like to think zoning is zoning and everyone ahears, but then you have a city and it planning department making concessions for money and property. Unfortunately, it takes going to court to have to deal with this situation.

 Naran Row-Spaulding and 2 more liked this [Like](#) [Reply](#)

 **sacotaxman** 18 hours ago

This is all way too sad!

2 people liked this. [Like](#) [Reply](#)

 **Biddoguy** 1 hour ago in reply to sacotaxman

The building should never have been destroyed in the first place, and could have been rehabed, however, nothing historic is sacred in Biddeford or Saco.

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### Reactions

 **IslandPoint** 20 hours ago

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