
Re: East Tower/Visitors Garage - Status of the PB Conditions of Approval

1 message

Jean Fraser <jf@portlandmaine.gov>

Tue, Apr 2, 2019 at 1:23 PM

To: "Alexander M. Green" <AGreen@mmc.org>

Cc: "Donaldson, Helen" <hcd@portlandmaine.gov>, "Barhydt, Barbara" <bab@portlandmaine.gov>, "Grimando, Christine" <cdg@portlandmaine.gov>

Hello Al

I have now had a chance to discuss your suggestions with my colleagues, and please see our further comments below in **GREEN CAPS**.

Thank you
Jean

On Tue, Mar 26, 2019 at 2:20 PM Alexander M. Green <AGreen@mmc.org> wrote:

Thank you Jean,

Can you also clarify what you're looking for regarding the following condition?

13. That the final parking layout of the Visitors Garage shall meet the City's Technical Manual Standards and all applicable State and Federal standards regarding handicap accessibility; **THE GARAGE SHOULD MEET THE ADA STANDARDS AS SET OUT IN THE ATTACHED NOTE FROM THE UNITED STATES ACCESS BOARD; DOCUMENTATION OF THIS WOULD BE THE BEST WAY TO MEET THE CONDITION.**

Al Green, MHSA, PMP | Director of System Planning and Regulatory Compliance | MaineHealth | 110 Free Street, Portland, Maine, 04101 | 207.662.3689 | cell 616.540.2571

On Mon, Mar 25, 2019 at 1:42 PM Alexander M. Green <AGreen@mmc.org> wrote:

Jean,

Thank you for the status update. It is good to see where we are from your perspective. Here are a few updates...

ii. "That the applicant shall submit evidence from the FAA that the location and height of the construction equipment is acceptable prior to the operation of this equipment, and that the overbuild heights and helipad relocation is acceptable prior to the Certificate of Occupancy for the overbuild or operation of the helipad whichever is sooner;"

This condition is met. Attached is the FAA determination for the East Tower. **NOTED**

iv. f. "Repairs to Weymouth Street prior to/after the detour as agreed with the Department of Public Works."

This condition is met. DPW (Keith Gray) agreed to a mill and repave. This work was completed in September 2018. **I HAVE REQUESTED DPW TO CONFIRM.**

v. "That the applicant is solely responsible for all activities (physical modification to the ROW, monitoring, revisions to the CMP etc) associated with CMP/detour plans referred to in condition iv. above;"

This condition is met. The detour plans were executed successfully. **AGREED, EXCEPT RE iv f**

x. "That the applicant shall develop a long term public Pedestrian Network Plan (both on and off the ROW) showing the integration of the upper level MMC campus with the Congress Street corridor, including measures to address CPTED principles, for implementation when the retail space beneath the Visitors Garage is available for lease or sale; such plan to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit for the Congress Street Hospital Entrance;"

It would be helpful if we agreed that this condition is met and that we are still working on Condition 12 of SP#3 (Congress Tower). It would be helpful from an administrative perspective – keeping track of these conditions duplicates the workload. **THIS CONDITION IS NOT THE SAME AS THE ONE FOR THE CONGRESS TOWER AND INCLUDES OTHER OBJECTIVES SUCH AS THE RETAIL SPACES. WE CONSIDER THIS CONDITION IS STILL OUTSTANDING AND WILL DEFER THE DATE FOR COMPLETION OF THIS CONDITION TO MATCH THAT FOR CONDITION 12 OF THE CONGRESS STREET HOSPITAL BUILDING IE TO BE BEFORE CO RATHER THAN BEFORE ISSUANCE OF A BUILDING PERMIT .**

xv. "That any new signage relating to the East Tower or Visitors Garage shall be subject to separate site plan review in the context of the Regulatory Framework and IDP Design Standards by the Planning Authority prior to installation;"

This condition is met. A campus-wide signage plan was submitted and approved during the SP#3 (Congress Tower) review. **I UNDERSTAND FROM NELL DONALDSON THAT THE SIGNAGE PLAN SUBMITTED DURING THE CONGRESS TOWER REVIEW WAS NOT APPROVED, AND THAT THERE IS A RELATED CONDITION ON THAT APPROVAL THAT STILL NEEDS TO BE MET. SO THIS REMAINS OUTSTANDING.**

I plan to get back to you next week re: the sound management plan. **NOTED**

AI

From: Jean Fraser [mailto:jf@portlandmaine.gov]

Sent: Thursday, March 21, 2019 5:43 PM

To: Alexander M. Green

Subject: East Tower/Visitors Garage - Status of the PB Conditions of Approval

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AI

As promised I have included below all of the conditions of approval that relate to the East Tower/Visitors Garage (approved March 2018), and I have annotated them in red to indicate their status (according to our files) in order to help keep track of these alongside the discussions related to the IOZ and other site plan conditions.

I understand that you recently mentioned to Nell that there may need to be a change the cladding on the Visitors Garage. Based on recent discussions with both the previous and current City Planning Directors, I confirm that an amendment of this nature would be referred back to the Planning Board, given the importance placed on the Congress Street facade and cladding by the Planning Board, including by the current Chair of the Board.

Please note that any amendment to the approved plans/specs should be sent to us with a description/explanation/plan, and then a formal review would be undertaken.

PB conditions as listed in the letter of approval:

- i. That the documentation of the land transfers and street acceptances associated with the sites shall be completed prior to the Certificate of Occupancy; **Outstanding - I understand**

that Jen Thompson of our Legal office and Penelope St Louis have been in discussion on this issue, and that City Council action is contemplated and would need to be initiated in the near future.

ii. That the applicant shall submit evidence from the FAA that the location and height of the construction equipment is acceptable prior to the operation of this equipment, and that the overbuild heights and helipad relocation is acceptable prior to the Certificate of Occupancy for the overbuild or operation of the helipad whichever is sooner; **Outstanding - We have all of the FAA determinations except for the East Tower permanent increase in height.**

iii. That within 9 months of the date of this site plan approval the applicant shall submit a "*Sound Measurement Plan*" for review and approval by the Planning Authority, for assessing the actual changes in sound impacts on nearby properties between the helipad operating at the existing site and at the new location, including criteria for mitigation where such impacts are severe based on appropriate national standards. The "*Sound Measurement Plan*" is required in the event that the predicted sound levels are incorrect, and it shall be approved and implemented at least 2 months before the helipad is relocated; **Outstanding - The *Sound Measurement Plan* was received within 9 months of the approval and has been reviewed by our consultant Peer Reviewer, whose recommendations were sent to you 3/15/19 along with our request that the recommendations be addressed.**

iv. That the applicant shall undertake all construction associated with this site plan in accordance with the Turner CMP dated March 21, 2018 and Detour Plan (MOT) dated March 21, 2018 unless agreed in writing with Planning Authority, including:

- a. Provision of alternative parking for any parking displaced by the construction either on or off the MCC campus; and

- b. Coordination with the Seadogs and other event organizers, and with METRO, to ensure safety of all users; and
- c. Incorporate ongoing monitoring and adjustments in consultation with city representatives; and
- d. That the Park and Weymouth signal shall meet MUTCD requirements and include pedestrian accommodations, ADA compliance and have full vehicle detection; and
- e. Minor ROW adjustments such as curb radii at Boynton/Forest Streets, ADA ramps and bus stop pads; and
- f. Repairs to Weymouth Street prior to/after the detour as agreed with the Department of Public Works.

I do not know the status of "f" so please send an update on this; others were previously met.

v. That the applicant is solely responsible for all activities (physical modification to the ROW, monitoring, revisions to the CMP etc) associated with CMP/detour plans referred to in condition iv. above; Ongoing

vi. That the applicant shall take steps as necessary to minimize construction impacts on neighbors, including businesses, in the vicinity of the project, and implement the Communications Plan generally as outlined; No specific action needed at this time.

vii. That the applicant shall comply with the submitted Construction Schedule which notes a Congress Street closure between Monday May 7th to Thursday, June 28th 2018 inclusive. This closure period is dependent upon 1) the City of Portland issuing building permits in a timely manner and 2) the

absence of other events beyond the control of the applicant (“force majeure”), including, without limitation, acts of God, war, fire, flood, acts of a sovereign nation or any state or political subdivision or any department or regulatory agency. Unless otherwise justified by 1) or 2) above, if Congress Street is not open to through traffic and pedestrian access on June 29th, that penalties of \$10,000/day will apply for each day of delay; **Met**

viii. That the stormwater system for the Congress Street Hospital Entrance shall add detention capacity in lieu of stormwater separation in order to reduce the burden of the existing and proposed development on the City’s infrastructure. As part of the site plan application for the Congress Street Hospital Entrance the applicant shall set out the strategy and associated proposals for achieving additional detention or for contributions to other measures that achieve the same objective; **Met**

ix. That the applicant shall finalize a TDM Plan that addresses the Regulatory Framework and Site Plan requirements, for review and approval by the Planning Board prior to the issuance of a Certificate of Occupancy for the East Tower; **Met**

x. That the applicant shall develop a long term public Pedestrian Network Plan (both on and off the ROW) showing the integration of the upper level MMC campus with the Congress Street corridor, including measures to address CPTED principles, for implementation when the retail space beneath the Visitors Garage is available for lease or sale; such plan to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit for the Congress Street Hospital Entrance; **This condition has been overtaken by a condition of approval on the Congress Street hospital building that reads: "(Prior to the Issuance of a CO for the Congress St Hospital building) The applicant shall provide a revised Pedestrian Network Plan, including updated diagrams, proposed Western Promenade improvements, sidewalk materials, and public circulation and access points for review and approval by the Planning Authority."**

xi. That the applicant shall implement the following upgrades in the ROW prior to the issuance of a Certificate of Occupancy:

- a. Update the four (4) pedestrian light fixtures along the Congress Street frontage of the Visitors Garage to LED, and for each add the bracket and LED light fixture at the top of the existing poles.
- b. Install ADA pedestrian ramps at 4 locations where there are crosswalks near the East Tower.

This condition is outstanding.

xii. That the applicant shall submit an assessment of the existing bicycle parking near the East Tower to confirm whether it meets the City's Technical Standards for the location, number and design of bicycle parking to serve the East Tower as expanded, and add to/relocate or replace bicycle parking as necessary to meet the standards prior to the issuance of a Certificate of Occupancy for the East Tower;

This condition is outstanding.

xiii. That the final parking layout of the Visitors Garage shall meet the City's Technical Manual Standards and all applicable State and Federal standards regarding handicap accessibility;

Outstanding - It was anticipated that this would be checked during the inspection prior to the issuance of a CO for the Visitors Garage.

xiv. That the applicant shall submit the ability to serve letter regarding wastewater prior to the issuance of a building permit for the East Tower overbuild; **Met**

xv. That any new signage relating to the East Tower or Visitors Garage shall be subject to separate site plan review in the context of the Regulatory Framework and IDP Design Standards by the Planning Authority prior to installation; **Ongoing**

xvi. That the applicant shall submit a strategy ensuring the space on Congress Street beneath the Visitors Garage is

occupied as soon as Turner vacates the space, to be coordinated with the Pedestrian Network Plan subject of condition x. above; such strategy to be submitted for review and approval by the Planning Authority prior to the issuance of a Certificate of Occupancy for the Congress Street Hospital Entrance. **This condition is tied to the CO for the Congress Street Hospital building, and so would need to be addressed after the CO that relates to the East Tower and Visitors Garage.**

Please let me know if you would like further information or clarification regarding any of the outstanding conditions, as I would be happy to set up meetings or otherwise follow up.

thank you

Jean

Jean Fraser, Planner

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