# CITY OF PORTLAND, MAINE

# PLANNING BOARD

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December 19, 2018

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| Alexander GreenMaine Medical Center22 Bramhall StreetPortland, ME 04102  | Will ConwaySebago Technics75 John Roberts Road, Suite 4ASouth Portland, ME 04106 |

Project Name: MMC Congress Street Hospital Building

Project ID: 000331-2018

Address: 22 Bramhall Street

CBLs: 053 D007001

Applicant: Maine Medical Center

Planner: Nell Donaldson

Dear Mr. Green:

On December 17, 2018, the Planning Board considered Maine Medical Center’s Level III site plan application for a 285,000 SF hospital building to be located at the corner of Congress Street and Gilman Street. The Planning Board reviewed the proposal for conformance with the site plan standards of the land use code and the requirements of MMC’s Institutional Overlay Zone. The application was also reviewed as an amendment to the existing Site Location of Development Act permit for the MMC campus. The Planning Board voted as follows:

1. **Waivers**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on December 17, 2018 for application 331-2018 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board voted 6-0 (Silk absent) to find, based upon the consulting transportation engineer’s review *(Attachment 2),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard *(Section 1.7.2.4)* which establishes a maximum driveway width of 24 feet for sites with two-way access, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard *(Section 1.7.2.4)* to allow a driveway of 35 feet in width on Congress Street;
2. The Planning Board voted 6-0 (Silk absent) to find, based upon staff review,that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.8)* which requires brick sidewalks on Congress Street and Gilman Street, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the site plan standard (*Section 1.8)* to allow concrete sidewalks on Congress Street and Gilman Street;
3. The Planning Board voted 6-0 (Silk absent) to find, based upon the consulting civil engineer’s review *(Attachment 4),* that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 5.II)* which requires that redevelopment projects meet the Chapter 500 standards regarding BMP sizing requirements, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard (*Section 5.II)* to allow a subsurface stormwater system with less surface area than required per the design criteria.
4. The Planning Board voted 6-0 (Silk absent) to find, based on staff review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 12.2.3)* which establishes average and maximum illumination levels of 1.25 footcandles and 5 footcandles respectively, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waives the *Technical Manual* standard *(Section 12.2.3)* to allow an average illumination level within the green roof area of 1.84 footcandles and average and maximum illumination levels on the street frontage of 1.34 and 5.4 footcandles respectively.
5. **TRAFFIC MOVEMENT PERMIT**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 17, 2018 for application 331-2018 relevant to Portland’s technical standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 (Silk absent) to find that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following conditions of approval, which must be met as follows:

1. In conjunction with TDM reporting requirements, the applicant shall provide documentation regarding employee parking patterns. Should this documentation show that rates of employee use of the St. John Street garage are lower than anticipated, MMC shall identify measures to be implemented to address this issue for review and approval by the Department of Public Works and Planning Authority;
2. Within three months following full occupancy of the Employee Parking Garage on St. John Street and the completion of the St. John Street improvements as required by Dunkin’ Donuts, the applicant shall conduct a monitoring study of the Park Avenue/Valley Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
3. Within three months of the removal of the traffic signal at Valley Street and full occupancy of the Employee Garage at St. John Street, the applicant shall conduct a monitoring study of the Congress Street/Gilman Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
4. Within three months following full occupancy of the Employee Garage on St. John Street, the applicant shall conduct a monitoring study of the St. John Street/A Street intersection, with methods and scope to be approved by the Department of Public Works. Should the monitoring study show that safety-related improvements as discussed in the Traffic Impact Study are necessary, the applicant shall design and implement such improvements with the review and approval of the Department of Public Works and Planning Authority;
5. The applicant shall submit a plan for improving wayfinding to the existing MOB Parking Garage and the Visitor Garage on Congress Street in order to help mitigate sudden stops within this section of roadway for review and approval by the Department of Public Works and the Planning Authority and Planning Authority; and
6. Within one year of certificate of occupancy, the applicant shall conduct a monitoring study of the section of Congress Street between Forest Street and Weymouth Street. If crash patterns are not mitigated, the applicant shall develop and implement a mitigation plan with the review and approval by the Department of Public Works and Planning Authority.
7. **DEVELOPMENT REVIEW and SITE LOCATION OF DEVELOPMENT**

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 17, 2018 for application 331-2018; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 (Silk absent) to find that the plan is in conformance with the site plan standards of the land use code, the MMC IOZ Regulatory Framework, and the Site Location of Development regulations*,* subject to the following conditions of approval, which must be met as follows:

*Prior to permission to complete site work in advance of building permit:*

* 1. The applicant shall provide final, revised utility plans addressing the comments of the city’s consulting civil engineer with respect to catch basin locations and conflicts, callouts, inlet information, conversion of catch basins to drainage manholes, and underground utility conflicts for review and approval by the Department of Public Works and Planning Authority;
	2. The applicant shall provide evidence of sewer capacity for review by the Planning Authority, and any utility modifications post-approval shall be submitted to the Department of Public Works and Planning Authority for review and approval;
	3. The applicant shall provide a revised Construction Management Plan addressing comments related to vibration monitoring, maintenance of traffic, and provisions for right-of-way work for review by the Department of Public Works and the Planning Authority;

*Prior to building permit application:*

* 1. The applicant shall provide final, revised site plans and details, stamped by a licensed professional engineer, addressing the comments of the city’s Transportation Program Manager with respect to multi-modal access and circulation, public transit access, and on-street parking for review and approval by the Department of Public Works and the Planning Authority;
	2. The applicant shall submit revised landscape plans addressing street tree and sidewalk planting area comments for review and approval by the City Arborist and the Planning Authority;
	3. The applicant shall provide documentation from the Department of Public Works with respect to the storm event modeled within the stormwater management calculations and proposed connections to existing drainage and sewer systems for review and approval by the Planning Authority;

*Prior to the issuance of a building permit:*

1. The applicant shall provide evidence of license agreements for proposed building encroachments into the right-of-way, including proposed footings and building overhangs, for review and approval by Corporation Counsel and the Planning Authority;
2. The applicant shall provide evidence of FAA approvals for review by the Planning Authority;

*Prior to the issuance of a certificate of occupancy:*

1. The applicant shall provide evidence of a public pedestrian easement for all areas of sidewalk that are proposed on private property for review and approval by Corporation Counsel and the Planning Authority;
2. The applicant shall provide a final, recorded maintenance agreement for the granite banding proposed within the Congress Street sidewalk and raised tree wells to be reviewed and approved by Corporation Counsel and the Planning Authority;
3. The applicant shall submit a revised master sign plan addressing staff comments related to sign size, design, and placement for review and approval by the Planning Authority;
4. 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.
5. A licensed engineer in the state of Maine shall provide certification that the stormwater system is installed according to plan and that there are weekly reports confirming compliance with erosion and sedimentation measures during construction for review and approval by the Department of Public Works and Planning Authority; and
6. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Storm water including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds, with copies to both the Planning Authority and the Department of Public Works.

The approval is based on the submitted plans and the findings related to site plan review standards, the requirements of MMC’s Institutional Overlay Zone, Site Location of Development Act standards, and Traffic Movement Permit standards contained in the Planning Board report for application 331-2018, which is attached.

**STANDARD CONDITIONS OF APPROVAL**

The following standard conditions of approval and requirements apply to all approved site plans and must be met prior to the issuance of a building permit, unless otherwise noted:

1. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
2. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
3. Preconstruction Meeting Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
4. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland’s Permitting and Inspections Department.
5. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project’s approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project’s construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
7. As-Built Final Plans Prior to certificate of occupancy, final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (\*,dwg), release AutoCAD 2005 or greater.
8. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
9. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson, Planner, at (207)874-8723 or hcd@portlandmaine.gov.

Sincerely,

Sean Dundon, Chair

Portland Planning Board

Attachments:

1. Planning Board report

2. Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development

 Stuart G. O’Brien, City Planning Director, Planning and Urban Development

 Barbara Barhydt, Development Review Services Manager, Planning and Urban Development

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 Mike Russell, Director of Permitting and Inspections

 Ann Machado, Zoning Administrator, Permitting and Inspections

 Jonathan Rioux, Deputy Director, Permitting and Inspections

 Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections

 Chris Branch, Director of Public Works

 Keith Gray, Senior Engineer, Public Works

 Doug Roncarati, Stormwater Coordinator, Public Works

 Jane Ward, Engineering, Public Works

 Rhonda Zazzara, Construction Engineering Coordinator, Public Works

 Jeff Tarling, City Arborist, Public Works

 Jeremiah Bartlett, Transportation Systems Engineer, Public Works

 William Scott, Chief Surveyor, Public Works

 Mike Thompson, Fire

 Danielle West-Chuhta, Corporation Counsel

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