

Comments Submitted 5/31/13
 Comment Submitted 6/4/13
 Final Comments Submitted 7/2/13

City of Portland
Development Review Application
Planning Division Transmittal Form

Application Number: 2013-130 **Application Date:** 05/28/2013
CBL: 053 D007001 **Application Type:** Level III Site Plan 50,000 - 100,000

Project Name: Maine Med Roof Addition
Address: 22 BRAMHALL ST
Project Description: Vertical expansion of LL Bean building for new operating rooms and mechanical systems.
Zoning: C41

Other Required Reviews:

<input type="checkbox"/> Traffic Movement	<input type="checkbox"/> 14-403 Streets	<input type="checkbox"/> Housing Replacement
<input type="checkbox"/> Storm Water	# Units _____	<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Other:
# Lots _____	<input type="checkbox"/> Shoreland	
<input type="checkbox"/> Site Location	<input type="checkbox"/> Design Review	
# Unit _____		

Distribution List:

Planner	Jean Fraser	Parking	John Peverada
Zoning	Marge Schmuckal	Design Review	Alex Jaegerman
Traffic Engineer	Tom Errico	Corporation Counsel	Danielle West-Chuhta
Civil Engineer	David Sensus	Sanitary Sewer	John Emerson
Fire Department	Chris Pirone	Inspections	Tammy Munson
City Arborist	Jeff Tarling	Historic Preservation	Deb Andrews
Engineering	David Margolis-Pineo	DRC Coordinator	Phil DiPierro
		Outside Agency	

Comments needed by 6/4/2013

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2013-130

Date: 7/2/2013

Comments Submitted by: Marge Schmuckal/Zoning on 7/2/2013

The most current plans still show compliance with the conditional contract rezoning. Separate building permits are required for the project. Separate permits are required for any new signs..

Marge Schmcuakal
Zoning Administrator

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2013-130
Date: 6/4/2013

Comments Submitted by: Marge Schmuckal/Zoning on 5/31/2013

Hi Jean,

I have reviewed the contract zone relating to what you have pointed out. I agree with you that any expansion based on #5 of the Conditional Contract zone states that a Conditional Use (to the PB) would be required as part of their approval. I further note that #7(a) would allow the additional height that is being proposed on the existing Bean Wing.

I hope that helps you,
Marge

>>> Jean Fraser 5/31/2013 9:08 AM >>>

Marge

Could you let me know whether this needs to be reviewed by the Planning Board as a conditional use (expansion of institutional use) under R-6- also see para 5 and 7 of the Contract Zone Agreement (copy attached).

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2013-130

Date: 6/4/2013

Comments Submitted by: Marge Schmuckal/Zoning on 6/4/2013

Further reviews show that other than meeting the height requirements, this project is also meeting setback requirements of the C-41 conditional contract zone. Separate permits would be required for any new signs.

Marge Schmuckal
ZoningAdministrator

Maine Medical Center Surgical Suite Addition | 2013

Zoning Compliance Comprehensive Plan Compliance

2013-130
MMC
need comments by June 5 for PB Workshop
6.11.13

General Overview:

Maine Medical Center (MMC) is requesting Site Plan approval for a +/- 40,000 s.f. addition to the Lower Bean Building (aka Bean2)) located at 22 Bramhall Street (in the vicinity of the MMC emergency department). The addition will both modernize, upgrade and enhance MMC's existing surgical facilities by enlarging existing ORs to meet standard of care requirements and adding four additional surgical suites. The addition will be located on the roof of the Bean 2, and, as a result, will have no impact on building footprint or impervious surface.

Zoning:

MMC is governed by a 2005 Conditional Rezoning Agreement, Order 172-04/05, C-41 (attached hereto). It governs the use, setback and height of buildings, among other things. The addition being proposed conforms in all respects with the zoning requirements of the Conditional Rezoning Agreement.

	<u>Allowed by Contract</u>	<u>Proposed</u>
Use	Institutional/hospital	Institutional/hospital
Height	Bean Building max height 111 feet	69 feet
Setbacks	0	No change/existing footprint

City's Comprehensive Plan:

The Portland Comprehensive Plan's Vision for the Future characterizes Portland as the "center for many **regional service institutions**, which offer high quality medical care, an extensive range of social services for those in need, and numerous higher education opportunities". This characteristic is one of several that the vision places under the heading of "Distinctive Features of Portland to Value and Build Upon" and the subheading, "A city that provides for people".

Under the heading, "Future Directions for Portland" and the subheading, "Serve the people", the Vision says "**Provide compassionate services** for the City's vulnerable citizens, while leading regional approaches to share the responsibility of caring for citizens in need" and "**Foster expanded opportunities, innovative solutions, and exemplary services** from Portland's institutions of higher learning, health care, and community services." And under the subheading of "Build a Vibrant Small City" the Vision says, "Support a **dynamic downtown** that embraces an intertwining of uses, including residential, business, retail, institutional, service, and arts and cultural uses." Under the subheading, "Provide

does this need a cond use review by PB?

re R6 - expansion of institution

Maine Medical Center Surgical Suite Addition | 2013

Zoning Compliance

Comprehensive Plan Compliance

High Quality Leadership", the Vision says, "Create a **sustainable community** with vital neighborhoods, high quality infrastructure, a strong economy, and a healthy environment, while keeping municipal taxes affordable" and "**Incorporate environmental, economic and neighborhood considerations** in municipal decision-making."

Stated Goal A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character; making efficient use of public services and preventing development sprawl.

Comprehensive Plan Description of Maine Medical Center

Pages P-11 and P-12 of the Public Facilities and Services section of the Comprehensive Plan provides the following description of Maine Medical Center:

"Maine Medical Center is located at 22 Bramhall Street in Portland. It is the largest hospital in Maine with 598 beds. MMC is a fully accredited, community oriented teaching hospital serving Portland, and a referral center for the entire State and much of northern New England. MMC is widely known for its expanding cardiac diagnostic and open-heart surgery programs, renal dialysis and kidney transplant, oncology, nuclear medicine, physical medicine and rehabilitation. It maintains a graduate medical education program, has residency-training programs in major specialties and is a teaching affiliate of the University of Vermont College of Medicine. There are 35 separate outpatient clinics and a highly regarded research department, programs in community medicine, and a Community Mental Health Center. MMC has a substantial diagnostic facility, which provides space for the Pathology and Radiology departments. It is the home of the Barbara Bush Children's Hospital as well as the Southern Maine Radiation Therapy Institute, a cancer treating consortium of 17 Maine hospitals. MMC operates seven facilities throughout the region, including Spring Harbor Hospital (the former Jackson Brook Institute) in Scarborough, Maine's only private psychiatric hospital. MMC supports a staff of approximately 4,571 employees."

Compliance with City's Comprehensive Plan: The MMC addition presently before the Planning Board is consistent with a myriad of concepts contained within the City of Portland's Comprehensive Plan. First and foremost, it may be considered an in-fill development in that it is an expansion of a vertical nature. The addition creates no new footprint. But, rather attempts to achieve health care objectives by building within its existing campus, avoiding sprawl.

Maine Medical Center Surgical Suite Addition | 2013
Zoning Compliance
Comprehensive Plan Compliance

Additionally, the proposed addition will promote economic development within the City. While the jobs to be created by the proposed addition is modest, at 49 employees, in today's economic environment all job creation is good job creation. MMC is proud to be an economic engine that fuels prosperity within the City of Portland and this current phase of development will continue to provide good jobs in a central location within the City.

The national reputation and respect for the medical providers at this teaching institution also lends itself to the promotion of the City as a great place to live, work and play. With this addition to the surgical suites within the Hospital, the abilities of renowned medical professions will be expanded and the education of the students and residents that are part of the MMC family will be enhanced. These attributes lend themselves to further recognition of Portland as a caring, creative and growing City.

MMC is a partner with the City in promoting it as a visionary community that cares for each and every member of it. The proposed addition of operating rooms at this health care agency complies with the overall objectives of the city's Comprehensive Plan.

Marge Schmuckal - Re: MMC roof addition

From: Marge Schmuckal
To: Jean Fraser
Date: 5/31/2013 12:09 PM
Subject: Re: MMC roof addition
CC: Barbara Barhydt; Jennifer Yeaton

Hi Jean,

I have reviewed the contract zone relating to what you have pointed out. I agree with you that any expansion based on #5 of the Conditional Contract zone states that a Conditional Use (to the PB) would be required as part of their approval. I further note that #7(a) would allow the additional height that is being proposed on the existing Bean Wing.

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Marge

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Marge

Could you let me know whether this needs to be reviewed by the Planning Board as a conditional use (expansion of institutional use) under R-6- also see para 5 and 7 of the Contract Zone Agreement (copy attached).

We need to advertize it today re the PB meeting on June 11th and if it is a cond use review as well as site plan I would like to include that in the blurb.

Thanks
Jean

Marge Schmuckal - Re: MMC roof addition

From: Barbara Barhydt
To: Fraser, Jean; Schmuckal, Marge
Date: 5/31/2013 10:16 AM
Subject: Re: MMC roof addition
CC: Yeaton, Jennifer

Hi all:

I think Jean is correct that this does need to be reviewed as an R-6 conditional use as stated in 5. Marge, do you agree? Jean, I don't see what you are referring to in #7. Jean, assuming Marge agrees, please advise Penny that she needs to fill out the conditional use application and pay the application fee. We will advertise it as a conditional use and site plan.

Thank you.

Barbara

>>> Jean Fraser Friday, May 31, 2013 9:08 AM >>>
Marge

Could you let me know whether this needs to be reviewed by the Planning Board as a conditional use (expansion of institutional use) under R-6- also see para 5 and 7 of the Contract Zone Agreement (copy attached).

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Thanks
Jean

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrissette, Chair
Stuart G. O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

July 19th, 2013

Penelope E. St. Louis
Corporate Counsel
MaineHealth
110 Free Street
Portland, ME 04101

Jeffrey D. Sanders
Executive Vice President and Chief Operating Officer
Maine Medical Center/MaineHealth
22 Bramhall Street
Portland, ME 04102-3175

Project Name: MMC Surgical Facility Addition
Project ID: 2013-130
CBL: 53-D-1,2,7; 53-E-1,2,10,13; 54-H-1; 64-C-1,2
Address: 22 Bramhall Street, Portland
Applicant: MaineHealth/Maine Medical Center
Planner: Jean Fraser

RECEIVED

JUL 29 2013

Dept. of Building Inspections
City of Portland Maine

Dear Ms Louis and Mr Sanders:

On July 9th, 2013, the Planning Board considered the Level III Site Plan, Conditional Use and Amended Site Location of Development Act application for the roof addition at 22 Bramhall Street that comprises 40,000 sq ft of new floorspace within a 40 foot high building addition on the "Bean 2" (lower) roof.

The Planning Board reviewed the proposal for conformance with the 2005 Conditional Rezoning Agreement and the standards of the Conditional Use Review, Site Plan Ordinance, and Site Location of Development Act.

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #30 -13 (attached), and the testimony presented at the Planning Board hearing, the Planning Board voted 5-0 (Dundon and O'Brien absent) to approve the application with the following conditions as presented below:

1. CONDITIONAL USE

The Planning Board voted 5-0 (Dundon and O'Brien absent) that the proposed plans are in conformance with the conditional use standards of the Land Use Code subject to the following condition:

- i. That the applicant shall submit evidence to the Planning Authority of approval by the FAA, prior to the issuance of a Building Permit.

2. DEVELOPMENT REVIEW

The Planning Board voted 5-0 (Dundon and O'Brien absent) that the proposed plans are in conformance with Site Plan Standards of the Land Use Code, including Amended Site Location of Development Act under delegated review by Portland, subject to the following conditions of approval:

- i. That the applicant shall implement the mitigation strategies for two minor safety issues in the project area (Congress Street between Weymouth and Ellsworth Street; Intersection of Congress Street and Valley Street) as recommended in the May 29, 2013 letter from Gorrill Palmer, as supported by Tom Errico, Consultant Traffic Engineering Reviewer in e-mail dated July 3, 2013; such implementation shall be coordinated with the Department of Public Services prior to proceeding and be implemented prior to the issuance of a Certificate of Occupancy; and

- ii. That the applicant shall implement the TDM Plan enhancements as proposed in Attachment M to this report prior to the issuance of a Certificate of Occupancy. These comprise a car share parking space that shall be for the car share company utilized on public streets by the City (currently U-Car), in an off-street location to be agreed with the City; and two bike racks (36 bicycle parking spaces) at the corner of Bramhall and Chadwick Streets. If the City changes carshare vendors in the future, MMC will change the company utilizing this space to match the City's new vendor. MMC will provide information on bike rack usage across their campus as part of MMC's ongoing annual reporting on TDM performance; and
- iii. That the applicant shall address the particular technical Fire Prevention standards, as outlined in the e-mail from Captain Chris Pirone of the Fire Department dated June 6, 2013, to the satisfaction of the Fire Department prior to the issuance of a building permit; and
- iv. That any signage shall be subject to separate review and approvals/permits.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **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.
2. **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 Inspection Division.
3. **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.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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 Service's 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.
7. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.