

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

CONSTRUCTION

PERMIT

PERMIT ISSUED

Permit Number: 041455 2006
AUG 18 2006

CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

This is to certify that Maine Medical Center/William Berry & Sons, Inc.
has permission to New Five story Medical Building w/ Educational, Mail cafe, Medical services,
AT 13 Charles St Portland, ME 04103 053 0001001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is altered or closed-in. HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept _____
Health Dept. _____
Appeal Board _____
Other _____
DepartmentName

[Signature]
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 04-1455	PERMIT ISSUED	BL: 053 G001001
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Location of Construction: 13 Charles St	Owner Name: Maine Medical Center
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Owner Address: 22 Bramhall St	Phone:
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Business Name:	Contractor Name: William Berry & Sons, Inc.
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Contractor Address: 99 Conifer Hill Drive	Phone: 2032236026
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Lessee/Buyer's Name	Phone:
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Permit Type: Alterations - Commercial	Zone: Contract Zone
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Past Use: Commercial Parking Lot	Proposed Use: New Five story Medical Building w/ Educational, retail cafe, Medical services
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Permit Fee: \$342,492.00	Cost of Work: \$38,044,000.00	CEO District: 2	C-41
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FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied See conditions	INSPECTION: Use Group: I2 Type: B 8/18/06 Signature: [Signature]
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Proposed Project Description: New Five story Medical Building w/ Educational, retail cafe, Medical services
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PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Signature:	Date:

Permit Taken By: Idobson	Date Applied For: 09/24/2004
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Zoning Approval		
Special Zone or Reviews <input type="checkbox"/> Shoreland N/A <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone Panel 13 Zone C <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan #2004-0003 Maj <input checked="" type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 9/10/04	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE	

Applicant: ME MEDICAL Center Date: 12/1/05
Address: 22 Bramhall St C-B-L:

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing Dev.

#05-1789 connected with
function #04-1455
↓
mini permit

Zone Location - C-41 contract zone

Interior or corner lot -

Proposed Use/Work - Foundation only for The Charles Street Addition

Sewage Disposal - city

Lot Street Frontage - 40' - 900' + 8' shown

Front Yard - 10' min 12.5' Sealed
Charles

Rear Yard - N/A

Side Yard - 10' - 10' + 8' shown

- min setback of The Southeast
corner of The Charles St Addition
shall be (5') from the relocated
Right of Way line of Ellsworth St
way over 5'

Projections - balconies

Width of Lot -
Needs to be next permit - Just under the 95' AVERAGE
checked in permit - Height - 95' for Charles St Addition
made

Lot Area -

Lot Coverage/ Impervious Surface - N/A

Area per Family - N/A

Off-street Parking - OK - Parking garage part of plan - planning Bd
set the parking rates

Loading Bays -

Site Plan #2004-0003

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 13 - Zone C

PRIOR to Occupancy
Permit of MMC agrees to
divest itself of ownership of
15 Crescent St - 25 Crescent St -
25 Ellsworth - 32 Ellsworth -
20 Hill St

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit NO: 04-1455	Date Applied For: 09/24/2004	CBL: 053 G001001
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Location of Construction: 13 Charles St	Owner Name: Maine Medical Center	Owner Address: 22 Bramhall St	Phone:
Business Name:	Contractor Name: William Berry & Sons, Inc.	Contractor Address: 99 Conifer Hill Drive Danvers	Phone (203) 223-6026
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	

Proposed Use: New Five story Medical Building w/ Educational, retail cafe, Medical services	Proposed Project Description: New Five story Medical Building w/ Educational, retail cafe, Medical services
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Marge Schmuckal	Approval Date: 05/10/2006
Note: 5/10/06 received back again from Mike - foundation only permit is under #051739 - This is the Charles Street addition - did not receive the elevation plans to determine height compliance			
<ol style="list-style-type: none"> 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. 2) Separate permits shall be required for any new signage. 3) PRIOR TO OCCUPANCT PERMIT MMC agrees to divest itself of ownership of 15 Crescent St - 25 Crescent Street - 25 Ellsworth St. - 32 Ellsworth St. - 20 Hill St. 			

Dept: Building	Status: Approved with Conditions	Reviewer: Mike Nugent	Approval Date: 08/18/2006
Note:			
1) Reviewed and approved under the 1999 BOCA code as the permit was applied for in Sept. 2004.			

Dept: Fire	Status: Approved with Conditions	Reviewer: Cptn Greg Cass	Approval Date: 05/22/2006
Note:			
<ol style="list-style-type: none"> 1) A " Masterbox " is required at this location per city ordinance. 2) State Fire Marshal approval is required 			

Mike Nugent - RE: MMC/Charles St.

From: "Niemi, Ralph" <RNiemi@TROarch.com>
To: "Mike Nugent" <MJN@portlandmaine.gov>, "Silbert, Bailey" <BSilbert@TROarch.com>
Date: 8/14/2006 4:13 PM
Subject: RE: MMC/Charles St.
CC: <JLansberry@berry.com>, "Davis, Keith" <KDavis@TROarch.com>

Mike,

We have created separate fire areas in accordance with BOCA 1999 section 503.1 as outlined below;

503.1 General:

The heights and areas of all buildings and structures between exterior walls or between exterior walls and fire walls shall be governed by the type of construction and the use group classification as defined in Chapters 3 and 6 and shall not exceed the limitations fixed in Table 503.

We believe this approach to be an acceptable alternative to a fire wall and have successfully applied this method on many previous projects here at TRO. I hope this addresses your concerns and please feel free to contact me @ 617/969-9400 X403 if necessary.

Thanks, Ralph

-----Original Message-----

From: Mike Nugent [mailto: MJN@portlandmaine.gov]
Sent: Monday, August 14, 2006 3:27 PM
To: Silbert, Bailey; Niemi, Ralph
Cc: JLansberry@berry.com; Davis, Keith
Subject: RE: MMC/Charles St.

It dosen't appear to comply with the 1999 BOCA Code though. Please provide a specific code cite for this position.

>>> "Niemi, Ralph" <RNiemi@TROarch.com> 8/14/2006 3:15:22 PM >>>
Mike,

I agree the fire suppression system does not have anything to do with the type of construction. It is however a method used by the Building Code Consultant to justify the use of a building separation in order to separate an existing building that is not fully sprinklered from a new building that is fully sprinklered for an 1-2 Use.

We have successfully used this separation method before and it does meet with the requirements for a building separation and performs basically the same function as a fire wall separation, It separates the buildings and allows the collapse of construction on either side of the building and will maintain the integrity of a two-hour rating on one side or the other.

Ralph

-----Original Message-----

From: Mike Nugent [mailto:MJN@portlandmaine.gov]
 Sent: Monday, August 14, 2006 2:57 PM
 To: Silbert, Bailey; Niemi, Ralph
 Cc: JLansberry@berry.com; Davis, Keith
 Subject: RE: MMC/Charles St.

I'm not sure if that complies with the code. First, the presence or lack of a fire suppression system has nothing to do with the type of construction. It's simply fire resistance ratings and combustibility of the members of the building. Second, The only allowance to expand upon a building that is non-conforming to Table 503 is to separate it with a firewall (see 503.1) I don't find any other section that gives up design options.

What are your thoughts?

>>> "Niemi, Ralph" <RNiemi@TROarch.com> 8/14/2006 2:29:58 PM >>>

Mike, Bailey Silbert requested that I respond to your questions below:

I'm concluding the lengthy review of these permits and will have questions, bear with me if we've discussed this before! --The proposed Charles St. Addition is type 1B with a note on G102 stating that the existing Richards wing is believed to be type 2A construction. The floor plans show a 2 HR fire barrier on every floor at the point where the new meets the existing. My question: In order to expand on the non-conforming Richard's wing, should the "Fire Barrier" be a fire wall conforming to Section 707 of the 1999 BOCA Code? TRO's response:

§ The original Code Summary performed by Phillip Sherman stated the existing Richards building is reported to be Type 2A construction. We've since received a JCAHO report from Maine Medical Center identifying the Richards building to be Type 1B. Phil Sherman's response to this was the Richard's building is most likely a Type 1B construction, but since the building was not a fully sprinklered it should be downgraded to Type 2A construction.

§ Phil Sherman's Code Summary also suggested since the existing Richards building was less than the proposed new Type 1B building addition there should be a separation from the new and existing buildings with two rated exterior walls in accordance with Table 705.2 of the BOCA code, in a lieu of a fire wall. Thanks, Ralph Niemi, AIA

-_---Original Message-----

From: Mike Nugent [mailto:MJN@portlandmaine.gov]
 Sent: Tuesday, August 08, 2006 2:24 PM
 To: Silbert, Bailey
 Cc: JLansberry@berry.com; Davis, Keith; Niemi, Ralph
 Subject: MMC/Charles St.

From: "Niemi, Ralph" <RNiemi@TROarch.com>
To: "Mike Nugent" <MJN@portlandmaine.gov>, "Silbert, Bailey" <BSilbert@TROarch.com>
Date: 8/15/2006 1:12:51 PM
Subject: RE: MMC/Charles St.

Mike,

See TRO's response to your questions below:

- * Section 409.2.3 allows Nurses' Stations to be open to the corridor, provided that the walls surrounding the area are constructed as required for corridors. See attached section from BOCA / 1999 commentary.
- Corridor walls will not extend to the underside of the ceiling above. The ceilings are not constructed as a membrane to limit the transfer of smoke and the corridor walls must therefore run to the underside of the floor or roof deck to be in conformance with section 409.3.
- We will be providing adequate areas of refuge for occupants to be relocated within the aggregate of corridors, patient rooms and treatment rooms on each side of the smoke compartments.
- * Per our previous e-mail we will be utilizing two rated exterior walls and not be using a fire wall assembly. We will however be conforming to the maximum area of exterior wall openings per table 705.3.
- Yes we will be providing fire shutters on the new building where the building is at a right angle to the existing Richards building per detail A5/A514 (Not C4/A51). This detail incorrectly indicates fire shutters on both new and existing buildings, but will be revised to reflect what is indicated on the 1/8 scale floor plans.

Please call me if you should have any concerns regarding our responses @ 617/969-9400 X403.

Thanks, Ralph

-----Original Message-----

From: Mike Nugent [mailto: MJN@portlandmaine.gov]
Sent: Tuesday, August 08, 2006 3:59 PM
To: Silbert, Bailey
Cc: JLansberry@berry.com; Davis, Keith; Niemi, Ralph
Subject: MMC/Charles St.

Please Confirm;
Sections 402.3 Nurses stations etc. are those walls constructed as corridor walls in circumstances where the stations are "open"?

Section 409.3 Corridor walls extend to the underside of the ceiling.

Please outline the method of compliance for Section 409.4.1 Refuge area

Assuming we are separating the buildings with a fire wall to comply with Table 503, please provide a compliance analysis for the openings in walls that are within the prescribed fire separation distances in table 705.3.

In the situations where windows from patient rooms are on right angles, is protection required? See C4 on A514.

CC: <JLansberry@berry.com>, "Davis, Keith" <KDavis@TROarch.com>

409.2.3 Nurses' stations. Spaces for doctors and nurses' charting, communication and other related areas shall not be open to the corridor unless the walls and ceiling are constructed as required for corridors.

■ Nurses' stations need to be located to provide quick access to patients and to permit visual or audible monitoring of the patient rooms. For these and other practical reasons, nurses' stations are permitted to be open to the corridor provided that the walls surrounding the area are constructed as required for corridor walls (see Figure 409.2.3). Except as required in Section 409.5.1, the additional protection of automatic fire detection is not required because of the reduced risk to life safety and attendance by staff (see Section 409.5.1). This section is not intended to apply to nurses' offices, administrative supply storage areas, drug distribution stations or similar areas with a higher fuel load and from which continual observation of the nursing unit is not essential.

409.2.4 Mental health treatment areas. Areas wherein only mental health patients who are capable of self-preservation are housed, or group meetings or other therapeutic spaces other than those specified in Section 902.1.1, under continuous supervision of staff shall not be open to the corridor unless the walls and ceiling are constructed as required for corridors. Each area does not exceed 1,500 square feet (140 m²).

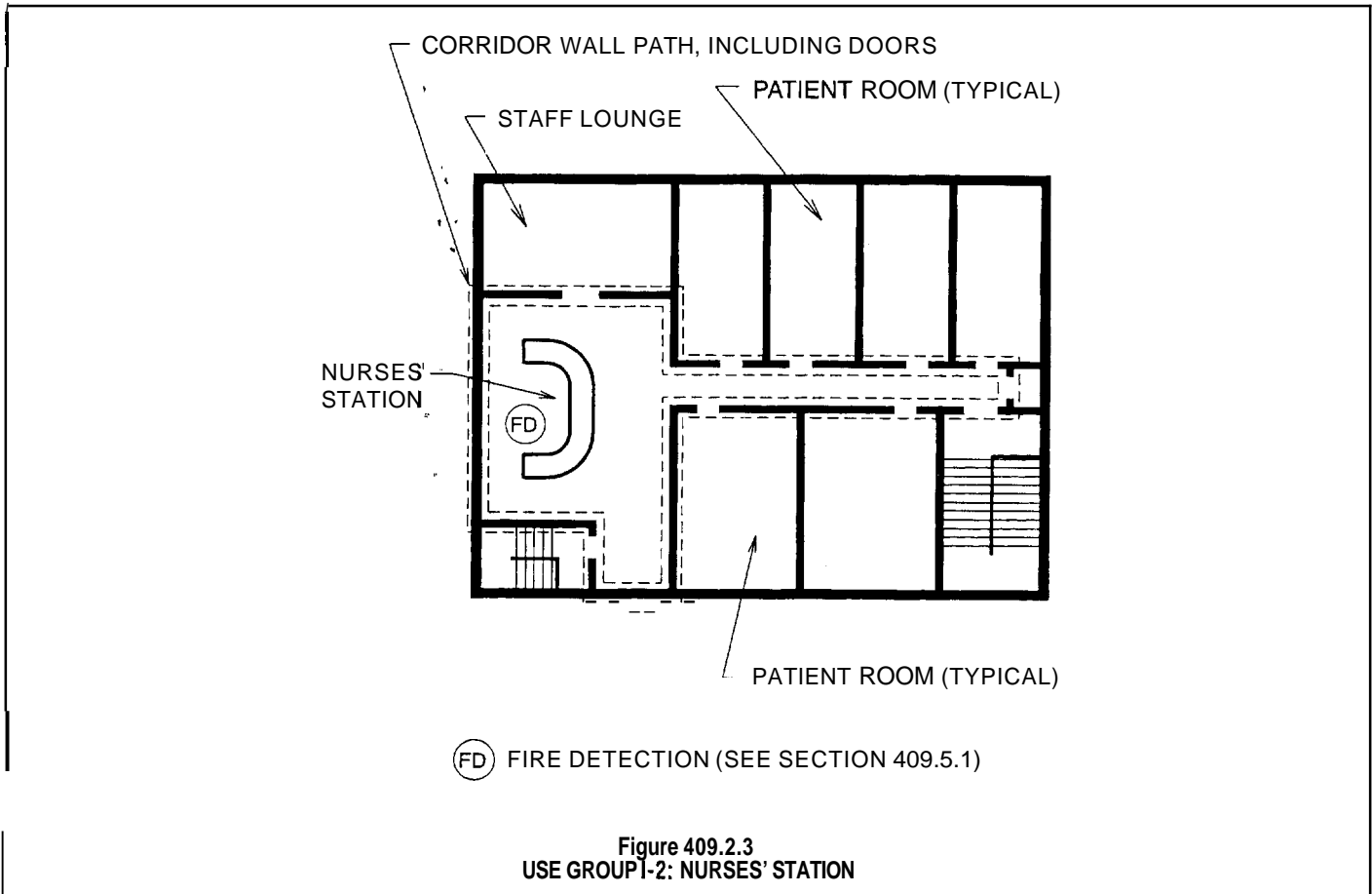
409.2.4.1 The area is located to permit supervision by the facility staff.

409.2.4.2 The area is limited to 1,500 sq. ft. to obstruct any access to the corridor.

409.2.4.3 The area is equipped with an automatic fire detection system installed in accordance with Section 919.0.2.1.7. No more than one such area is permitted in any one smoke compartment.

409.2.4.4 The walls and ceiling of the space are constructed as required for corridors.

■ To encourage residents of mental health facilities to participate in group meetings and therapeutic activities, treatment areas may be open to the corridor provided that the area does not exceed 1,500 square feet and only one such area is provided within a smoke compartment. Other protection features that must be provided to permit the area to be open include: staff supervision; unobstructed access to exits; automatic fire detection in accordance with Section 919.0 within the area and the surrounding walls and ceilings constructed as required for corridors. The increase in maximum area over the provisions of Sections 409.2.1 and 409.2.2 is based on the increased mobility of the occupants and direct supervision by staff. This section applies to all areas of a building classified as Use Group I-2, including smoke compartments that contain patient sleeping rooms that house mental health patients who are physically capable of self-preservation,





CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

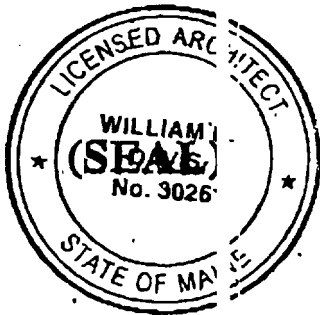
ACCESSIBILITY CERTIFICATE

Designer: The Ritchie Organization, Inc.

Address of Project: Maine Medical Center, Portland, ME

Nature of Project: Garage /connector/Heliport

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in Maine Human Rights Law and Federal Americans with Disability Act.



Signature: W. Keith Davis

W. Keith Davis, AIA

Title: PRINCIPAL / VP

Firm: The Ritchie Organization, Inc.

Address: 80 Bridge Street

Newton, MA 02458

Phone: (617) 969-9400



#

Commercial Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 22 Bramhall Street		
Total Square Footage of Proposed Structure 189,420 SF	Square Footage of Lot 270,080 SF	
Tax Assessor's Chart, Block & Lot Chart# 053 Block# <u>6</u> Lot# <u>007</u>	Owner: Maine Medical Center, Hank Dunn	Telephone: 207.871.6799
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: Maine Medical Center 22 Bramhall Street Portland, ME 04102-375	cost Of Work: \$ <u>38,044,000</u> Fee: \$ 342,417
Current Specific use: <u>I-2 Institutional</u>		
Proposed Specific use: <u>1-2 Institutional - Charles Street Building</u>		
Project description: Construction of a new five story Medical Building which will include antepartum, educational, retail, cafe, triage, C-section, Labor & Delivery, NICU (Neonatal Intensive Care Unit), and post partum.		
Contractor's name, address & telephone William A. Berry & Son, Inc., 99 Conifer Hill Drive, Danvers, MA 01923, (978) 774-1057		
Who should we contact when the permit is ready: <u>Jason E. Lansberry</u>		
Mailing address: William A. Berry & Son, Inc. c/o Maine Medical Center 22 Bramhall Street Portland, ME 04102-3175		Phone: 203.223.6026

Please submit all of the information outlined in the Residential Application Checklist, Failure to do so will result in the automatic denial of your permit.

At the discretion of the Planning and Development Department, additional information may be required prior to permit approval. For further information stop by the Building Inspections office, room 315 City Hall or call 874-8703.

this application is issued, I certify that the C
ny reasonable hour to enforce the provisions

Michael J. Berry

00 for the first \$1000.00 Constr

This is not a Permit; you may not commence any work until the Permit is issued.



CITY OF PORTLAND
BUILDING CODE CERTIFICATE
389 Congress St., Room 315
Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine
Department of Planning & Urban Development
Division of Housing & Community Service

FROM DESIGNER The Ritchie Organization, Inc

DATE: 9/34/04

Job Name: Charles Street

Address of Construction: Maine Medical Center, Portland ME

THE BOCA NATIONAL BUILDING CODE / 1999 (FOURTEENTH EDITION)

Construction project was designed according to the building code criteria listed below:

Building Code and Year _____ Use Group Classification(s) _____

Type of Construction _____

Structural Systems

Roof Snow Load

- _____ Ground Snow Load (Pg)
- _____ If Pg > 10 psf. Flat Roof snow load, Pf
- _____ If Pg > 10 psf. snow exposure factor, Ce
- _____ If Pg > 10 psf. roof thermal factor
- _____ If Pg > 10 psf. snow load importance factor, I
- _____ Sloped Roof snowload Ps

Earthquake Loads

- _____ Peak velocity-related acceleration, Av
- _____ Peak acceleration, Aa
- _____ Seismic hazard exposure group
- _____ Seismic performance category
- _____ Soil profile type
- _____ Basic structural system / seismic-resisting system
- _____ Response modification factor, R, and deflection amplification factor, Cd,

_____ The documents must account for Drift snow load, unbalanced snow load and Sliding snow loads as required.

Wind Loads

- _____ Basic Wind Speed _____ Internal Pressure Coefficient
- _____ Wind Exposure Category _____ Wind Design Pressure _____ Wind Importance Factor

From: Marge Schmuckal
To: Mike Nugent
Date: 5/10/2006 12:12:27 PM
Subject: Permit #04-1455 - St. Charles Street addition

Mike,
You just gave me this permit this morning - However I can not review it for zoning because the plans are only for HVAC & electrical and mechanicals. I require the elevations so that I can complete my review for height compliance.
Marge

~~ON HOLD~~
received 5/10/06

JILL C. DUSON (MAYOR) (A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER (A/L)
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEE MAN (4)
JAMES I. COHEN (5)

C-41

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN VICINITY OF WESTERN PROMENADE/ MAINE MEDICAL CENTER**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 **as** amended and **on** file in the Department of Planning & Development, and incorporated by reference into the **Zoning** Ordinance by Sec. **14-49** of the Portland City Code, is hereby amended to reflect a conditional rezoning **as** detailed below:

**CONDITIONAL ZONE AGREEMENT
MAINE MEDICAL CENTER**

AGREEMENT made this ____ day of _____, 2005, by **MAINE MEDICAL CENTER**, a Maine corporation with a principal place of business located in the City of Portland, County of Cumberland and State of Maine, its successors and **assigns** ("MMC").

WITNESSETH:

WHEREAS, MMC is the owner of land and buildings located in Portland at Map 53, Block D, Lots 1, 2 and **7**; Map **53**, Block E, Lots 1, 2, 10 and 13; Map 53, Block **G**, Lots 1 and 13; Map **54**, Block H, Lot 1; **and** Map **64**, Block C, Lots 1 and 2; and Map **55**, Block B, Lot 13 (the "**PROPERTY**"); and

WHEREAS, MMC is the largest provider of obstetrical services in Maine and provides the **only** statewide fulltime maternal fetal medicine service serving women and newborns at high risk and **MMC** has the **only** Level III neonatal intensive care unit in Maine; and

WHEREAS, in order to respond to the changing professional and clinical standards for the care of sick infants within the neonatal intensive care unit and to meet the spatial requirements of today's routine and high risk obstetrical and newborn care, **MMC** must build an addition comprised of 192,000 square feet (the "Charles Street Addition"); **and**

WHEREAS, **MMC** proposes to construct the Charles Street Addition by expanding vertically, on the site of an existing medical building bounded generally by Charles Street, Wescott Street, Ellsworth Street and Crescent Street; **and**

WHEREAS, in order to avoid a substantial expansion of the footprint of the buildings at **MMC** and, instead, to construct the Charles Street Addition by vertical expansion, it is necessary to modify the otherwise applicable height requirement in the R-6 Zone; **and**

WHEREAS, in order to accommodate the needs of the Charles Street Addition **and** to improve parking and traffic circulation on the **MMC** campus, **MMC** proposes to construct a new 512 car capacity parking garage along Congress Street (the "New Parking Garage"); **and**

WHEREAS, in order to achieve the requisite parking capacity within the available space, **MMC** needs to build the New Parking Garage at a height taller than the currently applicable height limit in the R-6 Zone and also to locate the New Parking Garage closer to Congress Street than the currently applicable setback requirement in the R-6 zone; **and**

WHEREAS, in order reduce transport time for critical patients coming to **MMC's** emergency department, **MMC** proposes to construct a helicopter landing pad on top of the existing parking garage which fronts on Congress Street (the "Helicopter Landing Pad" also occasionally referred to as "Heliport or Helistop"); **and**

WHEREAS, in order to replace currently fragmented heating and cooling systems throughout its campus, MMC intends to construct a central utility plant, built into the hillside between the hospital and Gilman Street (the “Central Utility Plant”); and

WHEREAS, the Central Utility Plant will be built at a proposed height of 45 feet but is also designed to accommodate a future vertical expansion of two additional floors, with a maximum future height of 70 feet; and

WHEREAS, MMC currently has operating rooms, intensive care beds, and adult and pediatric beds in an existing building constructed in 1985 (expanded in 1998) and referred to as the “L. L. Bean Wing;” and

WHEREAS, MMC has no current construction plans for the L. L. Bean Wing, but anticipates that the L. L. Bean Wing will need to be expanded vertically at some time within the next decade; and

WHEREAS, the L. L. Bean Wing was designed structurally to accommodate such vertical expansion by an additional two stories; and

WHEREAS, MMC desires to provide for such eventual vertical expansion within this Agreement and additional vertical expansions, except as noted below, are not included within the scope of this Contract and will be subject to negotiation and approval in the future, when presented; and

WHEREAS, by expanding vertically for the Charles Street Addition rather than horizontally, MMC will need to remove only two residential buildings, and will do so in full compliance with the housing replacement requirements of section 14-483 of the Portland Code of Ordinances; and

WHEREAS, in addition to such required replacement, **MMC** will divest itself of ownership of nine other buildings (two on Crescent Street, two on Ellsworth Street, one on Hill Street and four on **Bramhall** Street), enabling others to return them to residential use; and

WHEREAS, **MMC** has requested a rezoning of the **PROPERTY** in order to permit the above-described improvements; and

WHEREAS, the **CITY** by and through its Planning Board, pursuant to **30-A M.R.S.A.** §4352(8) and Portland City Code §14-60, *et seq.*, and §14-315.3, after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY** as aforesaid, subject, however, to certain conditions more specifically set forth below; and

WHEREAS, the **CITY** has determined that because of the unique circumstances of the location of an urban medical center campus in close proximity to historic and densely populated neighborhoods within the R-6 Zone, and in order to balance the interests of **MMC** and its residential neighbors, it is necessary and appropriate to impose the following conditions and restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan; and

WHEREAS, on April 25, 2005, the **CITY** authorized the amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the zoning requirements for the **PROPERTY**;

NOW THEREFORE, in consideration of the rezoning, **MMC** covenants and agrees as follows:

1. **MMC will** restrict any further expansion of its uses¹ in the Western Prom/ Parkside/ Gilman Street neighborhoods to the property specifically included in the following defined Campus²:

(a) The main campus, bounded by the north side of Bramhall Street, the western side of Wescott Street, a portion of the northern side of Crescent Street terminating with the proposed end of the new garage, and the south side of Congress Street between the existing and proposed new garage, and the eastern side of Gilman Street;

(b) The existing medical office building located on Congress Street across from the main campus;

(c) The Vaughn Street parking lot and McGeachey Hall;

(d) The existing West Street Medical Office Building located behind the row houses at the eastern end of West Street (CBL 55-B-13);

(e) The block bounded on Congress Street, Gilman Street, Valley Street and A Street.

2. The following exhibits are incorporated into and made a part of this Agreement:

Exhibit A: Helistop Overlay Zone Map

Exhibit B: Site Plan

1. Sheet C050: Campus Plan, Revision date: 9/16/04
2. Sheet C100: Site Plan, Revision date: 9/16/04
3. Sheet C101: Site Plan, Revision date: 9/16/04
4. Sheet C102: Site Plan, Revision date: 9/16/04
5. Sheet C103: Site Plan, Revision date: 9/16/04
6. Sheet C400: Landscape Plan, Revision date: 9/16/04
7. Sheet C401: Landscape Plan, Revision date: 9/16/04
8. Sheet C402: Landscape Plan, Revision date: 9/16/04

¹ 'Future expansion of its uses' shall mean new construction of building(s) and or conversion of existing uses (including residential uses) into hospital related uses and the like. It shall not mean the occupancy of an existing building which contains a legally conforming medical related use.

² This provision shall not prohibit **MMC** from expanding or building in other areas of the **City** if permitted by zoning.

9. Sheet C403: Landscape Plan, Revision date: 9/16/04
10. Landscape Plan at Existing Garage, See sheets 401 & 402
11. Pedestrian Connection to Congress Street, 4/14/04
12. Parking Garage Rendered Elevation, North, (Option 1; Exhibit B, p. 12, April 25,2005)
13. Parking Garage Rendered Elevation, (Option 1, Exhibit B, p. 12, perspective; April 25,2005)
14. Parking Garage Rendered Elevation, South, 1/27/05
15. Central Utility Plant Rendered Elevation, 1/27/05
16. Charles Street Addition Rendered Elevation, South 1/27/05
17. Charles Street Addition Rendered Elevation, East 1/27/05
18. Charles Street Addition Rendered Elevation, North 1/27/05
19. Charles Street Material Board 1/27/05
20. Street Vacation/Acceptance and Land Transfer Plan (Sheet 1)
21. Street Vacation/Acceptance and Land Transfer Plan (Sheet 1)
22. Concrete Sidewalk Plan

Exhibit D: **Miller** Memo 01/06/05 and **MMC** Helipad Flight Paths, ~~Harris~~ **Miller Miller & Hanson** Inc., 9/16/04

Exhibit E: Helipad Operating Guidelines (2 pages); source, Lifeflight of Maine

Exhibit F: Helipad Plans

1. **Heliport Plan**, 1/27/05
2. Heliport Elevation, 1/27/05
3. Heliport Perspective, 1/27/05

Exhibit G: Vaughan Street Parking Lot Landscaping Plan

1. Landscape Plan, 7/8/04
2. Wall Treatment
3. Fence Detail
4. Landscape Section

3. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, **as** amended from time to time and on file in the Department of **Planning** and Urban Development, and **incorporated** by reference into the Zoning Ordinance by Portland City Code § 14-49, by adopting the **map** change amendment below, which **map** change includes a Helistop Overlay Zone as more particularly depicted on Exhibit A.

4. The **PROPERTY** and site improvements shall be developed **and** operated substantially in accordance with the site plan shown on Exhibit B (the “Site Plan”), which Site **Plan** includes but is not limited to street layouts, landscaping, and building elevation **drawings** for initial construction, subject to the approval of the Site Plan by the City’s Planning Board in compliance with the requirements of Chapter 14, Article V. The architectural treatment of the façade of the New Parking Garage *may* be revised during site plan review **and shall** meet the site plan standards of 14-526(16). Minor revisions to the Site Plan in the nature of **field** adjustments may be approved by the Planning Authority, without the need for amendment **of** this Agreement or further approval **by** the City Council.

5. No building permits shall be issued unless and until **MMC** receives conditional use approval pursuant to section 14-474 (Expansion of Institutional Use) and section 14-483 (Housing Replacement), site plan approval pursuant to section 14-483(e) of the City Code, approval under the Site Location of Development **Act** and an MDOT traffic movement permit, if required. No occupancy of the newly constructed buildings shall be permitted unless and until **all** site plan conditions of approval have been satisfied and the City Council **has** taken **final** action on the street discontinuances and street acceptances required for the realignment of certain streets, as shown **on** the Site Plan (Exhibit **3**).

6. MMC shall provide to the CITY a performance guarantee covering all required site improvements under section 14-525(j) of the City Code and the two replacement dwelling units provided under paragraph 6(d) of this Agreement.

7. The PROPERTY shall be governed by the zoning provisions, as such may be amended from time to time, applicable in the zoning districts underlying the Conditional Zone except as follows:

(a) Height Limits. The maximum structure height (measured according to the definition of “building, height of” in section 14-47) shall be:

- 95 feet for the Charles Street Addition, as depicted on the Site Plan
- 70 feet for the New Parking Garage, as depicted on the Site Plan
- 45 feet for the Central Utility Plant, as depicted on the Site Plan
- 111 feet for the L. L. Bean Wing, as already constructed.

(a) Setbacks.

- The minimum setback of the New Parking Garage shall be zero (0) feet from the right of way line of Congress Street.
- The minimum setback of the southeast corner of the Charles Street Addition shall be five (5) feet from the relocated right of way line of Ellsworth Street, as depicted on Exhibit B.
- The minimum setback of the Central Utility Plant shall be five (5) feet from Gilman Street.

(d) Replacement Housing. The replacement of the two existing residential structures at 33 Crescent Street (identified as Map 53, Block E, Lot 2) and 37 Crescent Street (identified as Map 53, Block E, Lots 1, 10 and 13) containing a total of seven dwelling units and two single-room occupancies by a portion of the New Parking Garage shall be deemed to meet the requirements of section 14-137(c), provided that MMC shall comply fully with the requirements of section 14-483 (Preservation and Replacement of Housing Units). Specifically, MMC shall comply with section 14-483 by (i) converting the building at 325-329 Brackett Street identified as Map 54, Block D, Lot 7 (the last approved use of which was office space) into two dwelling units prior to the issuance of a certificate of occupancy for the New Parking Garage and then divesting itself of ownership of the building prior to the issuance of a certificate of occupancy for the Charles Street Addition and (ii) paying Three Hundred Fifteen Thousand Five Hundred Eighty dollars (\$3 15,580.00) into the CITY’s Housing Development Fund (representing five dwelling units and two single-room occupancies) upon

approval of the Site Plan by the CITY's Planning Board. The deadline for divestiture may be extended by the Planning Authority if MMC demonstrates that reasonable good faith efforts to market the property instituted at least 6 months prior to the deadline have failed to produce a bona fide offer at or above fair market value and on commercially reasonable terms.

(e) Sidewalks. MMC shall comply with the CITY's Brick District Policy Plan, except that, at the time of final site plan review, the Planning Board may approve the use of concrete sidewalk materials, as shown on Exhibit B 22, because of the particular needs or requirements of the hospital use.

(f) Street level uses in garage. The street level of the new parking garage may be used for any use allowed in the B-2 zone.

8. The Helicopter Landing Pad shall not be subject to the provisions of section 14-409 (Heliports), but shall be governed by the provisions of the Helistop Overlay Zone, sections 14-325 through 14-327), except as follows:

(a) Setbacks. Because it is to be located on the roof of an existing structure, the landing pad shall not be required to meet the setback requirements of Section 14-327(3) or the fencing requirements of Section 14-327(4).

(b) Flight routes. MMC shall identify preferred flight routes, to be approved by the CITY, designed to minimize noise impact of helicopter flights on surrounding residential areas, shall notify all flight providers likely to use the Helicopter Landing Pad of such preferred routes, and shall take the following measures to ensure that such preferred routes are utilized whenever weather conditions, safety considerations and the best interests of the patient being transported permit, with the expectation that this will be the usual case. MMC will instruct all providers which regularly use the Helicopter Landing Pad that pilots must file an exception report with the Air Medical Provider Administration of Lifeflight of Maine or its successor entity for operations modified for safety considerations or at the direct request of Approach Control at the Portland International Jetport. Logs of these exception reports will be made available to MMC and to the CITY every six months. When and if the Portland Jetport has the capacity to maintain and preserve data which specifically identifies flight routes actually taken by aircraft using the Helicopter Landing Pad, the CITY shall consult such data to review compliance with this paragraph, and MMC, upon request of the CITY, will be responsible for the CITY's reasonable costs of translating such data into useable form, but not for the costs of the flight monitoring. Initially, such preferred flight routes shall be as shown on the map attached to this Agreement as Exhibit D, At the initiative of either the CITY or MMC, the map of preferred flight routes may be amended from time to time by agreement between MMC and the City Council. The City Council shall consult with the Portland International Jetport and shall convene a neighborhood meeting to obtain input from residents of any affected residential areas before agreeing to any such amendment. An agreement between the parties to change preferred flight routes under this paragraph shall include noise mitigation measures in addition to those described in paragraph 7(g) below provided the noise mitigation measures are recommended by

an independent noise consultant. In addition, after one full year of operation of the Helicopter Landing Pad (measured from the date of the first patient transport flight to use the Helicopter Landing Pad), the City Council shall review the operation of the preferred flight routes and may initiate amendments to the map of preferred flight routes, following the procedures specified above. In connection with review or amendment of flight routes under this paragraph, the CITY may engage the services of an independent consultant and MMC will reimburse the CITY for its reasonable costs of obtaining such consulting services provided that the CITY, in advance of engaging the consultant, affords MMC an opportunity to comment on the scope of the consultant's engagement.

(c) Fly Neighborly. In negotiating any contract or agreement with any provider of emergency medical transport by helicopter, MMC will require the provider to operate in compliance with the "Fly Neighborly Guide" revised February 1993, (and any subsequent revisions) prepared by the Helicopter Association International Fly Neighborly Committee and published by the Helicopter Association International. MMC shall establish a complaint number and a protocol for handling complaints, which shall be publicized within the neighborhood, and the complaints will be reviewed no less than quarterly by the Maine Medical Center Neighborhood Council, noted below.

(d) Helipad operating guidelines. Helicopter landings on the Helipad are approved for emergency patient care only. Any use of the Helicopter Landing Pad for other than emergency patient care transport shall be deemed a violation of this Agreement and shall result in the termination of the Helicopter Overlay. The following standard practices will be incorporated as general policy for operations in and out of the Maine Medical Center Helipad and shall be communicated by MMC to providers. At all times, the Pilot in Command (PIC) will determine safety of operations as a first consideration. Under normal operating circumstances, take-offs, landings and standing-by on the Helicopter Landing Pad shall be conducted according to the Operating Guidelines, attached hereto as Exhibit E, subject at all times to the judgment of the helicopter pilot concerning safety and to the judgment of the emergency medical personnel concerning the health of the patient.

(e) Equipment. In generating any specifications in connection with the negotiation of any contract or agreement with any provider of emergency medical transport by helicopter, MMC will specify that helicopters utilizing the Helicopter Landing Pad (with the exception of U.S. military or government aircraft) are relatively new turbine powered aircraft meeting requirements under ICAO Annex 16 Chapter 8 for in-flight noise levels and complying with FAA airworthiness standards, 14 CFR part 36.11 and 14 CFR 21 Sub-part D, or any amended or successor requirements or standards.

(f) Design and construction. The Helicopter Landing Pad shall be constructed as shown on Exhibit A.

(g) Mitigation. MMC will pay for the installation costs associated with the full installation of soundproofing improvements contained within Exhibit D, except in lieu of central air conditioning MMC will also pay for the installation of ventilation improvements to one or more rooms within each such dwelling unit as reasonable and appropriate as determined by the

CITY. The **CITY** shall contract for such work and **MMC** shall be responsible for the costs associated therewith, plus a 10% administrative fee to be paid to the **CITY**. Before entering into any contract for such work, the **CITY** shall notify **MMC** and give **MMC** the opportunity to comment on the scope of the proposed work and the estimated cost thereof. The properties to be included under this provision are as follows: 879 Congress Street (Map 53, Block I, Lot 16), 921 Congress Street (Map 65, Block D, Lot 17), 925 Congress Street (Map 65, Block D, Lot 16) and 929 Congress Street (Map 65, Block, D, Lot 14). Such funds shall only be expended if the present owners of such buildings request such improvements no earlier than six months and no later than eighteen months after commencement of the operation of the Helicopter Landing Pad. For a period of five years from the date of this Agreement, any new owner of the aforementioned properties may request such improvements no later than eighteen months after purchase of said property(s).

(h) Accreditation. The principal provider of air medical transport to **MMC** shall be accredited by the Committee on Accreditation of Medical Transport Systems or its successor agency. Providers using the helicopter landing pad shall be accredited by the Committee on Accreditation of Medical Transport Systems or its successor agency, unless special circumstances warrant a non accredited provider such as the Air National Guard, the U.S. Coast Guard or other users.

9. Signage shall comply with the requirements of sections 14-336 through 14-372.5 of the City Code, except as otherwise approved by the Planning Board under Chapter 14, Article V.

10. For the purpose of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the **MMC** campus (including but not limited to complaints or operating issues with respect to the helipad and future planning and development programs associated with **MMC**), **MMC** shall, no less than quarterly, and with two weeks written notice, invite representatives of the Maine Medical Center Neighborhood Council to meet with designated representatives of **MMC**. For purposes of this requirement, the Maine Medical Center Neighborhood Council shall consist of two representatives of the Parkside Neighborhood Association, two representatives of the Western Prom Neighborhood Association, and two representatives of the Gilman/Valley Streets neighborhood. The neighborhood organizations shall designate the persons who shall serve on the Maine Medical Center Neighborhood Council. In the event there is no formal neighborhood organization, the City Council District Councilor shall designate the persons to serve on the Maine Medical Center Neighborhood Council.

11. **MMC**, prior to occupancy of the Charles Street Addition, shall relocate the sewer serving 31 Crescent Street, as depicted on the Site Plan (Exhibit B). In addition, **MMC** shall provide two off-street parking spaces for use by the tenants of 31 Crescent Street for so long as 31 Crescent Street serves as a residential structure.

12. **MMC** agrees that it will make the parking garage contemplated within this Agreement available for use by the public for snow ban purposes in a fashion similar to that

required in its Congress Street/Forest Street parking garage. In addition, **MMC** shall require all of its vendors, contractors and subcontractors to utilize a parking garage or other approved parking area/facility for vehicles and truck parking during construction.

13. **MMC** agrees to divest itself of ownership of the following existing structures owned by **MMC** according to the following schedule:

Prior to the issuance of a certificate of occupancy for the Charles Street Addition:

15 Crescent Street (Map **53**, Block F, Lot 6)
25 Crescent Street (Map **53**, Block E, Lot 5)
25 Ellsworth Street (Map 53, Block H, Lot 2)
32 Ellsworth Street (Map 54, Block C, Lot 5)
20 Hill Street (Map 54, Block C, Lot 1)

No later than **January** 1, 2010 or the issuance of a certificate of occupancy for any of the future expansions described in Section 6(b) above, whichever is earlier:

19 Bramhall Street (Map **63**, Block A, Lot 4)
23 Bramhall Street (Map 63, Block A, Lot 3)
25 Bramhall Street (Map **63**, Block A, Lot 2)
31 Bramhall Street (Map **63**, Block A, Lot 1)

The deadline for divestiture of any of such property may be extended by the Planning Authority if **MMC** demonstrates that reasonable good faith efforts to market the property instituted at least 6 months prior to the deadline have failed to produce a bona fide offer at or above fair market value and on commercially reasonable terms.

14 **MMC** agrees that it will remove the existing building located at 261-269 Valley Street (formerly the "Eagles Club") within 12 months after the effective date of this Agreement and that the site of the removed building will be loamed and seeded unless and until otherwise developed pursuant to an approved site plan.

15 **MMC** shall provide landscaping of the area surrounding its Vaughn Street parking lot as shown on the landscaping plan attached hereto as Exhibit G and shall construct, maintain and continue to own the "pocket park" located at Ellsworth and Charles Streets as shown on the Site Plan (Exhibit B). The improvements to the Vaughn Street parking lot shall be completed within 12 months of the effective date of this Agreement.

16, **MMC** agrees to allow public pedestrian access between its campus and Congress Street through a new enclosed stairway to be constructed adjacent to the New Parking Garage, as depicted on Exhibit B.

17.. **MMC** shall contribute \$800,000 to the **CITY** to use for public improvements in the general vicinity of Maine Medical Center.

18.. MMC agrees that it will encourage its employees and visitors to use alternatives to single-occupant automobiles when traveling to and from the **PROPERTY**. In its application under the Site Plan Ordinance, MMC agrees to include among its written statements an Alternative Transportation Plan. The Alternative Transportation Plan will propose strategies to reduce single-occupant automobile trips to the **PROPERTY**. Such strategies shall include, but not be limited to, subsidies and other incentives for employees and visitors to use local and regional mass transportation, share rides (carpools and vanpools), ride bicycles and walk. The Planning Board will include the Alternative Transportation Plan in its consideration of sections 14-526(a)(1) and (2) of the City Code. In addition, an analysis of effectiveness **and** functioning of the Alternative Transportation Plan shall be provided to the City Council's Transportation Committee on an annual basis.

20.. The above restrictions, provisions and conditions are **an** essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit **MMC**, its successors and assigns, and any party in possession or occupancy of the **PROPERTY** or any **part** thereof, and shall inure to the **benefit** of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within 30 days of approval of this Agreement by the City Council, **MMC** shall record a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the book and page of the deeds to the property underlying said **PROPERTY**. Unless otherwise stated within this **Agreement**, this Agreement governs only the **PROPERTY** expressly covered by this Agreement and applies only within the boundaries of the rezoned area as shown on the map. Nothing in this Agreement shall have any effect on or be construed as having any bearing on the use or development of any other properties owned by **MMC** or its affiliates, all of which shall continue to be governed by the applicable provisions of the Portland Land Use Code, without regard to this Agreement.

21.. If any restriction, provision, condition, or portion thereof, set forth herein is for any reason held **invalid** or unconstitutional by any court of competent jurisdiction, such portion shall be deemed **as** a separate, distinct and independent provision and such determination and shall not affect the validity of the remaining portions hereof.

22.. Except as expressly modified herein, the development, use, and occupancy of the **PROPERTY** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

23.. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including **30-A** MRSA 4452) and **CITY** Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **PROPERTY** and given the owner or operator **an** opportunity to cure the violation(s) within thirty (**30**) days of receipt of the notice. Following **any** determination of a zoning violation by the Court, and in addition to any penalties authorized by law and imposed by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

24.. In the case of any issue related to the **PROPERTY** which is specifically addressed by this Agreement, neither **MMC** nor their successors may seek relief which might otherwise be available to them from Portland's Board of **Appeals** by means of a variance, practical difficulty variance, interpretation appeal, miscellaneous appeal or any other relief which the Board would have jurisdiction to grant, if the effect of such relief would be to alter the terms of this Agreement. In cases that fall outside of the above parameters (i.e., alleged violations of any provisions of Portland's Land Use Code, including, but not limited to, the Site Plan Ordinance, which were neither modified nor superceded by this Agreement), the enforcement provisions of the Land Use Code, including, but not limited to, the right to appeal orders of the Planning Authority, Building Authority and Zoning Administrator shall apply. Nothing herein, however, shall bar the issuance of stop work orders.

WITNESS

MAINE MEDICAL CENTER

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2005

Personally appeared before me the above-named _____, in his capacity as _____ of Maine Medical Center, and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of Maine Medical Center.

Before me,

Notary Public/Attorney at Law

TRO

C O N F E R E N C E R E P O R T

This Conference Report is submitted for the purpose of summarizing the important details of the conference noted below and to confirm TRO's understanding of your instructions. Please read carefully and notify us promptly if there are any changes or corrections to be made.

Client	Maine Medical Center	Date/Time	Wednesday, June 7, 2006 1 to 4 PM
Project No.	04673, 04677, 04678, 04679, 04679.x07	Location	DPS Augusta, Maine
Meeting Title	Department of Public Safety Office of State Fire Marshal Fire Prevention Division State House Station 52 Augusta, Maine 04330	Facilitated by	Stephen B. Dodge, Public Safety Inspector Plans Review Supervisor
Meeting Type	Charles Street Project 100% Architectural & MEP CD Review	Prepared by	Bailey Silbert
Participants	State of Maine Stephen B. Dodge MMC Hank Dunn Wally Galloway WAB Tom Perkins TRO Keith Garratt Richard Coe Mark Mulholland Bailey Silbert	Copies	Michael Nugent Keith Davis Mark Jussaume Jamie Newton Dana Cooper Steve Ostapower Mark Gagnon Luther Thevenin Dennis Stone Mike Carr Alison Faecher Frank Chang John Viapiano Nick Brooks Brad Swallow Giuseppi Colosimo

TRO last met with Stephen B. Dodge on October 26, 2005 upon achieving the 90% completion level of Construction Documentation for the Charles Street Project (the other Maine Medical Center Projects Construction Documentation having been already essentially completed). As minutes of that meeting indicate, all of the MMC projects were reviewed and observations noted for subsequent implementation.

04673 MM_060607_MAINEDPSFINALPLREV.doc

A R C H I T E C T U R E P L A N N I N G E N G I N E E R I N G I N T E R I O R D E S I G N

TRO / The Ritchie Organization

80 Bridge Street, Newton, MA 02458-1134 T 617.969.9400 F 617.332.4669

Project Office of State Fire Marshal, DPS Augusta, Maine
Comm. No. 04673, 04677, 04678, 04679, 04679.x01
Subject Charles Street Project 100% Architectural & MEP CD Review
Conference Date June 9, 2006

The prime focus of this meeting as requested by Mr. Dodge was the Architectural design review of the last 10% bringing the Charles Street Project (Women's & Infants Building) documentation to the 100% completion level with special review of the MEP areas of the project.

Subsequent to scheduling this meeting some interim Life/Safety issues occurred in the field, a review of which was sought and granted to follow as the second part of this review. Minutes for that portion of the meeting are incorporated herein by reference, but will be issued separately by TRO Construction Administration and WAB personnel.

Project design conformance to code requirements for *Accessibility* was introduced as the first topic by Bailey Silbert as it pertains to each Type of Service by Floor Level as follows:

- *Ground Floor Plan (drwg. A20G.A) - Ante-Partum (Sector 1) 14 Patient Rms. of which 4 are HC accessible: 4/14 = 28.6% > 10%. There is 1 Isolation Rm. (non-HC accessible).*
- *Second Floor Plan (drwg. A202) - LDR's (Sector 1) 9 LDR's of which 1 is HC accessible: 1/9 = 11.1% > 10%. There is 1 HC accessible Isolation Rm.; Triage (Sector 2) 6 Triage Rms. of which 1 is ADA compliant: 1/6 = 16.7% > 10%. There is 1 Isolation Rm. (non-HC accessible).*
- *Third Floor Plan (drwg. A203) - NICU (Sector 1) 27 NICU Rms (all HC accessible) plus 1 Isolation Rm. (non-HC accessible) and 1 Trans. Care Rm. w/ 3 Bassinets (all HC accessible); CCN (Sector 2) 20 CCN Rms. (all HC accessible); 49 Rms. total this Level. 48/49 = 98% > 10%.*
- *Fourth Floor Plan (drwg. A204) - Post-Partum (Sectors 1 & 2, entire Level) 31 Patient Rms. of which 10 are HC accessible: 10/31 = 32.3% > 10%. There is 1 Isolation Rm. (non-HC accessible).*
- *Isolation Rooms: Ground Floor = 1; 2nd Fl. = 2 (1 of which is HC accessible); 3rd Fl. = 1; 4th Fl. = 1. 1/6 = 16.7% > 10%.*

Mr. Dodge was satisfied that the 10% minimum accessibility requirements were satisfied for all Types of Service, and recognized that patient transfer from any level to the 2nd Floor HC accessible Isolation Rm. would be required if necessary. Hank Dunn indicated that MMC would write a statement of hospital policy regarding patient transfer.

Steve Dodge sought assurance that all applications and related checks have been filed. Hank Dunn stated that he believed this had been done long ago, but would verify it.

Bailey Silbert made the following comments with regard to the other MMC projects:

- He had been in frequent (nearly daily) contact with Michael Nugent, City of Portland Manager of Inspectional Services, during the last two weeks of May. All the inquiries Michael Nugent brought to the attention of TRO were satisfactorily addressed, and he stated that he would be able to complete his permitting review for the New Garage Addition, Heliport, Connector and Central Utility Plant. Among the items discussed, Mike Nugent made the finding that in order to satisfy **BOCA 1999 Section 1007.2 Exit stairways (1007.0 Accessible Means of Egress)** the eastern exit stairway should be considered part of an accessible means of egress. Accordingly, this stairway shall have a clear width of 48 inches between handrails. (He recognized that the **Exception** under **Section 1007.5 Areas of refuge** applied and that "Areas of refuge are not required in open parking structures" to access an *exit stairway*) TRO will amend the plans for this *exit stairway* borrowing upon the 1'-5" well opening in order to incorporate the required dimensional change via Bulletin issue.



Project Office of **State** Fire Marshal, DPS Augusta, Maine
Comm. No. 04673 , 04677 , 04678 , 04679 04679.x01
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- Michael Nugent indicated during this period that Capt. Cass, the City of Portland Fire Prevention Officer successor to Lt. Gaylen McDougall, sought additional fire department connections to the exit stairway standpipes from the Access Road (Crescent Street) side of the Garage Addition. TRO CA Engineers have scheduled an appointment with Capt. Cass on June 14, 2006 to discuss this matter. Stephen Dodge remarked that Capt. Cass should be made aware of what compliance with this request would entail.
- The First Floor Level of the Central Utility Plant is HC accessible. A fully accessible toilet/shower room has been included in the plan. Access by elevator to the Second Floor Level 24 feet above was not part of the MMC program. The CUP will depend primarily upon automated operation and will not require a staff presence for long periods of time. Mr. Dodge indicated that the provision of an elevator was not pertinent to the determination of accessibility, but that full HC access to the toilet/shower room was. TRO stated that it would provide proof of accessibility with a larger scale plan. Enlarged Plan A2/A700 (1/2" scale Q 1/2 size [= 1/4" scale] dated 11/10/05, ADD 02-Package G) is attached.
- The New Main Entrance Lobby @ the southern end of the MMC campus adjoining the New Charles Street Building, the existing Richards and Pavilion "A" buildings was not part of the MMC Charles Street Project at the time of the TRO visit to DPS Augusta on 10/26/05. Hank Dunn responded that review of the New Main Lobby would be part of a separate review at another time. Steve Dodge asked if a separate CM would bid the Lobby. Hank Dunn stated the CM would be the same, but that the Lobby would be bid as a separate project.

Following the above presentation, Keith Garratt initiated the Charles Street MEP review. Minutes for his engineering presentation are attached and incorporated as part of the record for this meeting.

Hank Dunn requested that TRO send record electronic files (CD's) to Steve Dodge for all the buildings that comprise the overall MMC Charles Street Project (Charles Street Women's and Infants Building, the Central Utility Plant, The New Garage Addition, the Connector, the Heliport and the New Entrance Lobby).

The second half of the scheduled presentation dealt with Interim Life Safety Measures (ILSM). The presenters included TRO CA Engineers Richard Coe and Mark Mulholland, WAB Field Engineer Tom Perkins, the Construction Manager, and MMC Engineers Hank Dunn and Wally Galloway. Meeting minutes for the second half of the presentation will be prepared by the listed participants and follow under separate cover.

Meeting Ended at 4:10 pm

Follow up Items:

No	Item	Action
01	TRO CA Engineers Meeting w/ Capt. Cass. Issuance of Bulletin after Resolution	TRO
02	Forward Electronic Record Files (CD's) to Steve Dodge for all Buildings	TRO



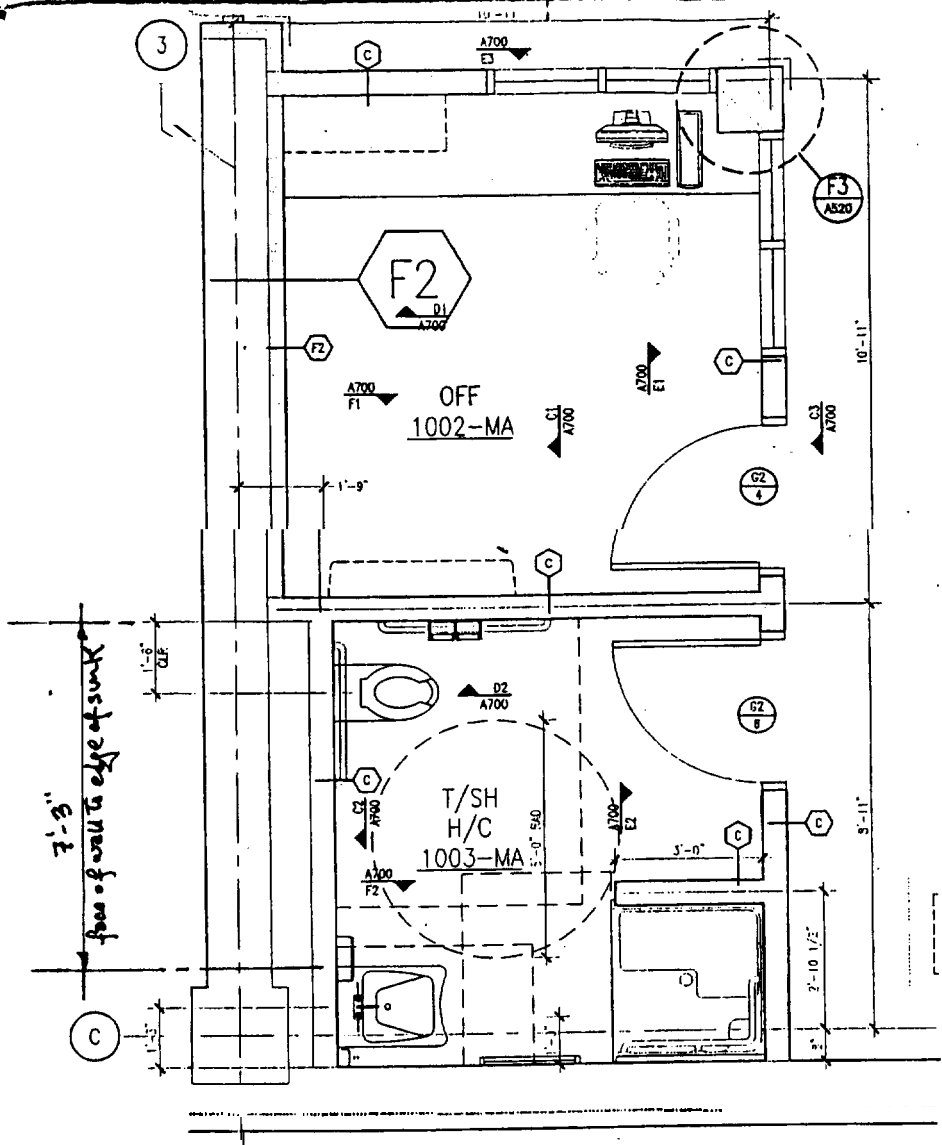
Project Office of State Fire Marshal, DPS Augusta, Maine
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comprising the overall Charles Street Project

Keith Garratt, P.E., Senior Electrical Engineer has appended the following text of his review with Stephen B. Dodge @ the meeting held in the Office of the State Fire Marshal, Augusta, Maine on Wednesday June 7, 2006:

- Mark Mulholland reviewed the sprinkler system design. The system has two standpipes, one in each of the stairwells, as well as sprinklers in the elevator shafts and hydrant stations on the roof. Mr. Dodge was satisfied with the Charles Street sprinkler system as presented. There was a discussion about the waiver of sprinklers above the ceiling, if plenum rated cable is used. While plenum rated cable has been specified for the Charles Street project, Steve Dodge indicated that he was more concerned about the wiring methods for future renovations. Hank Dunn and Wally Galloway indicated that MMC's standard is to use plenum rated cable for all telecom wiring. The MMC standard specification will be included in the submittals to the State Fire Marshal's Office. Based on that discussion, Mr. Dodge confirmed that nothing more was needed to be able to assume the waiver and not provide sprinklers above the ceiling.
- Keith Garratt reviewed the fire alarm system design. The system is tied back to the main fire alarm command center in Bean Building for notification purposes. There is a fire alarm control panel on each floor of the Charles Street Building. Each panel is capable of commanding the entire building system and also operating independently to provide a working fire alarm system on the floor, should communication with the other panels be lost. There was a discussion about the use of horn/strobe devices throughout the building. Steve Dodge indicated that the horns were not needed, if a Doctor Red system was in place. Mr. Dodge was satisfied with the Charles Street fire alarm system as presented.





ENLARGED PLAN -
 (A2) OFFICE 1102-MA AND TOILET 1003-MA
 SCALE: 1/2" = 1'-0"

BASE - SEE ROOM FINISH SCHEDULE

(C1) OF SC4

NOTE: FOR TYPICAL MOUR HEIGHTS, SEE D4/

EXPOSED PAINTED CMU WALL (TYP)

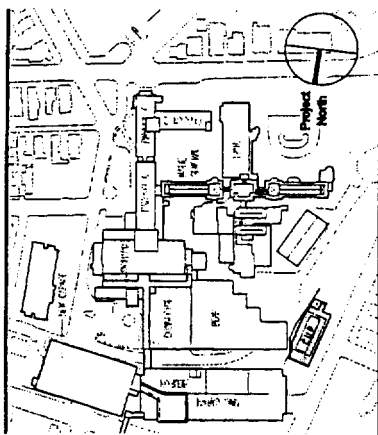
PT DISP
 MIRROR
 SOAP DISP

BASE - SEE ROOF FINISH SCHEDULE

(C2) HI SC4

ADD 02 11/10/05 ADDENDUM NUMBER 02 - PACKAGE C
 PERMIT 08/24/04 PERMIT - NOT FOR CONSTRUCTION

Issue Log



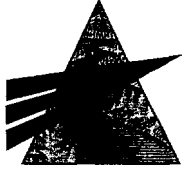
TRO
 ARCHITECTURE
 PLANNING
 ENGINEERING
 INTERIOR DESIGN

The Richards Organization
 80 Bridge Street
 Newton, MA 02459-1194
 617-552-9400

Maine Medical Center
 Central Utility Plant
 Portland, Maine

Interior Elevations
 AND MISC DETAILS

Commission No.	4677	Date Issued	09/24/04
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Drawn By	JAN		
Approved By	JAN		



WOODARD & CURRAN

Sarah Hopkins
City of Portland
389 Congress St.
Portland, ME 04101

Re: Woodard & Curran Building Addition
Major Site Plan Review – Additional Information

Dear Sarah:

We have an executed purchase and sale contract for the property located at 41 Hutchins Drive, Portland, Maine with Eric and Peggy Cianchette . If you have any questions please don't hesitate to contact me.

Sincerely,
WOODARD & CURRAN INC.

Judy Knaub
Chief Financial Officer

cc: Malone Commercial Brokers, Inc.

Further subsurface investigation has been completed in preparation for the current proposed project. A draft Geotechnical Report, discussing the recent investigation and providing design recommendations, has been attached to this section.

1.3 PROPOSED DEVELOPMENT

The proposed building addition will be a three-story structure with a building footprint of approximately 7,560 square feet. The addition will provide a gross floor area of approximately 22,680 square feet of office space, with a direct link to the North Wing. The connection of this expansion to the existing building provides for the use of existing mechanical systems, elevator, and provides for the free-flow of office personnel without exiting either of the buildings. Sheets A20.1 and A20.2, depicting proposed building elevations, have been attached to this section.

The building addition will increase employee capacity in the building to approximately 207. The 32 employees currently located in leased space will relocate to the main building. This would bring occupancy in the building to 143 employees, and still allow for growth of roughly 45%.

To make way for the building expansion, approximately 31 parking spaces will be lost from the parking lot just north of the existing building. A 20' wide access drive will be constructed to get around the building addition to the remaining parking. To compensate for the loss of parking, the lot will be expanded to the northeast to provide 30 more spaces. Additionally, the existing parking lot on the northerly portion of the site will be expanded to provide 60 additional spaces. As a result of the proposed project, off-street parking for the site increase from 108 to 167 spaces.

In accordance with Section 14-525(b)(2),

§14-525(b)(2)(h) Landscape Plans: Landscaping for the proposed project has been designed by Carroll Associates, Inc., who have been in indirect contact with the City Arborist. The design is depicted on Sheet L-1.0 Landscape Plan, which will be forwarded once the Landscape Architect has confirmed that he has successfully addressed all comments from the City Arborist.

§14-525(b)(2)(j) Lighting: The site lighting design for the project was completed by BH Milliken Inc. The site lighting is shown on the enclosed Photometric Plan. Lighting catalog cuts have been enclosed for your convenience.

The plan depicts illumination at grade in units of foot-candles in a standard grid pattern. Each fixture shall be a high pressure sodium architectural area light with a 150W lamp, equal to the attached cut sheet, mounted on a 15-foot high pole with 0.5 foot pedestal. Fixtures shall be installed with cutoffs to eliminate back lighting.

1.4 DRAWINGS

Attached to this section, we submit the following drawings in accordance with Section 14-525(b):

- Boundary Survey
- Cover Sheet
- 001 General Notes, Legend, Abbreviations and Sheet Index
- C100 Existing Site Plan

From: Marge Schmuckal
To: Jean Fraser
Date: 3/3/2006 2:21:58 PM
Subject: Site plan for Cad-Cam Associates

Jean,

This e-mail is to respond to the question of the apparent lack of of street frontage for the Woodard & Curran, Inc. property. First of all, I am not sure there is a non conformity ~~or~~ a lack of street frontage. The strip of land in question is actually owned by the City of Portland. The strip of land contains a 42" water main. I am not sure why the water main is not within the street but instead in this abutting strip of land. Because it is owned by the City of Portland, it can be argued that that strip of land is an extension of the street. Although I was not involved in zoning at the time this property was originally developed, it is my guess that this was the interpretation of the situation at that time.

However, if this lot does not have street frontage, then the lot was allowed to be developed and is now considered to be legally nonconforming. The nonconformity section of the ordinance (14-382) states that you may not increase any legal nonconformity. The allowance to further develop the CadCam Associates property does not increase the legal nonconformity. It is therefore not a zoning violation.

I hope this helps you.

Marge Schmuckal
Zoning Administrator