

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 06-1474 Issue Date: **PERMIT ISSUED** CBL: 073 A001001

Location of Construction: 50 ST JOHN ST	Owner Name: MERCY HOSPITAL	Owner Address: 144 STATE ST	Phone:
Business Name:	Contractor Name: Gilbane Building Company	Contractor Address: 1121 Commercial Street	Phone: 2077723725
Lessee/Buyer's Name	Phone:	Permit Type: Steel Only-Commercial	Zone: C-26

Past Use: Vacant Land	Proposed Use: Mercy Hospital- Phase I - Foundation and only only for new Hospital	Permit Fee:	Cost of Work: \$8,877,147.00	CEO District: 3
Proposed Project Description: Phase I - Foundation and only only for new Hospital		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>Foundations</i>	
		Signature:	Signature: <i>[Signature]</i>	
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: 10/06/2006	Zoning Approval		
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<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. 	Special Zone or Reviews <input type="checkbox"/> Shoreland <i>N/A</i> <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>Panel 13</i> <input checked="" type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i># 2006-0192</i> Maj <input checked="" type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>10/13/06</i>	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: <i>[Signature]</i>	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmar <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: <i>[Signature]</i>
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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

CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

Please Read Application And Notes, If Any, Attached

PERMIT ISSUED

Permit Number: 061474
 OCT 30 2006

[Signature]
 CITY OF PORTLAND

This is to certify that MERCY HOSPITAL /Gilba Building Company

has permission to Phase I - Foundation for Hosp

AT 50 ST JOHN ST

073 A001001

provided that the person or persons who accept this permit shall comply with the provisions of the Statutes of the State 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 with 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 when permission procured before this building or part thereof is started or closed-in. 24 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 _____
 Department Name

[Signature]
 Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

* The City of Portland currently has a bid out for the Special Inspections Agent. When this is determined you will be notified. We understand the permit can not be issued without this information. Anticipated award date is 10/20/06.

SECTION 01411 - SPECIAL INSPECTIONS & STRUCTURAL TESTING

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

- A. Drawings and general provisions of the Contract, including General and Supplementary Conditions and other Division 1 Specification Sections, apply to this Section.

1.2 GENERAL REQUIREMENTS

- A. Special Inspections and Structural Testing shall be in accordance with Chapter 17 of the Building Code of State of Maine ICC (IBC 2003).
- B. Special Inspections and Structural Testing shall be in accordance with *CASE National Practice Guideline for Special Inspections*.
- C. The program of Special Inspection and Structural Testing is a Quality Assurance program intended to ensure that the work is performed in accordance with the Contract Documents.
- D. This specification section is intended to inform the Contractor of the Owner's quality assurance program and the extent of the Contractor's responsibilities. This specification section is also intended to notify the Special Inspector, Testing Laboratory, and other Agents of the Special Inspector of their requirements and responsibilities.

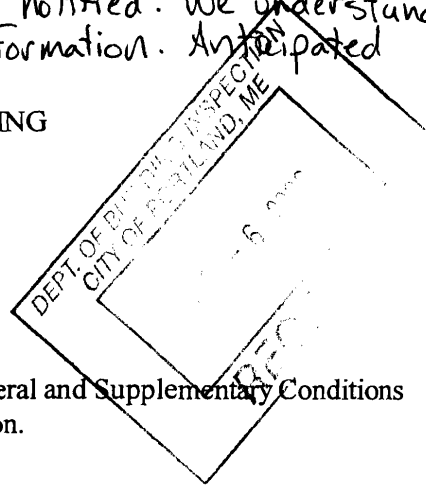
1.3 SCHEDULE OF INSPECTIONS AND TESTS

- A. Required inspections and tests are described in the attached *Schedule of Special Inspections* (Attachment B) and in the individual specification Sections for the items to be inspected or tested.

1.4 QUALIFICATIONS

- A. The Special Inspector shall be a licensed Professional Engineer or Structural Engineer who is approved by the Registered Design Professional for Structural Engineering (RDPSE) and Code Enforcement Official.
- B. The Testing Laboratory and individual technicians shall be approved by the Registered Design Professional for Structural Engineering (RDPSE) and Code Enforcement Official.
- C. The Testing Laboratory shall maintain a full time licensed Professional Engineer or Structural Engineer on staff who shall certify all test reports. The Engineer shall be responsible for the training of the testing technicians and shall be in responsible charge of the field and laboratory testing operations.

173A1



- B. If any materials which require Special Inspections are fabricated in a plant which is not located within 100 miles of the project, the Contractor shall be responsible for the travel expenses of the Special Inspector or Testing Laboratory.
- C. The Contractor shall be responsible for the cost of any retesting or reinspection of work which fails to comply with the requirements of the Contract Documents.

1.7 CONTRACTOR RESPONSIBILITIES

- A. The Contractor shall cooperate with the Special Inspector and his agents so that the Special Inspections and testing may be performed without hindrance.
- B. The Contractor shall review the *Statement of Special Inspections* (Attachment A) and shall be responsible for coordinating and scheduling inspections and tests. The Contractor shall notify the Special Inspector or Testing Laboratory at least 24 hours in advance of a required inspection or test. Uninspected work that required inspection may be rejected solely on that basis.
- C. The Contractor shall provide incidental labor and facilities to provide access to the work to be inspected or tested, to obtain and handle samples at the site or at source of products to be tested, to facilitate tests and inspections, storage and curing of test samples.
- D. The Contractor shall keep at the project site the latest set of construction drawings, field sketches, approved shop drawings, and specifications for use by the inspectors and testing technicians.
- E. The Special Inspection program shall in no way relieve the Contractor of his obligation to perform work in accordance with the requirements of the Contract Documents or from implementing an effective Quality Control program. All work that is to be subjected to Special Inspections shall first be reviewed by the Contractor's quality control personnel.
- F. The Contractor shall be solely responsible for construction site safety.

1.8 LIMITS ON AUTHORITY

- A. The Special Inspector or Testing Laboratory may not release, revoke, alter, or enlarge on the requirements of the Contract Documents.
- B. The Special Inspector or Testing Laboratory will not have control over the Contractor's means and methods of construction.
- C. The Special Inspector or Testing Laboratory shall not be responsible for construction site safety.
- D. The Special Inspector or Testing Laboratory has no authority to stop the work.

- B. The *Final Report of Special Inspections* (Attachment C and D) will certify that all required inspections have been performed and will itemize any discrepancies that were not corrected or resolved.

PART 2 - PRODUCTSS – (NOT APPLICABLE)

PART 3 - EXECUTION – (NOT APPLICABLE)

END OF SECTION 01411

Statement of Special Inspections And Structural Testing

Project: Fore River Short Stay Hospital
Location: Portland, Maine
Owner: Mercy Health System of Maine
Owner's Address: Portland, Maine

Registered Design Professional for Architecture: Francis Cauffman Foley Hoffmann (FCFH)
Registered Design Professional for Structural Engineering: SMRT, Inc.

This *Statement of Special Inspections and Structural Testing* is submitted as a condition for permit issuance in accordance with the Special Inspection requirements of the Building Code of State of Maine. It includes a Schedule of Special Inspection and Structural Testing Services applicable to this project as well as the name of the Special Inspector and the identity of other approved agencies intended to be retained for conducting these inspections.

The Special Inspector shall keep records of all inspections and shall furnish reports to the Code Enforcement Official and to the Registered Design Professionals for Architecture and for Structural Engineering. Discovered non-conformances, deviations or deficiencies shall be brought to the immediate attention of the Contractor for correction. If such non-conformances, deviations or deficiencies are not corrected, the non-conformances, deviations or deficiencies shall be brought to the attention of the Code Enforcement Official and to the Registered Design Professionals for Architecture and for Structural Engineering. The Special Inspection and Structural Testing program does not relieve the Contractor of his or her responsibilities.

Interim reports shall be submitted to the Code Enforcement Official, Owner, and to the Registered Design Professional for Architecture and for Structural Engineering.

A *Final Report of Special Inspections and Structural Testing* documenting completion of all required Special Inspections and Structural Testing and correction of any non-conformances, deviations or deficiencies noted in the inspections shall be submitted prior to issuance of a Certificate of Use and Occupancy.

Job site safety and means and methods of construction are solely the responsibility of the Contractor.

Interim Report Frequency: As requested by Code Enforcement Official.

Prepared by:

(Type or print name)

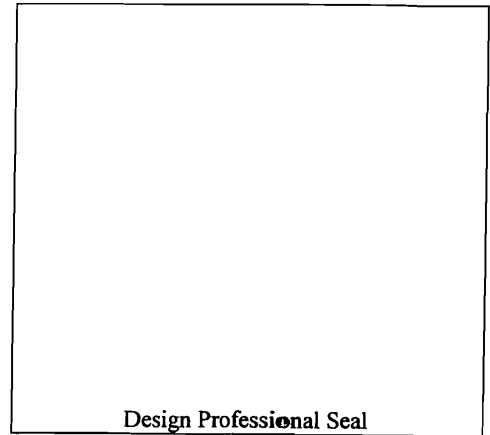
Signature Date

Owner's Authorization:

Signature Date

Code Enforcement Official's Acceptance:

Signature Date



Interim Report Frequency
(by Code Enforcement Official):

Final Report Only

At Completion of Each Material

Monthly

Other _____

Statement of Special Inspections And Structural Testing

Project: Fore River Short Stay Hospital
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 Owner: Mercy Health System of Maine
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Interim Report Frequency: As requested by Code Enforcement Official.

Prepared by:

 (Type or print name)

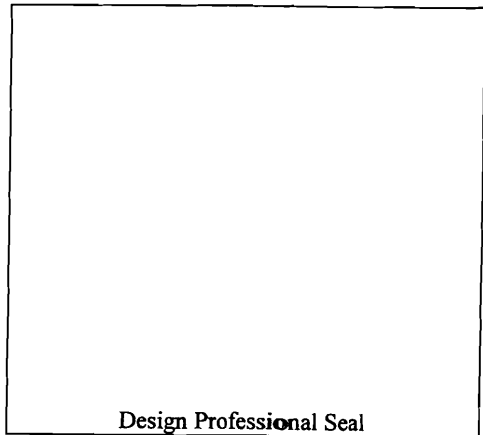
 Signature Date

Owner's Authorization:

 Signature Date

Code Enforcement Official's Acceptance:

 Signature Date



Design Professional Seal

Interim Report Frequency
 (by Code Enforcement Official):

- Final Report Only
- At Completion of Each Material
- Monthly
- Other _____

MATERIAL/ACTIVITY	ITEM	SERVICE	APPLICABLE TO THIS PROJECT		
			EXTENT (All, Sample, Other, None)	COMMENTS	AGENT #
SECTION 1 - STEEL CONSTRUCTION (IBC 2003)					
<p>STRUCTURAL STEEL - Fabrication</p> <p>NOTE: SER may waive Fabricator shop inspection if Fabricator is currently certified through the AISC Quality Certification Program.</p> <p>If shop inspection is waived, the Fabricator shall submit a letter certifying that the fabricated steel complies with the contract documents.</p>	1.1a	Review Fabricator QA/QC procedures manual.	One shop inspection required.		
	1.1b	Review Fabricator QA/QC procedures implementation and conformance.	One shop inspection required. Visual inspection of shop conformance.		
	1.1c	Review material certificates of compliance (bolts, nuts, washers, structural steel and weld filler material).	Verify that certificates of compliance have been approved.		
	1.1d	Review welder certification.	Obtain certification numbers for all welders and all steel. Verify welder qualification in accordance with AWS D1.1.		
	1.1e	Review shop drawings.	Verify approval.		
	1.1f	Inspect welded connections	Verify correct weld filler processes and weld rod storage. Provide continuous inspection of complete and partial penetration groove welds and for fillet welds greater than 5/16". Periodically inspect fillet welds equal to or less than 5/16". Visually inspect all welds.	Inspector shall be qualified according to AWS D1.1.	
	1.1g	Inspect bolted connections.	During installation, verify bolts, nuts, washers, paint, bolted parts and installation and tightening procedures are in compliance with referenced standards. Periodically inspect the installation of snug-tightened connections. Verify that all plies of all snug-tightened connections are drawn together. At pretensioned bolted connections, observe the pre-installation testing and calibration procedures when such procedures are required for the installation method. Provide continuous monitoring for pretensioned connections utilizing calibrated wrench method or turn of the nut method without matchmarking. Provide periodic monitoring of pretensioned bolted connections utilizing the turn of the nut method with matchmarking techniques, the direct tension indicator method, or the twist-off bolt method.		
	1.1h	Review structural steel and fabrication for conformance to approved shop drawings.	Verify member sizes, piece marks and connection details match approved shop drawings. Visually inspect bolts and welds.		
	1.1i	Review Certificate of Compliance.	Verify submission of certificate of compliance that fabricated material complies with contract documents.		

MATERIAL/ACTIVITY	ITEM	SERVICE	APPLICABLE TO THIS PROJECT		
			EXTENT (All, Sample, Other, None)	COMMENTS	AGENT #
Steel Stairs and Guardrail Systems - Erection	1.6a	Review welder certification.	Verify welder qualification in accordance with AWS D1.1. Obtain certification numbers for all welders.		
	1.6b	Inspect welded connections.	Perform continuous inspection of complete and partial penetration groove welds and fillet welds larger than 5/16". Perform periodic inspection of installation of fillet welds 5/16" and smaller. Visually inspect all welds after completion.		
	1.6c	Inspect bolted connections utilizing high-strength bolts.	Periodically inspect installation of high strength bolts. Verify that all plies are drawn together.		
	1.6d	Inspect installation.	Perform periodic inspection in progress and complete inspection at completion verifying all members and connections conform with the contract documents and approved shop drawings.		
SECONDARY / MISC STRUCTURAL STEEL	1.7a	Review girts connections.	Visually inspect all.		
	1.7b	Review welder certification.	Obtain certification numbers for all welders.		
	1.7c	Review brick relieving angle connections/installation.	Visually inspect all. Verify member size and connections to structure.		
	1.7d	Review details of steel frames.	Visually inspect all.		
	1.7e	Inspect bolted connections utilizing high-strength bolts.	Periodically inspect installation of high-strength bolts. Verify that all plies of all connections are drawn together.		
	1.7f	Review fabrication for conformance with approved shop drawings.	Verify member sizes, piece marks, and connection details match approved shop drawings.		
Steel Deck Erection	1.8a	Review steel deck shop drawings.	Verify approval.		
	1.8b	Review welder certification.	Verify welder qualification in accordance with AWS D1.1. Obtain certification numbers of all welders.		
	1.8c	Verify number, type, and location of steel deck connection to framing and side lap fasteners.	Visually inspect all. Verify welds comply with AWS D1.3 requirements.		
	1.8d	Inspect installation of shear connectors.	Prior to starting, verify materials and weld processes are in compliance with AWS requirements and construction documents. Periodically inspect shear connector installation. Inspect soundness of all welds. Verify number and location of all. Random test 20% of all connectors in accordance with AWS Chapter 5.		
SECTION 2 - CONCRETE CONSTRUCTION (IBC 2003 - 1704.4)					
CONCRETE MATERIALS	2.1a	Review mix design.	Verify approval of all mixes intended for use.		
	2.1b	Review reinforcement grade.	Inspect identifying marks on reinforcing steel.		
	2.1c	Review submittals.	Verify acceptance of propriety products and reinforcing steel shop drawings. Review requirements of reinforcing steel on placement drawings.		
REINFORCING AND PRESTRESSING STEEL	2.2a	Inspect condition and placement of reinforcing steel.	All reinforcing steel at walls, spread footings, columns and beams and column piers. Check prior to each concrete placement.		

MATERIAL/ACTIVITY	ITEM	SERVICE	APPLICABLE TO THIS PROJECT		
			EXTENT (All, Sample, Other, None)	COMMENTS	AGENT #
SECTION 5 - SOILS (IBC 2003 - 1704.7)					
SOILS	5.1a	Inspect site preparation and soil conditions prior to placement of fill for conformance with contract documents and soils report.	All under building footprint.		
	5.1b	Inspect testing and placement of fill material for conformance with contract documents and soils report.	Required for all fill more than 12" deep.		
	5.1c	Review soils compaction testing for compliance with contract documents and soils report.	See contract documents for testing frequency.		
SECTION 7 - SPRAYED-FIRE-RESISTANT MATERIALS (IBC 2003 - 1704.11)					
SPRAYED-ON FIREPROOFING	7.1a	Inspect surface of structural members to be sprayed for conformance with contract documents.	Visually inspect all.		
	7.1b	Observed application conditions for conformance with the approved manufacturer's written instructions.	At each fireproofing application.		
	7.1c	Observe field-testing of thickness, density, and bond strength of the sprayed fire resistive material for compliance with contract documents.	As specified in IBC 2003, Section 1704.11.3 and 4.		
SECTION 8 - EIFS (IBC 2003 - 1704.12)					
EIFS Special Inspections are not required for EIFS applications installed over a water-resistive barrier with a means of draining moisture to the exterior.	8.1a	Inspect EIFS installation	Visually inspect all.		
SECTION 9 - SPECIAL CASES (IBC 2003 1704.13)					
	9.1a				
	9.1b				
SECTION 10 - SMOKE CONTROL (IBC 2003 - 1704.14)					
SMOKE CONTROL	10.1a	Test scope shall be as follows: 1. During erection of ductwork and prior to concealment for the purposes of leakage testing and recording of device location. 2. Prior to occupancy and after sufficient completion for the purposes of pressure difference testing, flow measurements and detection and control verification.	To be coordinated by the project mechanical engineer.	Special inspection agencies for smoke control shall have expertise in fire protection engineering, mechanical engineering and certification as air balancers.	

Schedule of Special Inspection Services

The following sheets comprise the required schedule of special inspections for this project. The construction division which require special inspections for this project are as follows:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Soils and Foundations | <input checked="" type="checkbox"/> Spray Fire Resistant Material |
| <input checked="" type="checkbox"/> Cast-in-Place Concrete | <input type="checkbox"/> Wood Construction |
| <input type="checkbox"/> Precast Concrete | <input checked="" type="checkbox"/> Exterior Insulation and Finish System |
| <input checked="" type="checkbox"/> Masonry | <input checked="" type="checkbox"/> Mechanical & Electrical Systems |
| <input checked="" type="checkbox"/> Wall Panels and Veneers | <input checked="" type="checkbox"/> Smoke Control |
| <input checked="" type="checkbox"/> Structural Steel | <input checked="" type="checkbox"/> Architectural Systems |
| <input checked="" type="checkbox"/> Cold-Formed Steel Framing | <input checked="" type="checkbox"/> Special Cases |
| | <input type="checkbox"/> Storage Racks and Access Floors |

Inspection Agents	Firm	Address
1. Special Inspector	TBD by Owner	
2. Special Inspector Geotechnical Engineer/Inspector	TBD by Owner	
3. Testing Laboratory – Concrete/Masonry	TBD by Owner	
4. Testing Laboratory - Steel	TBD by Owner	
5. Testing Laboratory		
6. Registered Design Professional for Structural Engineering	SMRT, Inc.	144 Fore Street Portland, Maine 04104

Note: Per 1704.1 of the BC-ME, the inspection and testing agent shall be engaged by the Owner or the Owner's Agent, and not by the Contractor or Subcontractor whose work is to be inspected or tested. Any conflict of interest must be disclosed to the Code Enforcement Official, prior to commencing work.

Final Report of Special Inspections And Structural Testing

Special Inspector's Final Report

Project: Fore River Short Stay Hospital
Location: Portland, Maine
Owner: Mercy Health System of Maine
Owner's Address: Portland, Maine

Registered Design Professional for Architecture: Francis Cauffman Foley Hoffmann (FCFH)
Registered Design Professional for Structural Engineering: SMRT, Inc.

To the best of my information, knowledge and belief, the Special Inspections and Structural Testing required for this project, and itemized in the *Statement of Special Inspections and Structural Testing* (Attachment A) and *Schedule of Special Inspection and Structural Testing* (Attachment B) submitted for permit, have been performed and all discovered non-conformances, deviations or deficiencies have been reported and resolved other than the following:

Comments:

(Attach continuation sheets is required to complete the description of corrections.)

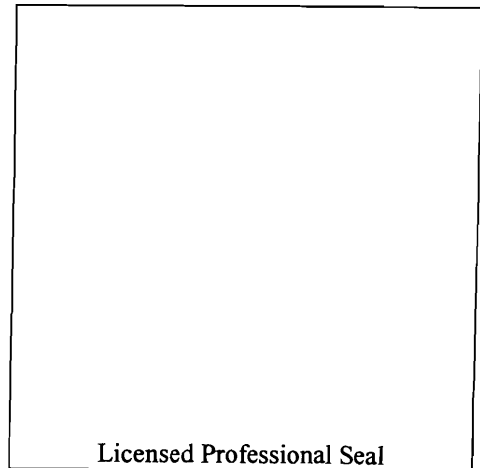
Interim reports submitted prior to this final report form a basis for and are to be considered an integral part of this final report.

Respectfully submitted,
Special Inspector

(Type or print name)

Signature

Date



Final Report of Special Inspections And Structural Testing

Agent's Final Report

Project: Fore River Short Stay Hospital
Location: Portland, Maine
Owner: Mercy Health System of Maine
Owner's Address: Portland, Maine

Registered Design Professional for Architecture: Francis Cauffman Foley Hoffmann (FCFH)
Registered Design Professional for Structural Engineering: SMRT, Inc.

Agent:

Special Inspector:

To the best of my information, knowledge and belief, the Special Inspections or testing required for this project, and designated for this Agent in the *Statement of Special Inspections and Structural Testing* (Attachment A) and *Schedule of Special Inspection and Structural Testing* (Attachment B) submitted for permit, have been performed and all discovered non-conformances, deviations or deficiencies have been reported and resolved other than the following:

Comments:

(Attach continuation sheets is required to complete the description of corrections.)

Respectfully submitted,
Agent of the Special Inspector

(Type or print name)

Signature

Date

Licensed Professional Seal or
Certification

Mercy Health System of Maine
Fore River Short Stay Hospital, Portland, Maine
FCFH # F05-4898

Final Report of Special Inspections & Structural Testing
Section 01411 – Attachment D
page 1 of 1
10-02-06
Core and Shell



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Certified Mail #: 7006 0100 0007 3204 2264

December 13, 2006

Mercy Hospital
Michael Connolly
144 State Street
Portland, ME 04101

73-A-1

Re: Notice of Violation, Mercy Hospital, Division of Land Resource Regulation, Notice of Violation # 13200

Dear Mr. Connolly:

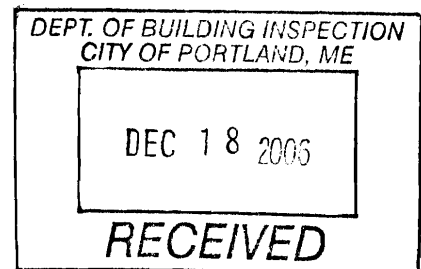
Enclosed is a Notice of Violation ("NOV") alleging your failure to comply with Maine's Erosion and Sedimentation Control Law. The NOV relates to violations documented during a site visit by Department staff on December 5, 2006 at the Congress Street site in Portland. Violations were also documented during a third party compliance inspection on November 17, 2006 by Gary Bucklin of S. W. Cole Engineering, Inc. These violations are more fully described in the attached NOV.

A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department's laws, rules, and/or orders. The nature and circumstances surrounding the violations discovered has led DEP to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.

Sincerely,

Kara Moody
Bureau of Land and Water Quality
Division of Land Resource Regulation

cc: Jay Reynolds, City of Portland
Portland Code Enforcement Office
file



AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Land and Water Quality
 312 Canco Road
 Portland, Maine 04103
 Telephone: (207) 822-6300

Notice of Violation

PART I: GENERAL INFORMATION	
<u>ALLEGED VIOLATOR'S NAME:</u> Mercy Hospital	<u>DOCKET NUMBER:</u> CTS 13200
<u>ALLEGED VIOLATOR'S MAILING ADDRESS:</u> 144 State Street, Portland, ME 04101	<u>DATE ISSUED:</u> December 13, 2006
<u>PHYSICAL LOCATION OF VIOLATIONS:</u> Congress Street, Portland	<u>CERTIFIED MAIL NUMBER:</u> 7006 0100 0007 3204 2264
<u>POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):</u> Michael Connolly	<u>TELEPHONE NUMBER:</u> (207) 879-3000

PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION
YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.
<u>SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):</u> The Department issued a Site Location of Development permit (L-20775-19-A-N and L-20775-TG-B-N) for Mercy Hospital on June 26, 2002. During a third party compliance inspection on November 17, 2006, Gary Bucklin of S. W. Cole Engineering, Inc. observed several breaches in erosion and sedimentation control measures around the site due to a heavy rain event on the preceding day. Silt-laden stormwater was flowing through a culvert below the I-295 Connector and entering the Fore River. During a follow-up inspection on December 5, 2006, Department staff observed inadequate erosion control measures around the site, specifically in areas adjacent to the wetlands. There were large stockpiles of exposed soil adjacent to the wetlands, in addition to large areas of bare ground. There was also a great amount of silt in the wetland areas.
<u>LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:</u> The Erosion and Sedimentation Control Law, 38 M.R.S.A § 420-C, requires that prior to an activity that involves filling, displacing or exposing soil or other earthen materials, measures must be taken to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. By causing sediment to discharge into the Fore River and the wetlands on site, Mercy Hospital has violated the Erosion and Sedimentation Control Law. The Site Location of Development Permit requires that the applicant comply with conditions set forth in the Findings of Fact and Order. Within the Findings of Fact and Order, specific condition 2 states that in addition to specific erosion control measures described in the order, the applicant shall take all necessary actions to ensure that their activities do not result in noticeable erosion of soils. By failing to comply with this standard, Mercy Hospital violated specific condition 2 and the Site Location of Development Law.
<u>REQUESTED CORRECTIVE ACTION(S):</u> By no later than December 22, 2006, install appropriate and adequate erosion control measures and stabilize this site in the areas that are not currently being worked, particularly in the areas adjacent to the wetlands. In doing so, you must adhere to the Erosion and Sedimentation Control Plan that was submitted with your Site Location of Development Permit.

DISTRIBUTION:	Case File <input checked="" type="checkbox"/>	Enforcement Director <input type="checkbox"/>	AG's Office <input type="checkbox"/>	EPA <input type="checkbox"/>	Other: <u>City</u> <input checked="" type="checkbox"/>
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TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN **10** DAYS OF RECEIVING THIS NOV, ARE TWO FACTORS THAT WILL AFFECT THE AMOUNT OF MONETARY PENALTIES DEP EXPECTS TO PURSUE IN THIS MATTER.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

Kara Moody

TELEPHONE NUMBER:

(207) 822-6351

State of Maine, Department of Environmental Protection

By:

Kara Moody



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Certified Mail #: 7006 0100 0007 3204 2271

December 13, 2006

Shaw Brothers Construction, Inc.
Mark Barnes
PO Box 69
511 Main Street
Gorham, ME 04038

Re: Notice of Violation, Shaw Brothers Construction, Inc., Division of Land Resource Regulation, Notice of Violation # 13200

Dear Mr. Barnes:

Enclosed is a Notice of Violation (“NOV”) alleging your failure to comply with Maine’s Erosion and Sedimentation Control Law. The NOV relates to violations documented during a site visit by Department staff on December 5, 2006 at the Mercy Hospital construction site on Congress Street in Portland. Violations were also documented during a third party compliance inspection on November 17, 2006 by Gary Bucklin of S. W. Cole Engineering, Inc. These violations are more fully described in the attached NOV.

A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department’s laws, rules, and/or orders. The nature and circumstances surrounding the violations discovered has led DEP to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.

Sincerely,

Kara Moody
Bureau of Land and Water Quality
Division of Land Resource Regulation

cc: Jay Reynolds, City of Portland
Portland Code Enforcement Office
file

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Land and Water Quality
 312 Canco Road
 Portland, Maine 04103
 Telephone: (207) 822-6300

Notice of Violation

PART I: GENERAL INFORMATION

ALLEGED VIOLATOR'S NAME: Shaw Brothers Construction, Inc.	DOCKET NUMBER: CTS 13200
ALLEGED VIOLATOR'S MAILING ADDRESS: PO Box 69, 511 Main St., Gorham, ME 04038	DATE ISSUED: December 13, 2006
PHYSICAL LOCATION OF VIOLATIONS: Mercy Hospital Site, Congress Street, Portland	CERTIFIED MAIL NUMBER: 7006 0100 0007 3204 2271
POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR): Mark Barnes	TELEPHONE NUMBER: (207) 839-2552

PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION

YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.

SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):

The Department issued a Site Location of Development permit (L-20775-19-A-N and L-20775-TG-B-N) for Mercy Hospital on June 26, 2002. During a third party compliance inspection on November 17, 2006, Gary Bucklin of S. W. Cole Engineering, Inc. observed several breaches in erosion and sedimentation control measures around the site due to a heavy rain event on the preceding day. Silt-laden stormwater was flowing through a culvert below the I-295 Connector and entering the Fore River. During a follow-up inspection on December 5, 2006, Department staff observed inadequate erosion control measures around the site, specifically in areas adjacent to the wetlands. There were large stockpiles of exposed soil adjacent to the wetlands, in addition to large areas of bare ground. There was also a great amount of silt in the wetland areas.

LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:

The Erosion and Sedimentation Control Law, 38 M.R.S.A § 420-C, requires that prior to an activity that involves filling, displacing or exposing soil or other earthen materials, measures must be taken to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. By causing sediment to discharge into the Fore River and the wetlands on site, Shaw Brothers Construction, Inc. has violated the Erosion and Sedimentation Control Law. The Site Location of Development Permit requires that the applicant comply with conditions set forth in the Findings of Fact and Order. Within the Findings of Fact and Order, specific condition 2 states that in addition to specific erosion control measures described in the order, the applicant shall take all necessary actions to ensure that their activities do not result in noticeable erosion of soils. By failing to comply with this standard, Shaw Brothers Construction, Inc. violated specific condition 2 and the Site Location of Development Law.

REQUESTED CORRECTIVE ACTION(S):

By no later than December 22, 2006, install appropriate and adequate erosion control measures and stabilize this site in the areas that are not currently being worked, particularly in the areas adjacent to the wetlands. In doing so, you must adhere to the Erosion and Sedimentation Control Plan that was submitted with your Site Location of Development Permit.

DISTRIBUTION:	Case File	<input checked="" type="checkbox"/>	Enforcement Director	<input type="checkbox"/>	AG's Office	<input type="checkbox"/>	EPA	<input type="checkbox"/>	Other: City	<input checked="" type="checkbox"/>
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TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN 10 DAYS OF RECEIVING THIS NOV, ARE TWO FACTORS THAT WILL AFFECT THE AMOUNT OF MONETARY PENALTIES DEP EXPECTS TO PURSUE IN THIS MATTER.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

Kara Moody

TELEPHONE NUMBER:

(207) 822-6351

State of Maine, Department of Environmental Protection

By: *Kara Moody*

Applicant: Mercy Hospital Date: 10/13/06

Address: Connector Rd
Fox River Project
C-B-L: 073-A-001

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New PHASE I #06-1474

Zone Location - Conditional/Contract Zone "C-26"

Interior or corner lot - varied see list in contract zone

Proposed Use/Work - for foundation ONLY - Hospital - offices & prof. offices of

Sewage Disposal - City

Lot Street Frontage -

Front Yard - 20' min - 100' & 165'

Rear Yard - 10' - well over 10' shown

Side Yard - 10' - well over 10' shown

Projections -

Width of Lot - N/A

check later Height - 90' max - still be checked later (foundation only)

Lot Area -

Lot Coverage Impervious Surface - 80% of the whole - much less right now

Area per Family - N/A

Off-street Parking - Determined by The Planning Bd - 325 pks shown on plan

Loading Bays - N/A under contract

Site Plan - 2005-0192

Southside
458 - Northside
733 total

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel 13b - Zone C

Signs to be approved per planning

Pavement setback from boundaries - 15' - 20' at closest

C 26

**CONTRACT ZONE AGREEMENT
BETWEEN
CITY OF PORTLAND
AND
MERCY HOSPITAL and MERCY HEALTH SYSTEM OF MAINE**

AGREEMENT made this 3rd day of December, 2001 by and between the **CITY OF PORTLAND**, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "**CITY**") and **MERCY HOSPITAL**, a nonprofit corporation located in the City of Portland and **MERCY HEALTH SYSTEM OF MAINE**, a nonprofit corporation located in the City of Portland, and each of their successors and assigns (hereinafter collectively "**MERCY**").

W I T N E S S E T H

WHEREAS, MERCY has determined that it can no longer meet the long term needs of the community from its 144 State Street location; and

WHEREAS, MERCY has located a Portland site, a contiguous tract of land (called the Fore River Site) large enough to meet **MERCY'S** long term needs (including a mix of uses both taxable and tax-exempt) while being easily accessible and convenient to doctors, public transportation, and the Maine Medical Center; and

WHEREAS, MERCY requested a rezoning of the Fore River Site (also referred to herein as the "**PROPERTY**"), which is located in Portland at Map 73, Block A, Lot 1; Map 73, Block B, Lot 2; Map 74, Block A, Lot 1; Map 75, Block A, Lot 3; and Map 75, Block A, Lot 33, in order to permit the establishment and operation of a hospital campus on up to 42 acres of land; and

WHEREAS, the Planning Board of the City of Portland, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Code §§ 14-60 to 14-62 and 14-264, and after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY** as aforesaid, subject, however, to certain conditions; and

WHEREAS, the **CITY** by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the **CITY'S** comprehensive land use plan and consistent with the purposes of the I-H zone and its existing and permitted uses; and

WHEREAS, the **CITY** has determined that the proposed development will be designed and operated so that it will prevent undue adverse environmental impacts, substantial diminution of the value or utility of neighboring structures, or significant hazards to the health or safety of neighboring residents by controlling noise levels, emissions, traffic, lighting, odors, and any other potential negative impacts of the proposal; and

WHEREAS, the **CITY** has determined that because of the unusual nature and unique location of the proposed development it is necessary and appropriate to impose by agreement the following conditions and restrictions in order to ensure that the rezoning is consistent with the **CITY'S** comprehensive land use plan; and

WHEREAS, the **CITY** authorized the execution of this Agreement on December 3, 2001;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. Effective upon the recording of deeds transferring title ownership from Merrill Industries, Inc. and Portland Terminal Company to **MERCY** and receipt by the

CITY of a statement from **MERCY** that **MERCY** has so recorded said deeds, the **CITY** hereby amends the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Portland City Code, by adopting the map change amendment shown on Attachment 1, and by designating the **PROPERTY** a Helistop Overlay Zone limited to a single helistop; provided however, that this contract rezoning shall become null and void, and the **PROPERTY** shall revert to the I-H zone, in the event that **MERCY** fails to acquire said **PROPERTY** before August 1, 2003. The **CITY** shall not issue **MERCY** any building permits until **MERCY** has purchased the **PROPERTY**.

2. *Permitted Uses.* **MERCY** shall be authorized to establish and maintain the following uses on the **PROPERTY**:
 - a. Hospitals, clinics, and medical research facilities.
 - b. Community living arrangements, congregate care facilities, intermediate care facilities, long term or extended care facilities, and sheltered care group homes.
 - c. Office complexes and professional offices.
 - d. Day care facilities and adult day care facilities.
 - e. Exercise and fitness centers and health clubs.
 - f. Personal services, restaurants, and retail establishments of no more than 50,000 square feet, except that there shall be no drive through facilities.
 - g. Dwellings, hotels, motels, inns, and rooming units; and lodging houses for hospital or clinic employees or volunteers and patients' family members.
 - h. Teaching centers.
 - i. Accessory uses, including, but not limited to, parking facilities and structures, utility services, stormwater management systems, and site amenities.

The uses listed in subparagraphs e, f, and g shall be functionally related, physically oriented, and complementary to the medical uses of the site.

3. The uses on the **PROPERTY** will be within multiple buildings to be constructed in phases, some owned by **MERCY** and some owned by others. The new structures will be a mix of single and multi-level buildings developed in a campus-like setting. The buildings may be freestanding or linked, depending upon the phasing and ultimate development program proposed.

4. The first phase of construction will include a medical office building, which may be built concurrently with an ambulatory care facility. The medical office building, its associated land, and its personal property shall be taxed based on a market value of, at minimum, \$7.5 million dollars. The hospital shall be built in either the first or second phase of construction.
5. A portion of the **PROPERTY** will be transferred to the Maine Department of Transportation (“MDOT”) without a fee for its construction of the proposed Commercial Street Connector roadway (hereinafter referred to as the “**CONNECTOR**”).
6. Upon its purchase of the **PROPERTY**, **MERCY** shall record in the Cumberland County Registry of Deeds a deed granting to the **CITY** an easement in perpetuity over the portion of the **PROPERTY** identified as “Open Space” on Attachment 2, which easement shall grant to the public access to such Open Space for recreational activities during daylight hours.

Such open space may be used in the calculation of the impervious surface requirements contained in paragraph 11 of this Agreement.

In addition, **MERCY** shall cooperate with the City in the creation of a pedestrian trail and bike path at least along the perimeter of the **PROPERTY** as shown, generally, on Attachment 2. Once the location of the pedestrian trail and bike path is determined, **MERCY** shall record in the Cumberland County Registry of Deeds a deed granting to the **CITY** an easement in perpetuity for the benefit of the public, which easement shall grant access along and over such path and trail for recreational activities during daylight hours and when trails are customarily available to the public for such use, covering all portions of such path and trail located on land not owned by MDOT.

These easements shall be subject to the review and approval of the Corporation Counsel’s Office.

7. For purposes of calculating impervious surface required in paragraph 11 below, land separated by the MDOT **CONNECTOR** may be included, but any intertidal lands shall not be included in said calculation.
8. Access to the **PROPERTY** via County Way shall be permitted for service vehicles only provided that **MERCY** demonstrates to the **CITY’S** Traffic Engineer that County Way provides an adequate level of service to the **PROPERTY** and **MERCY** provides evidence of its right, title or interest to access said street.
9. For purposes of front yard setbacks, the front yard for each building developed on the **PROPERTY** shall have as the front yard the area between the building and the **CONNECTOR**.



The **PROPERTY** shall be developed substantially in accordance with the conceptual master plan shown on Attachment 2, provided, however, that each building, whether classified as a major or minor development, shall be subject to site plan review by the Planning Board, and if applicable, subdivision review by the Planning Board. Any site plan review applications shall fully comply with the detailed site plan application requirements contained in article V (site plan) of the Land Use Code. The Planning Board may permit deviations from the conceptual master plan, as long as the deviations are consistent with the purposes of this Agreement.

10. *Development Standards.* All site plans may be approved by the Planning Board only if, in addition to the dimensional requirements of paragraph 11 and the applicable provisions of article IV (subdivisions) and article V (site plan), the development meets the following development standards:

- a. *Design relationship to site:* Development proposals shall demonstrate a reasonably unified design of the site in a campus-like setting, including the architecture, the layout of the buildings, pedestrian and vehicular circulation plan, open space, drainage, and the topography, soil conditions, vegetation, and other natural features of the site. Integration of open spaces and natural features shall be achieved by incorporation of outdoor amenities for the benefit of users of the site, such as jogging and walking trails, gardens, and benches. The proposed layout of buildings and uses shall demonstrate compatibility between the buildings and other site features within the site. Consideration shall be given to compatibility of proposed perimeter on-site development with the existing and future uses off-site but adjacent to the **PROPERTY**.
- b. *Landscaping:* Development proposals shall include a landscape program. All land areas not covered by structures, parking areas, or circulation facilities shall be landscaped and maintained. In order to soften the visual impact of large expanses of pavement in parking lots, vegetation shall be planted or retained in islands or planting strips where required by article IV (subdivisions) and article V (site plan) of the Land Use Code.
- c. *Pedestrian Orientation:* Development proposals shall include an integrated pedestrian circulation system, including internal sidewalks, to take advantage of the topography and natural features of the site and providing for safe pedestrian access to all buildings and parking areas with the ability to conveniently access all developed portions of the site without additional driving. The pedestrian circulation system shall link with the shoreline trail feature of the site.
- d. *Vehicular Access and Circulation:* The primary access to serve the entire development will be from two access points or two access points and a slip lane from the **CONNECTOR** as may be further developed or modified by joint agreement of the City, MDOT and the applicant.

Vehicular circulation through internal driveways and roadways will provide safe and orderly access to all developed portions of the site.

- e. *Buffers and screens:* Development proposals shall include appropriate measures of a dense and continuous nature (for example, a double staggered row of white pine twenty-five (25) feet on center, etc.) in order to buffer parking lot visibility from public roads.
- f. *Preservation of natural features:* Development proposals shall identify the extent to which the developer will preserve natural features including, but not limited to, existing vegetation, flood plains, rock outcroppings, surface water bodies, drainage swales and courses, and wetlands; provided any such program shall consider and be sensitive to the need to preserve such natural features.
- g. *Architectural design:* All buildings shall be designed or approved by a registered architect in the State of Maine. The scale, texture, colors, and massing of the buildings shall be coordinated. The full range of high-quality, permanent, and traditional or contemporary building materials and technology may be incorporated in a manner so that the development as a whole embodies distinguishing attributes that achieve the developer's desired degree of excellence and are in conformance with the architectural guidelines provided in any private development restrictions. Particular emphasis shall be placed on the appearance of building facades from public streets and highways including the **CONNECTOR**, from driveway and parking areas, and from other nearby buildings. Building elevation drawings shall be submitted which indicate architectural style, exterior finishes and color, building height and scale, and location and scale of window and door openings. Samples of exterior building materials shall also be submitted.
- h. *Signs:* Signage shall be focused internally to the site or to the **CONNECTOR** and shall not be oriented or scaled to address Route 1 or Interstate 295, with the exception of the hospital and major office buildings. Development proposals shall identify all proposed signage. Signs shall be designed in proportion and character with the building facades. All signs shall be constructed of permanent materials and shall be coordinated with the building and landscaping design through the use of appropriate materials and finishes.
- i. *Master plan:* Prior to development on the **PROPERTY, MERCY** shall provide a master plan of the campus. The master plan shall include the following: The location of the building(s) on the site; infrastructure of the site; identification of common areas; traffic circulation, architectural character and treatment of the building(s); proposed building envelopes; phasing and timing of the development; private development restrictions;

and such other information necessary and sufficient to ensure compliance with the standards in this section. Master plans are dynamic representations that assist in guiding projects through phased development. Master plans are flexible and adaptable to changes that occur within the development process. The master plan shall be subject to periodic revision and update as needed and as phased development occurs over time.

11. *Dimensional Requirements.* The following dimensional requirements shall apply to the **PROPERTY** as a whole, and not additionally to individual lots (if any) within the **PROPERTY**:
 - a. Maximum impervious surface ratio: Eighty (80) percent;
 - b. Maximum building height: Ninety (90) feet;
 - c. Minimum front yard landscaped buffer: Twenty (20) feet from the edge of the **CONNECTOR** right-of-way shall be in the form of a landscaped buffer provided, however, that the area within such buffer may include a retaining wall, walkway, trail, or pathway but no buildings, roadways, parking areas, or other expanses of pavement;
 - d. Minimum side yards: Ten (10) feet;
 - e. Minimum rear yard: Ten (10) feet;
 - f. Pavement setback from lot boundaries: Fifteen (15) feet.
12. The provisions of this Agreement, including the permitted uses listed in paragraph 2, are intended to replace the uses and requirements of the underlying I-H zone.
13. Pursuant to Code § 14-264(d), all development plans shall include complete information of processes, materials, or methods of storage to be used by the development and shall specify how hazardous impacts to neighboring properties will be prevented.

The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit **MERCY**, any entity affiliated with **MERCY** that takes title to the **PROPERTY**, their successors and assigns, and any party in possession or occupancy of said **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. **MERCY** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **PROPERTY**.

If any of the restrictions, provisions, conditions, or portions 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 shall not affect the validity of the remaining portions hereof.

MERCY agrees not to challenge the legality of the provisions contained within paragraph 4 of this contract.

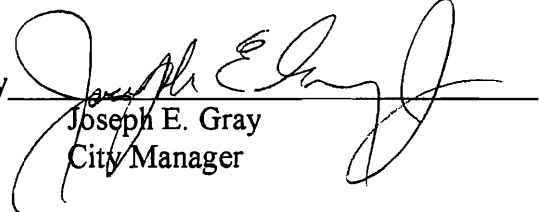
Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event that **MERCY** or any successor fails to continue to utilize the **PROPERTY** in accordance with this Agreement, or in the event of a breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the site be rezoned to only I-H or any successor zone and that the Agreement be terminated, requiring a cessation of the hospital campus use.

WITNESS:



CITY OF PORTLAND

By 

Joseph E. Gray
City Manager

WITNESS:

MERCY HOSPITAL

Joseph E. Gray

By Howard Buckley
Howard Buckley
President and CEO

WITNESS:

MERCY HEALTH SYSTEM OF
MAINE

Joseph E. Gray

By Howard Buckley
Howard Buckley
President and CEO

STATE OF MAINE
CUMBERLAND, ss.

Date: 12/17/01, 2001

Personally appeared before me the above-named Joseph E. Gray, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,

Sonia T. Bean
Notary Public/Attorney at Law
SONIA T. BEAN
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES JANUARY 10, 2002

STATE OF MAINE
CUMBERLAND, ss.

Date: January 10, 2002

Personally appeared before me the above-named Howard Buckley, in his capacity as President and CEO, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Mercy Hospital and Mercy Health System of Maine, Inc.

Before me,

Daniel M. Snow
Notary Public/Attorney at Law
DANIEL M. SNOW

From: Marge Schmuckal
To: ALEX JAEGERMAN; Carrie Marsh; DEB ANDREWS; Jean Fraser; Sarah Hopkins
Date: 10/13/2006 12:57:58 PM
Subject: Signs at Mercy Hospital

Currently a sign company is calling around about what would be permitted for signs at the new Mercy Hospital. Ann & I cannot answer any specifics regarding signage. We have told the sign company what the regulations state. I suspect that a sign permit will be concurrently reviewed between us (a group hug so to speak).

This is to update everyone on what the Mercy Hospital conditional contract zone says in regards to signage:

"Signage shall be focused internally to the site or to the CONNECTOR and shall not be oriented or scaled to address Route 1 or Interstate 295, with the exception of the hospital and major office buildings. Development proposals shall identify all proposed signage. Signs shall be designed in proportion and character with the building facades. All signs shall be constructed of permanent materials and shall be coordinated with the building and landscaping design through the use of appropriate materials and finishes".

There is no other specifics regarding this issue in the contract. It is what it is.....

Thanks,
Marge

CC: Ann Machado; PENNY LITTELL

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- Footing/Building Location Inspection: Prior to pouring concrete
- Re-Bar Schedule Inspection: Prior to pouring concrete
- Foundation Inspection: Prior to placing ANY backfill
- Framing/Rough Plumbing/Electrical: Prior to any insulating or drywalling
- Final/Certificate of Occupancy: Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects **DO** require a final inspection

 If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED

Melody-Ann Cote
Signature of Applicant/Designee

30 Oct 06
Date

[Signature]
Signature of Inspections Official

30 Oct. 06
Date

CBL: 073-A001

Building Permit #: 061474

City of Portland, Maine - Building or Use Permit

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

Permit No: 06-1474	Date Applied For: 10/06/2006	CBL: 073 A001001
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Location of Construction: 50 ST JOHN ST	Owner Name: MERCY HOSPITAL	Owner Address: 144 STATE ST	Phone:
Business Name:	Contractor Name: Gilbane Building Company	Contractor Address: 1121 Commercial Street Portland	Phone (207) 772-3725
Lessee/Buyer's Name	Phone:	Permit Type: Foundation Only/Commercial	

Proposed Use: Mercy Hospital- Phase I - Foundation only for new Hospital	Proposed Project Description: Phase I - Foundation only for new Hospital
---	---

Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/13/2006
Note: **Ok to Issue:**

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. This permit is for FOUNDATION ONLY for PHASE I. Separate permits shall be required for construction of the structure on the foundation.
- 2) Separate permits shall be required for any new signage using the contact zone language

Dept: Building **Status:** Approved with Conditions **Reviewer:** Mike Nugent **Approval Date:** 10/27/2006
Note: **Ok to Issue:**

- 1) Foundation ONLY

Dept: Fire **Status:** Not Applicable **Reviewer:** Cptn Greg Cass **Approval Date:**
Note: **Ok to Issue:**

- 1) Fire Dept. Does not issue permits for foundations.
Awaitng plans for building

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Cptn Greg Cass **Approval Date:** 08/01/2006
Note: **Ok to Issue:**

- 1) The storage of compressed gasses shall comply with NFPA 55
A compliance letter from the design professional is required.
- 2) Application requires State Fire Marshal approval.
- 3) The Fire alarm system shall require the use of Master boxes
- 4) The Fire Dept. Connections on building # 1 @ the loading dock need to be unobstructed at all times.
This area should be stripped " Fire Lane"



Location of Construction: 50 ST JOHN ST	Owner Name: MERCY HOSPITAL	Owner Address: 144 STATE ST	Phone:
Business Name:	Contractor Name: Gilbane Building Company	Contractor Address: 1121 Commercial Street Portland	Phone (207) 772-3725
Lessee/Buyer's Name	Phone:	Permit Type: Foundation Only/Commercial	

- 15 4xxiii. That the applicant shall submit further information on the noise levels of any generator likely to be used on the site and confirm what measures will be taken to meet the noise standards of the City's Ordinance; and
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- 17 4xiv. That the applicant shall submit revised plans, for the review and approval by the Planning Authority, to achieve improved screening and integration of the service area, and associated tanks, structures and apparatus, through baffles and relocation of planting; and
- 18 4xv. That the applicant shall submit, for the review and approval by the Planning Authority, the complete information of processes, materials, or methods of storage to be used by the development and specify how hazardous impacts to neighboring properties will be prevented (as required in para 13 of the Contract Zone Agreement); and
- 19 4xvi. The storage of compressed gases shall comply with NFPA 55, and the applicant shall provide a compliance letter from a design professional to the Fire Department; and
- 20 xvii. The applicant shall provide a public access easement, in compliance with Para 6 of the Contract Zone 4xvii. Agreement, for the pedestrian trail and bike path network within the Mercy site (Fore River waterside trails; the loop trail around the wetland area; and the "front" trail that connects the two access drives but excluding the staff-only "spur" path to the Phase 1 Hospital Building), to be approved by the Corporation Counsel; and
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10/27/2006-jmb: Per MJN, ok to issue a FOUNDATION ONLY PERMIT. Still need more information before steel erection can commence. MJN will deliver permit to the office today for issuing and further conditions.

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Business Name:	Contractor Name: Gilbane Building Company	Contractor Address: 1121 Commercial Street Portland	Phone (207) 772-3725
Lessee/Buyer's Name	Phone:	Permit Type: Foundation Only/Commercial	

Dept: Planning **Status:** Approved with Conditions **Reviewer:** Jean Fraser **Approval Date:** 08/08/2006

Note: Note: Mercy informed Planning on 9.18.2006 that they do not propose to go forward with the Maintenance building (see Condition 4xiii) and if they do will submit elevs, materials et and seek a separate permit. As of 10.2.2006 the plans still show a maintenance buiding which needs to be regularized so that it is not included in the permit for the project. **Ok to Issue:**

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- 13) 4i. The applicant shall amend the survey, for review and approval by the City Engineer, so that it is tied to the vertical datum of NGVD 1929 and into the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD1983(HARN) Datum and the U.S. Survey Foot as the unit of measure; and
- 14) 4viii. That no more than 783 parking spaces may be built and/or provided within Phase 1 of the Mercy Development; and

2005-0192
#1073-A-001
06-1474

From: Jean Fraser
To: Schmuckal, Marge
Date: 10/6/2006 2:22:48 PM
Subject: Re: mercy hospital

Hi Marge,

I have been working with Steve Bushey (he is working for Mercy) over the past couple of weeks to get the site plans revised as per the conditions- but there are still many details that do not meet reviewers requirements and Steve will need to submit another set of revised plans in the near future.

So I have spoken to Sarah and she has confirmed that as the items needing revision are very minor and we have no problem with them starting on the foundations, we can give you a Site Plan approved for the foundations only and the Permit should be similarly conditioned.

I will bring down the plan in the next hour.

Jean

>>> Marge Schmuckal 10/6/2006 1:34:32 PM >>>

Jean,

I now have an application for construction of a foundation for Mercy Hospital. Can I get a stamped approved sit plan?

Thanks,

Marge

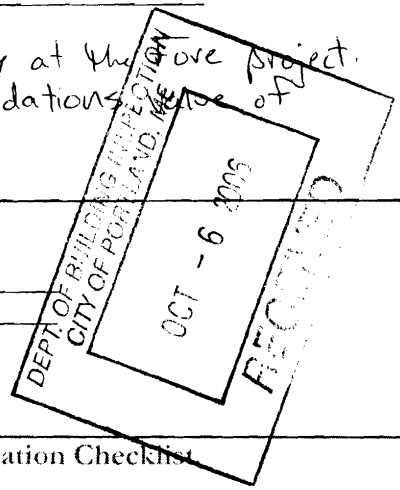


General Building Permit Application

M3A1
2007 ✓

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: <u>50 St John Street</u>		
Total Square Footage of Proposed Structure <u>152,000</u>	Square Footage of Lot <u>34.89 Acres</u>	
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>* See attached</u>	Owner: <u>Mercy Hospital</u>	Telephone: <u>1-207-772-3725</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>Michael Poulin</u> <u>Gilbane</u> <u>1121 Commercial Street</u> <u>Portland, ME 04102</u>	Cost Of Work: \$ <u>8,277,147</u> Fee: \$ <u>88,800</u> C of O Fee: \$ _____
Current Specific use: <u>Foundation + Steel Permits Only</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>New Mercy Hospital</u>		
Project description: <u>Foundation + steel work for the Mercy at the above project.</u> <u>Cost of work includes sitework at \$5,477,147, Foundations \$900,000 and steel value of \$2,500,000.</u>		
Contractor's name, address & telephone: <u>TBD</u>		
Who should we contact when the permit is ready: <u>Michael Poulin</u> Mailing address: _____ Phone: <u>207-252-4292</u>		



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

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

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

Signature of applicant: Michael Paulin Date: 9/22/06

This is not a permit; you may not commence ANY work until the permit is issued.

Poulin, Michael G.

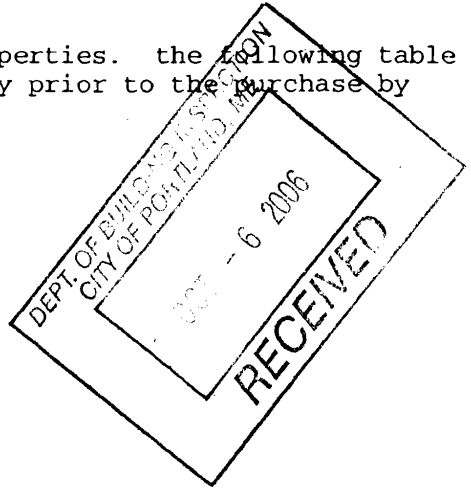
From: Steve Bushey [SBushey@DelucaHoffman.com]
Sent: Thursday, July 20, 2006 10:11 AM
To: Poulin, Michael G.
Subject: RE: Scan

73A1

Hi Mike,

the property is a compilation of many different tax map properties. the following table outlines how the tax maps previously identified the property prior to the purchase by Mercy.

Previous Owner	Tax Map-block-Lot Number
Merrill Industries Inc.	73-A-1
Merrill Industries Inc.	73-B-2 (Mud Flats)
Merrill Industries Inc.	74-A-2
Merrill Industries Inc.	74-A-22
Portland Terminal Company	74-A-1
Portland Terminal Company	74-A-3 (Mud Flats)
Portland Terminal Company	74-A-30 (Mud Flats)
Portland Terminal Company	74A-A-1 (Mud Flats)
Portland Terminal Company	75-A-3
Portland Terminal Company	75A-A-1 (Mud Flats)
Portland Terminal Company	75A-A-17
Portland Terminal Company	76-A-1
Portland Terminal Company	76-A-33



trust this helps.

sTeve Bushey

City of Portland, Maine - Building or Use Permit

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

Permit No: 06-1474	Date Applied For: 10/06/2006	CBL: 073 A001001
-----------------------	---------------------------------	---------------------

Location of Construction: 50 ST JOHN ST	Owner Name: MERCY HOSPITAL	Owner Address: 144 STATE ST	Phone:
Business Name:	Contractor Name: Gilbane Building Company	Contractor Address: 1121 Commercial Street Portland	Phone (207) 772-3725
Lessee/Buyer's Name	Phone:	Permit Type: Foundation Only/Commercial	

Proposed Use: Mercy Hospital- Phase I - Foundation only for new Hospital	Proposed Project Description: Phase I - Foundation only for new Hospital
---	---

Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/13/2006

Note: **Ok to Issue:**

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. This permit is for FOUNDATION ONLY for PHASE I. Separate permits shall be required for construction of the structure on the foundation.
- 2) Separate permits shall be required for any new signage using the contact zone language

Dept: Building **Status:** Approved with Conditions **Reviewer:** Mike Nugent **Approval Date:** 10/27/2006

Note: **Ok to Issue:**

- 1) Foundation ONLY

Dept: Fire **Status:** Not Applicable **Reviewer:** Cptn Greg Cass **Approval Date:**

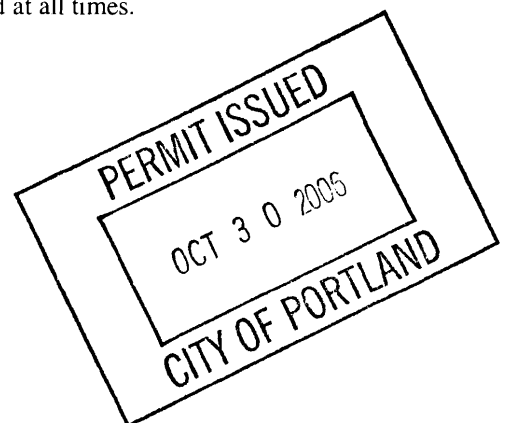
Note: **Ok to Issue:**

- 1) Fire Dept. Does not issue permits for foundations. Awaiting plans for building

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Cptn Greg Cass **Approval Date:** 08/01/2006

Note: **Ok to Issue:**

- 1) The storage of compressed gasses shall comply with NFPA 55
A compliance letter from the design professional is required.
- 2) Application requires State Fire Marshal approval.
- 3) The Fire alarm system shall require the use of Master boxes
- 4) The Fire Dept. Connections on building # 1 @ the loading dock need to be unobstructed at all times.
This area should be stripped " Fire Lane"



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DEPT. OF BUILDING INSPECTION
 CITY OF PORTLAND, ME
 OCT 17 2006
 RECEIVED

FROM DESIGNER: SMRT, Inc, 144 Fore St, Portland, ME 04103
 DATE: October 17, 2006
 Job Name: Mercy Health System of Maine, Fore River
Shawmut Hospital - Portland, ME
 Address of Construction: 1121 Commercial St. Portland, ME 04102

2003 International Building Code

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

Building Code and Year IBC 2003 Use Group Classification(s) I-2
 Type of Construction STR. STEEL - TYPE IA PROTECTION
 Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC Yes
 Is the Structure mixed use? No if yes, separated or non separated (see Section 302.3)
 Supervisory alarm system? No Geotechnical/Soils report required? (See Section 1802.2) YES

STRUCTURAL DESIGN CALCULATIONS

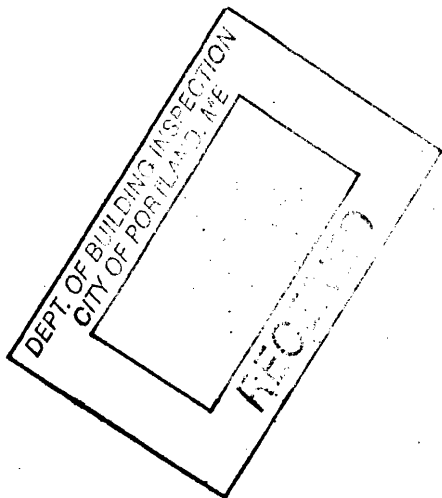
<u>N/A</u>	Submitted for all structural members (108.1, 108.1.1)	<u>YES</u>	Live load reduction (1603.1.1, 1607.8, 1607.10)
		<u>20</u>	Roof live loads (1603.1.2, 1607.11)
			Roof snow loads (7603.7.3, 1608)
		<u>50</u>	Ground snow load, P_g (1608.2)
		<u>50</u>	If $P_g > 10$ psf, flat-roof snow load, P_f (1608.3)
		<u>1.0</u>	If $P_g > 10$ psf, snow exposure factor, C_e (Table 1608.3.1)
		<u>1.2</u>	If $P_g > 10$ psf, snow load importance factor, I_s (Table 1604.5)
		<u>1.0 & 1.2</u>	Roof thermal factor, C_t (Table 1608.3.2)
		<u>50</u>	Sloped roof snowload, P_s (1608.4)

		<u>C</u>	Seismic design category (1616.9)
		<u>SSCBF</u>	Basic seismic-force-resisting system (Table 1617.6.2)
		<u>R=6</u>	Response modification coefficient, R , and deflection amplification factor, C_d (Table 1617.6.2)
		<u>Cd=5</u>	
		<u>ELFA</u>	Analysis procedure (1616.6, 1617.5)
		<u>521k</u>	Design base shear (1617.4, 1617.5.1)

Wind loads (1603.1.4, 1609)
1609.1 Design option utilized (1609.1.1, 1609.6)
100 Basic wind speed (1609.3)
IV, I=115 Building category and wind importance factor, I_w (Table 1604.5, 1609.5)
C Wind exposure category (1609.4)
1-0.18 Internal pressure coefficient (ASCE 7)
1609.1.1 Component and cladding pressures (1609.1.1, 1609.6.2.2)
1609.1.1 Main force wind pressures (7603.1.1, 1609.6.2.1)

Flood loads (1603.1.6, 1612)
ZONE C Flood hazard area (1612.3)
17.5' / 11.5' Elevation of structure

		<u>1000 lb</u>	Concentrated loads (1607.4)
		<u>20 PSF</u>	Partition loads (1607.5)
		<u>YES</u>	Impact loads (1607.8)
		<u>1607.7</u>	Misc. loads (Table 1607.6, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)
		<u>1607.13</u>	
		<u>0.321/0.128</u>	Spectral response coefficients, S_{DS} & S_{D1} (1615.1) → IBC 2006
		<u>D</u>	Site class (1615.1.5)



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

ACCESSIBILITY CERTIFICATE

Designer: FRANCIS CAUFFMAN FOLEY HOFFMANN ARCHITECTS

Address of Project: 1121 COMMERCIAL STREET, PORTLAND, ME 04102

Nature of Project: MERCY AT THE FORE

SHORT STAY HOSPITAL

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

Signature: *Neil P. Hoffmann*

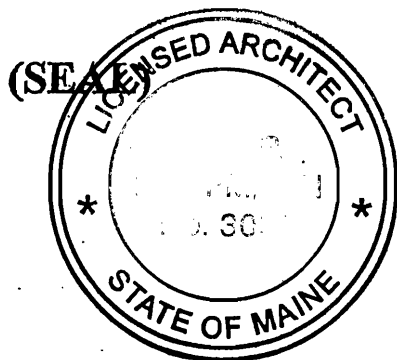
Title: CHIEF EXECUTIVE OFFICER

Firm: FRANCIS CAUFFMAN FOLEY HOFFMANN ARC

Address: 2120 ARCH STREET

PHILADELPHIA PA 19103

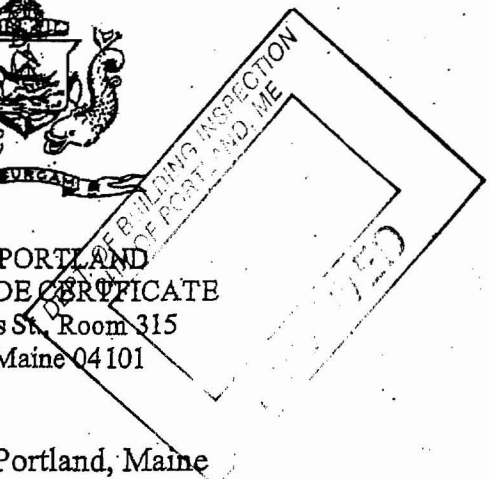
Phone: (215) 568 8250 x 272



NOTE: If this project is a new Multi Family Structure of 4 units or more, this project must also be designed in compliance with the Federal Fair Housing Act. On a separate submission, please explain in narrative form the method of compliance.



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: SMRT, INC, 144 FORE ST, PORTLAND, ME 04104

RE: Certificate of Design

DATE: 10/17/06

These plans and / or specifications covering STRUCTURAL PORTION OF construction work on:

MERCY HEALTH SYSTEM OF MAINE, FORE RIVER

SHORT STAY HOSPITAL - PORTLAND, MAINE

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the 2003 International Building Code and local amendments.



Signature: James H. Smith

Title: STRUCTURAL ENGINEER

Firm: SMRT, INC

Address: 144 FORE ST.,
PORTLAND, ME 04104

As per Maine State Law:

\$50,000.00 or more in new construction, repair expansion, addition, or modification for Building or Structures, shall be prepared by a registered design Professional.

Report of Concrete Compressive Strength

ASTM C-31 & C-39

Project Name: PORTLAND - FORE RIVER HOSPITAL CAMPUS -
 MATERIALS TESTING / SPECIAL INSPECTIONS

Project Number: 06-1069.1

Client: MERCY HOSPITAL

Client Contract Number:
General Contractor:
Concrete Supplier: DRAGON PRODUCTS

PLACEMENT INFORMATION

Date Cast: 11/7/2006 **Time Cast:** 12:41 **Date Received:** 11/8/2006

Placement Location: SPREAD FOOTINGS F/2 & 3; G/2 & 3

Placement Method: PUMP TRUCK

Placement Vol. (yd³): 160

Cylinders Made By: DAC

Aggregate Size (in): 3/4

INITIAL CURING CONDITIONS

Temperatures

Minimum (°F) **Maximum (°F)**

DELIVERY INFORMATION

Admixtures: HOT H2O

TEST RESULTS

Slump (in) (C-143): 3.75

Load Number: 3

Air Content (%) (C-231): 5.3

Mixer Number: 183

Air Temp (°F): 48

Ticket Number: 4523949

Conc. Temp (°F) (C-1064): 60

Cubic Yards: 10

Design (psi): 3000

Cylinder Designation	Cylinder Weight (lbs)	Cylinder Diameter (in)	Cross Sectional Area(In) ²	Date Of Test	Cure Type	Age (days)	Fracture Type	Load (kips)	Strength (psi)
702-1A		6.00	28.27	11/14/2006	Lab	7	4	79.5	2810
702-1B				12/5/2006	Lab	28			
702-1C				12/5/2006	Lab	28			
702-1D				Hold	Lab				

Fracture Types



Cone



Cone and Split



Cone and Shear



Shear



Columnar

Remarks: PUMP MIX

Project Name: PORTLAND - FORE RIVER HOSPITAL CAMPUS - MATERIALS TESTING / SPECIAL INSPECTIONS

Project Number: 06-1069.1

Client: MERCY HOSPITAL

Client Contract Number:

General Contractor:

Concrete Supplier: DRAGON PRODUCTS

PLACEMENT INFORMATION

Date Cast: 11/7/2006 **Time Cast:** 1:55 **Date Received:** 11/8/2006

Placement Location: SPREAD FOOTINGS F/2 & 3; G/2 & 3

Placement Method: PUMP TRUCK

Placement Vol. (yd³): 160

Cylinders Made By: DAC

Aggregate Size (in): 3/4

INITIAL CURING CONDITIONS

Temperatures

Minimum (°F) **Maximum (°F)**

DELIVERY INFORMATION

Admixtures: HOT H2O

TEST RESULTS

Slump (in) (C-143): 3.5
Air Content (%) (C-231): 5.0
Air Temp (°F): 48
Conc. Temp (°F) (C-1064): 61

Load Number: 8
Mixer Number: 154
Ticket Number: 4523956
Cubic Yards: 10
Design (psi): 3000

Cylinder Designation	Cylinder Weight (lbs)	Cylinder Diameter (in)	Cross Sectional Area (ln)²	Date Of Test	Cure Type	Age (days)	Fracture Type	Load (kips)	Strength (psi)
702-2A		6.00	28.27	11/14/2006	Lab	7	4	75.0	2650
702-2B				12/5/2006	Lab	28			
702-2C				12/5/2006	Lab	28			
702-2D				Hold	Lab				

Fracture Types



Cone



Cone and Split



Cone and Shear



Shear



Columnar

Remarks: PUMP MIX

Report of Concrete Compressive Strength

ASTM C-31 & C-39

Project Name: PORTLAND - FORE RIVER HOSPITAL CAMPUS -
 MATERIALS TESTING / SPECIAL INSPECTIONS

Project Number: 06-1069.1

Client: MERCY HOSPITAL

Client Contract Number:
General Contractor:
Concrete Supplier: DRAGON PRODUCTS

PLACEMENT INFORMATION

Date Cast: 11/7/2006 **Time Cast:** 2:42 **Date Received:** 11/8/2006

Placement Location: SPREAD FOOTINGS F/2 & 3; G/2 & 3

Placement Method: PUMP TRUCK

Placement Vol. (yd³): 160

Cylinders Made By: DAC

Aggregate Size (in): 3/4

INITIAL CURING CONDITIONS

Temperatures

Minimum (°F) **Maximum (°F)**

DELIVERY INFORMATION

Admixtures: HOT H2O

TEST RESULTS

Slump (in) (C-143): 3.5

Load Number: 12

Air Content (%) (C-231): 5.3

Mixer Number: 192

Air Temp (°F): 66

Ticket Number: 4523963

Conc. Temp (°F) (C-1064): 61

Cubic Yards: 10

Design (psi): 3000

Cylinder Designation	Cylinder Weight (lbs)	Cylinder Diameter (in)	Cross Sectional Area (in ²)	Date Of Test	Cure Type	Age (days)	Fracture Type	Load (kips)	Strength (psi)
702-3A		6.00	28.27	11/14/2006	Lab	7	4	80.5	2850
702-3B				12/5/2006	Lab	28			
702-3C				12/5/2006	Lab	28			
702-3D				Hold	Lab				

Fracture Types



Cone



Cone and Split



Cone and Shear



Shear



Columnar

Remarks: PUMP MIX

Report of Concrete Compressive Strength

ASTM C-31 & C-39

Project Name: PORTLAND - FORE RIVER HOSPITAL CAMPUS -
MATERIALS TESTING / SPECIAL INSPECTIONS

Project Number: 06-1069.1

Client: MERCY HOSPITAL

Client Contract Number:

General Contractor:

Concrete Supplier: DRAGON PRODUCTS

PLACEMENT INFORMATION

Date Cast: 11/7/2006 **Time Cast:** 3:30 **Date Received:** 11/8/2006

Placement Location: SPREAD FOOTINGS F/2 & 3, G/2 & 3

Placement Method: PUMP TRUCK

Placement Vol. (yd³): 160

Cylinders Made By: DAC

Aggregate Size (in): 3/4

INITIAL CURING CONDITIONS

Temperatures

Minimum (°F) **Maximum (°F)**

DELIVERY INFORMATION

Admixtures: HOT H2O

TEST RESULTS

Slump (in) (C-143): 4.25

Load Number: 15

Air Content (%) (C-231): 5.5

Mixer Number: 181

Air Temp (°F): 45

Ticket Number: 4523969

Conc. Temp (°F) (C-1064): 60

Cubic Yards: 10

Design (psi): 3000

Cylinder Designation	Cylinder Weight (lbs)	Cylinder Diameter (in)	Cross Sectional Area (in)²	Date Of Test	Cure Type	Age (days)	Fracture Type	Load (kips)	Strength (psi)
702-4A		6.00	28.27	11/14/2006	Lab	7	4	70.5	2490
702-4B				12/5/2006	Lab	28			
702-4C				12/5/2006	Lab	28			
702-4D				Hold	Lab				

Fracture Types



Cone



Cone and Split



Cone and Shear



Shear



Columnar

Remarks:



Concrete Construction Observation Report

#1

Project Name: Mercy Hospital Project No: 06-1069.1
 Client: Mercy Hospital Date: 11/6/06
 Placement Type: Footing Wall Column Slab Other
 Placement Location: Pier Footing F/2, F/3, C/2, G/3

<u>PRE PLACEMENT OBSERVATIONS</u>	<u>In Compliance</u>		<u>N/O</u>	<u>Comments</u>
Bar Size (diameter, length, bend and anchorage)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Location (# of bars, spacing, and cover)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Splicing (weld joint, overlap)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Stability (wiring, chairs, and spacers)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Reinforcement free from mud, oil, rust, or other nonmetallic coatings	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Reinforcement appears in conformance to specifications	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Soil subgrade prepared in accordance with project specifications	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	<u>By Others</u>

<u>Referenced Drawings</u>	<u>Date</u>	<u>Page</u>	<u>Rev.</u>	<u>ASTM</u>	<u>GRADE</u>
<u>SMART SB101-05034</u>	<u>9-19-06</u>	<u>SA-101</u> <u>SB-501</u>		A 615 <input checked="" type="checkbox"/> A 616 <input type="checkbox"/> A 617 <input type="checkbox"/> A 706 <input type="checkbox"/>	40 <input type="checkbox"/> 50 <input type="checkbox"/> 60 <input checked="" type="checkbox"/> 75 <input type="checkbox"/> A 775 Epoxy <input type="checkbox"/>

<u>CONCRETE PLACEMENT OBSERVATIONS</u>	<u>In Compliance</u>		<u>N/O</u>	<u>Comments</u>
Required mix used	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Placement and consolidation of concrete observed	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Concrete properly conveyed to all areas of placement	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Depth of layer maximum limits not exceeded	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Internal vibration (depth of insertion, spacing, time, vertical insertion, no conveyance of concrete by vibration)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Even layering around openings and embedments	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Removal of temporary ties and spacers	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	

FIELD TESTING OF CONCRETE PERFORMED Yes No
 *CYLINDER SET NO: ←*refer to associated concrete test report

<u>POST PLACEMENT OBSERVATIONS</u>	<u>In Compliance</u>		<u>N/O</u>	<u>Comments</u>
Specified finish	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Protection of surfaces from cracking due to rapid drying	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	
Proper curing procedures implemented	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<input type="checkbox"/>	

NON-CONFORMANCE ITEMS OBSERVED Yes No
 Non-conformance item description:
 Action taken by SWCE:

N/O = Not Observed
 NOTES: Concrete was not placed today

ATTACHMENTS Y N

SWCE REPRESENTATIVE: Michael Bisson

REVIEWED BY: Roger Domingo



#2

Project Name: Mercy Hospital

Project No: 06-1069.1

Client: Mercy Hospital

Date: 11/7/06

Placement Type: Footing Wall Column Slab Other

Placement Location: Interior Spread footings F1293 and G1293

PRE PLACEMENT OBSERVATIONS	Observed	Comments
Bar Size (diameter, length, bend & anchorage)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>Inspected 11/6/06 by SWC Mike Bisson</u>
Location (#of bars, spacing, and cover)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Splicing (weld joint, overlap)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Stability (wiring, chairs, and spacers)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Reinforcement free from mud, oil, rust, or other nonmetallic coatings	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Reinforcement appears in conformance to specifications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Soil subgrade prepared in accordance with project specifications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Referenced Drawings	Date	Page	Rev.	ASTM	GRADE
				A 615 <input type="checkbox"/>	40 <input type="checkbox"/> 50 <input type="checkbox"/> 60 <input type="checkbox"/>
				A 616 <input type="checkbox"/>	75 <input type="checkbox"/>
				A 617 <input type="checkbox"/>	
				A 706 <input type="checkbox"/>	A 775 Epoxy <input type="checkbox"/>

CONCRETE PLACEMENT OBSERVATIONS	Observed	Comments
Required mix used.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>3000 pump mix OK pump truck placed in 2 to 3 lifts adequate</u>
Placement and consolidation of concrete observed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Concrete properly conveyed to all areas of placement	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Depth of layer maximum limits not exceeded	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Internal vibration (depth of insertion, spacing, time, vertical insertion, no conveyance of concrete by vibration)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Even layering around openings and embedments	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Removal of temporary ties and spacers	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

FIELD TESTING OF CONCRETE PERFORMED: Yes No
 *CYLINDER SET NO: 702-1, 702-2, 702-3, 702-4 ← refer to associated concrete test report

POST PLACEMENT OBSERVATIONS	Observed	Comments
Specified finish	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>float</u>
Protection of surfaces from cracking due to rapid drying	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Proper curing procedures implemented	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

NON-CONFORMANCE ITEMS OBSERVED: Yes No

Non-conformance item description:
Action taken by SWCE:

NOTES:

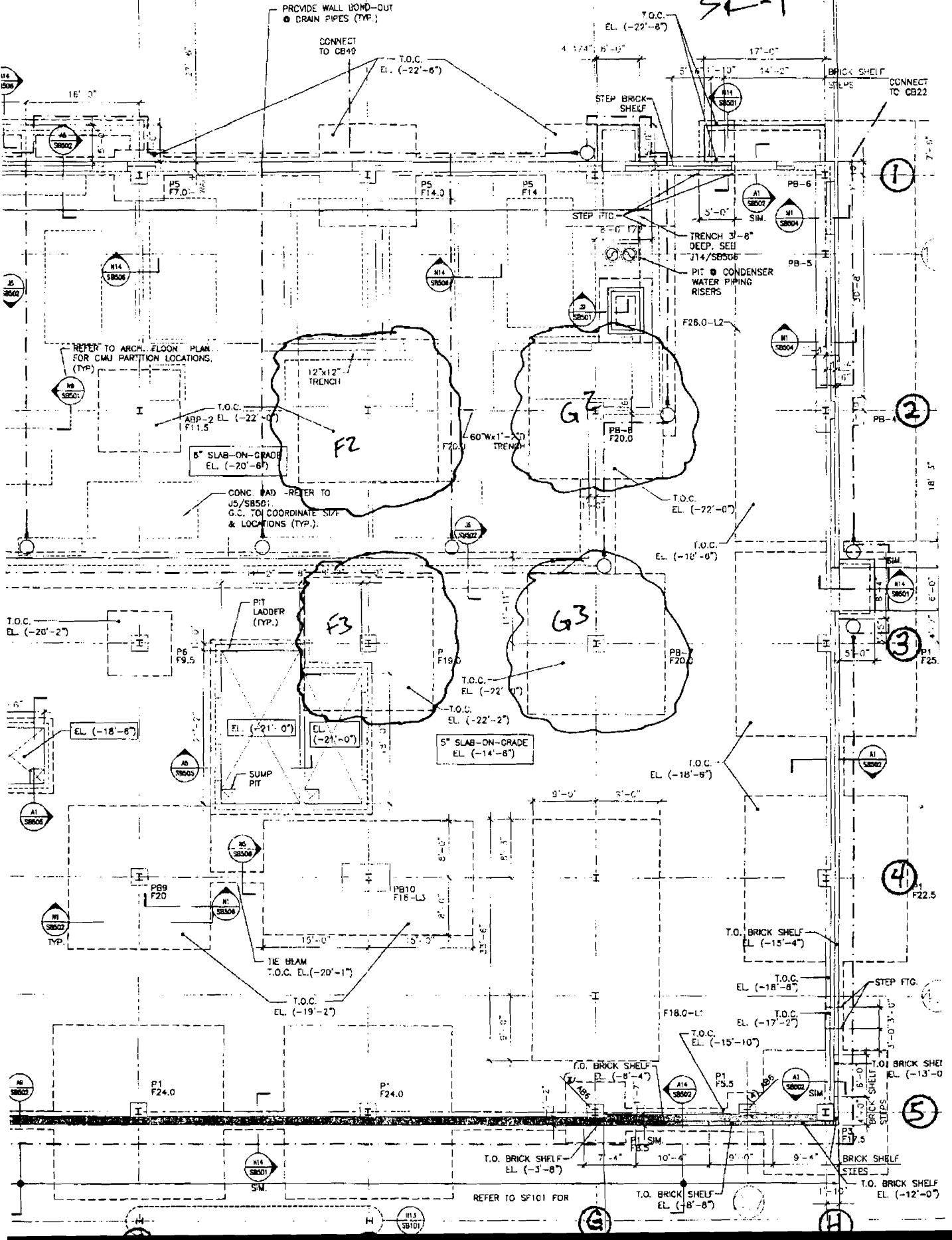
ATTACHMENTS Y N

Sketch

TECHNICIAN: Quadenwall

REVIEWED BY: Red

SK-1





Concrete Construction Observation Report

#3

Project Name: Mercy Hospital Project No: 06-100A.1
 Client: CB Date: 11/20/06
 Placement Type: Footing Wall Column Slab Other
 Placement Location: Boiler Area & Wall Under '1' D-G

PRE PLACEMENT OBSERVATIONS	Observed	Comments
Bar Size (diameter, length, bend & anchorage)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Location (#of bars, spacing, and cover)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Splicing (weld joint, overlap)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Stability (wiring, chairs, and spacers)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Reinforcement free from mud, oil, rust, or other nonmetallic coatings	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Reinforcement appears in conformance to specifications	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Soil subgrade prepared in accordance with project specifications	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>By Others</u>

Referenced Drawings	Date	Page	Rev.	ASTM	GRADE
<u>SMRT - Anchor Bolt Setting Plan</u>	<u>10/12/06</u>	<u>ABL/ABAM</u>		A 615 <input checked="" type="checkbox"/>	40 <input type="checkbox"/> 50 <input type="checkbox"/> 60 <input checked="" type="checkbox"/>
<u>SMRT - Fnd. Line 7" & Boiler Area Plan & Elev.</u>	<u>10/11/06</u>	<u>ROA/ROA</u>		A 616 <input type="checkbox"/>	75 <input type="checkbox"/>
	<u>10/25/06</u>	<u>ROA</u>	<u>1</u>	A 617 <input type="checkbox"/>	
				A 706 <input type="checkbox"/>	A 775 Epoxy <input type="checkbox"/>

CONCRETE PLACEMENT OBSERVATIONS	Observed	Comments
Required mix used.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>3000</u>
Placement and consolidation of concrete observed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Concrete properly conveyed to all areas of placement	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>PUMP PDS</u>
Depth of layer maximum limits not exceeded	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>SINGLE</u>
Internal vibration (depth of insertion, spacing, time, vertical insertion, no conveyance of concrete by vibration)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<u>INT VIB</u>
Even layering around openings and embedments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Removal of temporary ties and spacers	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

FIELD TESTING OF CONCRETE PERFORMED Yes No
 *CYLINDER SET NO: 702 #5 & 6 ← refer to associated concrete test report

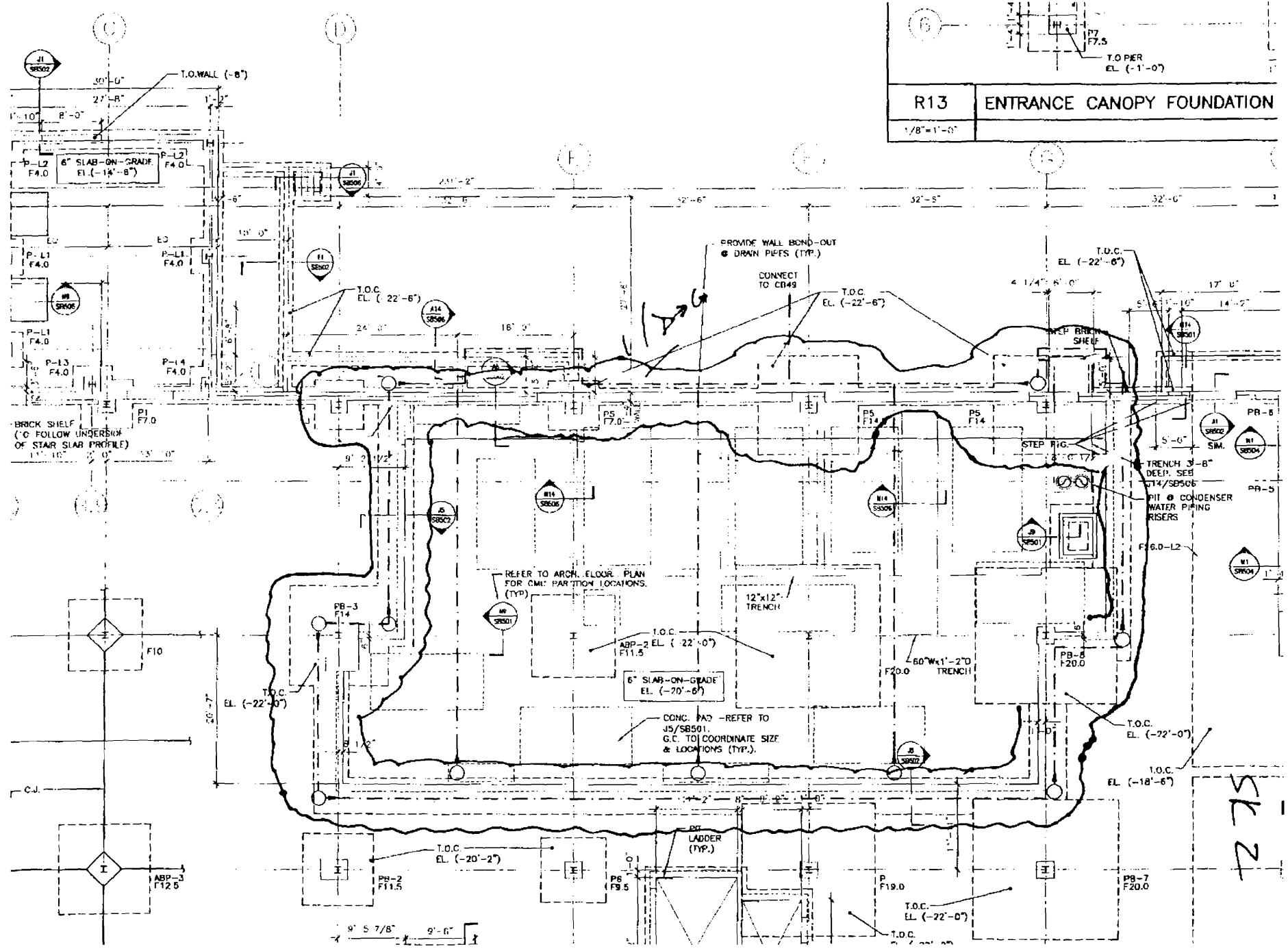
POST PLACEMENT OBSERVATIONS	Observed	Comments
Specified finish	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Protection of surfaces from cracking due to rapid drying	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Proper curing procedures implemented	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

NON-CONFORMANCE ITEMS OBSERVED Yes No
 Non-conformance item description:
 Action taken by SWCE:

NOTES: ATTACHMENTS Y N
Sketch

TECHNICIAN: V.T. REVIEWED BY: ROA

R13	ENTRANCE CANOPY FOUNDATION
	1/8" = 1'-0"



SE 2



Report of Concrete Compressive Strength

ASTM C-31 & C-39

Project Name: PORTLAND - FORE RIVER SHORT STAY HOSPITAL
PROJECT - MATERIALS TESTING / SPECIAL

Project Number: 06-1069.1

Client: MERCY HOSPITAL

Client Contract Number:

General Contractor:

Concrete Supplier: DRAGON PRODUCTS

PLACEMENT INFORMATION

Date Cast: 11/20/2006 **Time Cast:** 12:30 **Date Received:** 11/21/2006
Placement Location: BOILER AREA FND LINE "I" D-G

Placement Method:

Placement Vol. (yd³): 107

Cylinders Made By: VLT

Aggregate Size (in): 3/4

INITIAL CURING CONDITIONS

Temperatures

Minimum (°F) **Maximum (°F)**

DELIVERY INFORMATION

Admixtures: N/A

TEST RESULTS

Slump (in) (C-143):		Slump WR:	4	Load Number:	6
Air Content (%) (C-231):		Air WR:	5.3	Mixer Number:	177
Air Temp (°F):	41			Ticket Number:	4524201
Conc. Temp (°F) (C-1064):	61			Cubic Yards:	10
				Design (psi):	3000

Cylinder Designation	Cylinder Weight (lbs)	Cylinder Diameter (in)	Cross Sectional Area(In ²)	Date Of Test	Cure Type	Age (days)	Fracture Type	Load (kips)	Strength (psi)
702-6A		6.00	28.27	11/27/2006	Lab	7	4	76.5	2710
702-6B				12/18/2006	Lab	28			
702-6C				12/18/2006	Lab	28			
702-6D				Hold	Lab				

Fracture Types



1
Cone



2
Cone and Split



3
Cone and Shear



4
Shear



5
Columnar

Remarks:

286 Portland Road, Gray, ME 04039-9586 • Tel (207) 657-2866 • Fax (207) 657-2840 •

www.swcole.com

From: "Dan Chipman" <dchipman@wright-ryan.com>
To: <csh@portlandmaine.gov>
Date: 11/29/2006 2:01:17 PM
Subject: Concrete

Hi Chris,

We are making a big concrete wall placement tomorrow 10:30 or so. It will be 160-200yds approx. We have made other placements and S.W.Cole has been doing tests on every placement as well as inspecting all rebar. All of these reports will be part of the special inspections. S.W.Cole will be onsite tomorrow as well. We have 7day breaks of 3250 on 4000# mix.

Thanks, Dan

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Checked by AVG Free Edition.

Version: 7.1.409 / Virus Database: 268.14.19/556 - Release Date: 11/28/2006