

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Kevin Beal, Chair  
Michael Patterson, Vice Chair  
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Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

August 22, 2006

Mr. Stephen R. Bushey, PE  
DeLuca Hoffman Associates Inc.  
778 Main Street- Suite 8  
South Portland, ME. 04106

Mr. Tim Prince  
Vice President Planning & Ancillary Affairs  
Mercy Hospital  
144 State Street  
Portland, ME 04101

**RE: Mercy Hospital Master Plan  
Mercy Hospital Development Project – Phase 1  
Vicinity of Fore River  
Application ID Number: 2005-0192; Chart 073, Block A, Lot 1001**

Dear Mr. Bushey and Mr. Prince,

On August 8, 2006, the Portland Planning Board considered Mercy Hospital's revised Master Plan (July, 2006) and its Phase 1 proposals for a 137,832 square foot short stay Hospital Building, an 80,054 square foot Medical Office Building, 783 parking spaces and associated access, servicing, landscaping and other site features. Approval was granted for the project by the following motions:

On the basis of the Revised Master Plan, site plans and materials submitted by the applicant and on the basis of information contained in Planning Report #43-06 relevant to standards for site plan regulations set forth in or authorized by the City of Portland Code of Ordinances and the requirements of the Contract Zone Agreement, and other findings as follows:

1. The Planning Board voted 5-0 (Odokara and Anton absent) that the Revised Master Plan dated July 2006 is in conformance with the Contract Zone Agreement of 2001, subject to the following conditions of approval:
  - i. That the applicant prepare and submit a Private Development Restriction document, as required by Clause 10i of the Contract Zone Agreement, which document shall be reviewed and approved by the Planning Authority; and
  - ii. That the applicant shall submit to the Planning Board a Traffic Study for each phase of development (beyond the initial phase) that comports with the requirements of a Traffic Movement Permit; and

- iii. That the Planning Board's approval of the Revised Master Plan does not limit the City's right to require additional site features and amenities (so far not identified or shown in the Revised Master Plan) in connection with any future Site Plan or Subdivision application for this site.
2. The Planning Board voted 5-0 (Odokara and Anton absent) to waive the City's Technical Standard (Section III 3 A which requires parking spaces to measure 19 feet by 9 feet) to allow a total of 303 parking spaces within the first phase of the Mercy Hospital development to be 18 feet in length.
3. The Planning Board voted 5-0 (Odakara and Anton absent) to waive the City's Technical Standard (Section XV 4 C relative to light pole fixture height) to allow the light pole heights to be 25 feet in the parking areas and 30 feet at the drive aisles, as shown in the plan.
4. The Planning Board voted 5-0 (Odakara and Anton absent) that the plan is in conformance with the Site Plan standards of the Land Use Code, subject to the following conditions of approval:
  - i. 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
  - ii. That the applicant shall conduct a post-occupancy Parking Demand Study that documents actual field conditions for review and approval by the City. The scope of the Study shall be coordinated and approved by the City. If the Study identifies deficiencies, the applicant shall be responsible for developing a plan that addresses the problem, as approved by the City; and
  - iii. That the applicant shall implement the submitted Transportation /Travel Demand Management Plan (TDM Plan) within one month from the issuance of the Certificate of Occupancy for the Phase 1 Hospital (short stay); and
  - iv. The applicant shall submit an annual TDM report that outlines the program for review and approval by the Planning Authority, with an initial report submitted within 12 months following the issuance of the Certificate of Occupancy for the Phase 1 Hospital (short stay). The report shall summarize the current program elements and participation in the program. The TDM monitoring program shall be conducted in parallel with the Parking Monitoring Study, with the scope of the Study agreed with the Planning Authority prior to conducting the Study; and
  - v. That the applicant shall continue to meet with METRO and use its best endeavors to ensure a reasonable public transit service is in operation to service the site prior to the issuance of the Certificate of Occupancy for the Phase 1 Hospital (short stay); and
  - vi. That the applicant shall submit for review and approval by the Planning Authority, revisions related to traffic signs and road markings, the detail of several crosswalks, and annotations related to future signal installation to address the items 11-15 and 17-21 of Tom Errico's comments of August 3, 2006; and

- vii. The applicant shall revise the site plan to show the location of bike racks and staff shower facilities on the site; and
- viii. That no more than 783 parking spaces may be built and/or provided within Phase 1 of the Mercy Development; and
- ix. That the applicant shall install on the site all of the planting and landscaping shown in Plans LP101, LP102, LP103, LP201 and LP202 within one year of the issuance of the Certificate of Occupancy for the first completed building; and
- x. That the applicant shall submit revised plans for review and approval by the Planning Authority which clearly show the details and extent of tree preservation, protection methods, and other requirements. The submission should include a Tree Protection and Vegetation Management Plan that clearly identifies these elements; and
- xi. That the applicant shall submit, for review and approval by the Planning Authority, further planting information and details to address the comments in the Memorandum from Pat Carroll dated August 2, 2006 and the e-mailed Recommendation from Jeff Tarling dated August 3, 2006; and
- xii. That the applicant shall submit further information regarding lighting levels and submit revisions as necessary for review and approval by the Planning Authority; and
- xiii. That the applicant shall submit, for review and approval by the Planning Authority, the elevations, materials and other information in respect of the maintenance building shown on the site plan; and
- xiv. 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
- xv. 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
- xvi. 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
- xvii. The applicant shall provide a public access easement, in compliance with Para 6 of the Contract Zone 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
- xviii. That the applicant shall submit, for review and approval by the Planning Authority, all outstanding capacity to serve letters; and
- xix. That the applicant shall submit, for review and approval by the Planning Authority, revised plans that show 12 inches of special backfill material over all pipes to meet City standards; correct references to BMPs; and 7 inch reveals for granite curbing where it is located with the City's Right of Way (see DRC memorandum of August 3, 2006); and

- xx. That the applicant shall discuss and agree with Portland Trails, the City of Portland Public Works Department and the City of Portland Department of Parks and Recreation, a co-ordinated signing, management and maintenance regime that ensures that all areas within and adjacent to the site are maintained to a high standard of amenity and safety; and
- xxi. That the applicant shall provide the Portland Trail signage, subject to agreement with Portland Trails and to all necessary approvals and permits, as it relates to or is located on the Mercy site; and
- xxii. That the applicant shall submit a construction program, including measures being taken to avoid any impacts to surrounding streets and properties, for review and approval by the Planning Authority prior to the start of construction; and
- xxiii. 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
- xxiv. The Fire Department Connections on building #1 (Phase 1 Hospital) at the loading dock must be kept unobstructed at all times and should be striped "Fire Lane" on the plans; and
- xxv. The Fire Alarm system shall require the use of Master boxes.

The approval is based on the submitted site plan and the findings related to conditional use and site plan review standards as contained in Planning Report #43-06, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Kevin Beal, Chair  
Portland Planning Board

Attachments: Planning Board Report #43-06 (excluding attachments);  
Comments from Tom Errico, Traffic Engineering Reviewer, dated August 3, 2006;  
Memorandum from Pat Carroll dated August 2, 2006;  
E-mail from Jeff Tarling dated August 3, 2006;  
Memorandum from DRC (Woodard & Curran) dated August 3, 2006)

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Jean Fraser, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Greg Cass, Fire Prevention  
John Peverada, Parking control  
Assessor's Office  
Approval Letter File