

CITY OF PORTLAND, MAINE

PLANNING BOARD



Brandon Mazer, Chair
Maggie Stanley, Vice Chair
Marpheen Chann
Sean Dundon
Bob Dunfey
David Silk
Austin Smith

AGENDA PORTLAND PLANNING BOARD MEETING

The Planning Board will hold a remote meeting on Tuesday, November 17, 2020, 4:00 p.m. This meeting will take place using Zoom.

Virtual meeting are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be un-muted by the host when it is time for public comment.

ZOOM MEETING INSTRUCTIONS

You are invited to a Zoom webinar.

When: Nov 17, 2020 04:00 PM Eastern Time (US and Canada)

Topic: Planning Board Workshop and Public Hearing 11/17/2020

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88060890945>

Or iPhone one-tap :

US: +13017158592,,88060890945# or +13126266799,,88060890945#

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Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799

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Webinar ID: 880 6089 0945

International numbers available: <https://us02web.zoom.us/j/88060890945>

For more information on how to use Zoom, please go to:

<https://www.portlandmaine.gov/remotepud>

Public comments will be taken for each item on the agenda and written comments should be submitted to planningboard@portlandmaine.gov

WORKSHOP - 4:00 PM

- i. Executive Session - Corporation Counsel (estimated time 4:00 - 5:00 p.m.)

- ii. Zoning Map and Text Amendment/Level III Site Plan and Subdivision; 148 (144) State Street; NewHeight Redfern, LLC., Applicant. (estimated time 5:00 - 6:30 p.m.) The Planning Board will hold a remote workshop to consider a zoning map amendment to rezone 148, 120 and 102 State Street from R-6 Residential to B-3 Downtown Business, along with changes to the Downtown Height Overlay Map to allow 85 feet of height along the State Street frontage and 45 feet of height along the Winter Street frontage. A related text amendment would also expand the uses permitted within the B-3 zone and would add on-site active shared spaces as a conditional use within the B-3 zone. The Planning Board will also consider a 195,942 square foot mixed use redevelopment project at 148 (144) State Street. The redevelopment would renovate the existing Mercy Hospital and Morrison House buildings to include a total of 175 dwelling units, along with medical clinic, self-storage, and commercial uses. The subject property is 2.34 acres in size and is zoned R-6 Residential.

PUBLIC HEARING - 6:30 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON NOVEMBER 10, 2020

Afternoon Workshop

200 Federal Street: Chann, Dundon, Dunfey, Mazer, Silk, Smith, and Stanley present.

Evening Hearing

25 Bedford Street: Chann, Dundon, Dunfey, Mazer, Silk, Smith, and Stanley present.

60 Merrymeeting Drive: Chann, Dundon, Dunfey, Mazer, Silk, Smith, and Stanley present.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON NOVEMBER 10, 2020

- i. Level III Site Plan; 25 Bedford Street; The University of Southern Maine, Applicant. Stanley moved and Dundon seconded a motion to waive standard D-7 (Materials) within the USM Overlay Zone design standards prohibiting the use of fiber cement panels to allow the use of such materials for this project. Vote 7-0. Stanley moved and Dundon seconded a motion to find the plan in accordance with the site plan and Site Location of Development standards of the Land Use Code with nine conditions of approval. Vote 7-0. Stanley moved and Dundon seconded a motion to approve the Traffic Movement Permit with four conditions of approval. Vote 7-0.
- ii. Level III Site Plan; 60 Merrymeeting Drive; Fallbrook Properties, Applicant. Stanley moved and Dundon seconded a motion to grant a waiver pursuant to Sections 14-526 B.1.a, subsection v, and 14-526(c) of the Land Use Code to reduce the requirement for preservation of onsite wetlands. Vote 7-0. Stanley moved and Dundon seconded a motion to waive the Technical Manual standard allowing a maximum of 20% of parking spaces as compact spaces. Vote 7-0. Stanley moved and Dundon seconded a motion to find the proposed conditional use in accordance with Sections 14-88 and 14-474 of the Land Use Code. Vote 7-0. Stanley moved and Dundon seconded a motion to approve the site plan with two conditions of approval. Vote 7-0.

5. NEW BUSINESS

- i. B-3 Text Amendment; Portland Opportunity Fund, LLC., Applicant. (estimated time 6:30 - 7:30 p.m.) The Planning Board will hold a remote public hearing to reconsider a text amendment to modify Section 14-217 of the Land Use Code to permit congregate care facilities and intermediate care facilities for thirteen (13) or more persons within the B-3 Downtown Business Zone. This item received a positive recommendation from the Board at its May 12, 2020 meeting, was heard at the City Council at its June 1st and June 15th 2020 meetings, and was referred back to the Board for further consideration.
- ii. Zoning Map Amendment; 7 Rand Road; Brockway Smith Company, Applicant. (estimated time 7:30 p.m.) The Planning Board will hold a remote public hearing to consider a zoning map amendment to rezone a parcel at 7 Rand Road from I-M Industrial/B-2 Community Business split lot condition to fully I-M, removing the split lot condition via an adjustment to the zoning boundary and existing property lines so that the property can be brought into greater conformity and allow for more cohesive future expansion of the currently bifurcated site. The subject property is 18.4 acres in size and includes a warehouse, paved truck staging area and surface parking.

Memorandum

Planning and Urban Development Department

Planning Division

To: Brandon Mazer, Chair and Members of the Portland Planning Board
From: Caitlin Cameron, Urban Designer
Date: November 13, 2020
Re: Rezone from R6 to B3 and Text Amendment; Level III Site Plan, Subdivision, IZ Conditional Use – 144 State Street, City of Portland
Project #: ZN-001163-2020 ; PL-001259-2020
CBL: 045 C006001, 045 C7001, 045 C1001
Meeting Date: November 17, 2020

I. INTRODUCTION

A private applicant, NewHeight Redfern LLC requests a discussion of a proposed zoning map amendment and B-3 text amendments for State Street in the West End neighborhood as well as a Level III Site Plan, Subdivision, and Inclusionary Zoning Conditional Use. The amendments are under review as part of an application from the NewHeight Redfern, LLC development team for the properties at 148, 120, and 102 State Street (currently the Mercy Hospital site) located within an R-6 zone. The application requests the following regarding the three parcels within their ownership:

- Zoning Map amendment of all three parcels from R-6 to B-3
- Amendment to the Downtown Height Overlay Map to create an 85' height allowance on the State Street frontage in the B-3 zone on this site and a 45' height limit on the Winter Street frontage in the B-3 zone on this site
- Text amendments to permit limited additional uses in the B-3 zone

These actions would facilitate the adaptive reuse of the Mercy Hospital building and the Morrison House as phase 1 of the overall redevelopment of the Mercy Hospital campus. The site plan includes 175 residential units, 68 on-site parking spaces, a medical clinic, a fitness facility, commercial/retail space, office space, a self-storage facility, and tenant amenities.

Applicant: NewHeight Redfern, LLC
(represented by Jonathan Culley & Erin Cooperrider)
Agent and Civil Engineer: Acorn Engineering
(Will Savage)
Architect: Ryan Senatore Architecture, LLC
(Ryan Senatore)
Landscape Architect: Aceto Landscape
Architects (Nick Aceto)

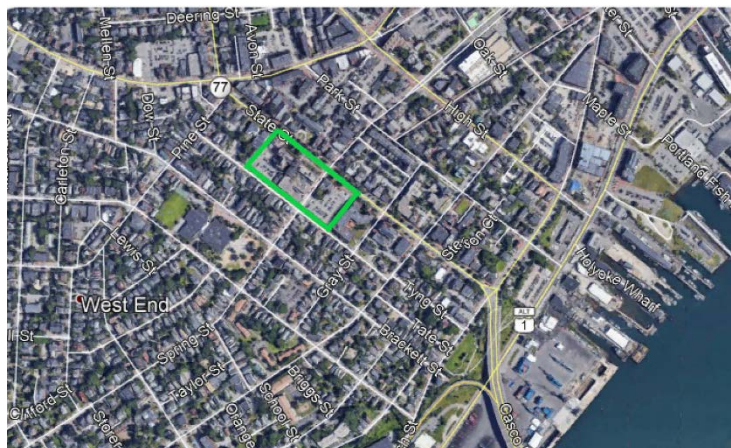


Figure 1: Vicinity Map (applicant's property outlined)

The goal of this effort is to allow for the mixed-use adaptive reuse of the existing Mercy hospital building and redevelopment of the under-built site in order to allow a broader range of commercial uses, higher density residential uses, and accommodate the existing non-conforming height and dimensional standards as well as to allow for future new construction on the sites. The properties currently include the following: Mercy Hospital including an emergency

room; surface parking areas; the Morrison House; and administrative offices for the hospital. Unlike the R-6 zone, which is intended for high density residential uses and does not permit commercial uses, the B-3 Neighborhood Business Zone would allow a mix of permitted uses such as residential, office, grocery, medical clinic, restaurant, and retail. In addition, four uses are proposed as text amendments to allow for optimal use and development of the site for residential uses.

Planning staff review proposes a broader boundary for the map amendment with discussion of alternatives for boundary extents, as well as discussion of the zone selection. Particular attention is given to the implications of the change to Winter Street, as the scale and fabric facing the historic residential block is distinct from the State Street facing side of the proposal.

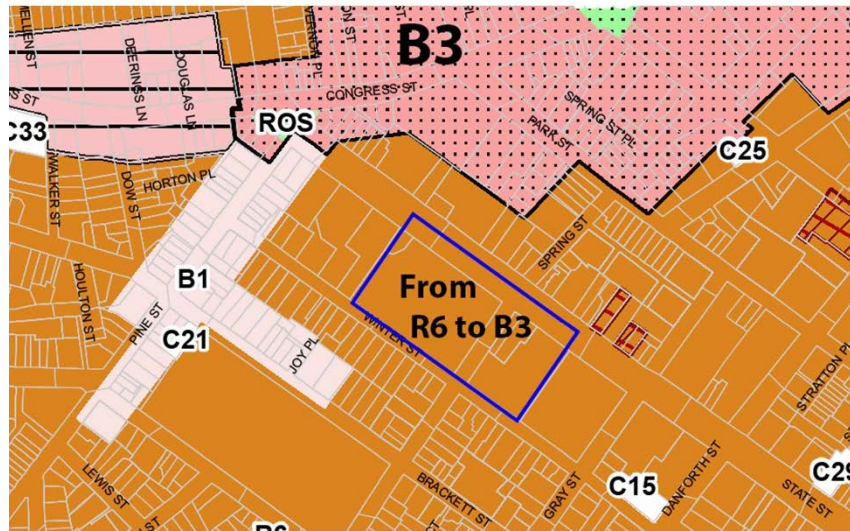


Figure 2: Proposed Map Amendment Area (applicant's proposal)

This workshop, which is the second workshop for the zone amendment application, was noticed to 344 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on November 7th and 10th 2020. The applicant held a Neighborhood Meeting on September 1, 2020 for the zoning application, application ZN-001230-2020, with notes included with this memorandum. As of the writing of this report the Planning Division had received eight additional public comments (PC4-PC10). For application PL-001235-2020, the site plan application, the workshop was noticed to 296 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on November 7th and 10th 2020. The applicant held a Neighborhood Meeting on November 5, 2020, with notes included ([Attachment U](#)). As of the writing of this report the Planning Division has received no public comment regarding the site plan application.

The first workshop for the zone amendments was held on September 22nd. In addition to the applicant's proposal staff presented two options for consideration:

1. Map an R-7 zone on Winter Street at a 100 foot depth, with B-3 for the remainder of the site and extending to the existing B-3 zone.
2. Map B-3 for the applicant's site and extending to the existing B-3 on both sides of State Street. This would include a height maximum of 45 feet on Winter Street and a depth of 100 feet.

Planning Board members had mixed responses to the proposed options. Some wanted to see further analysis of the R-7 scenario sharing concerns about impacts of the B-3 allowable uses on Winter Street. There was general support of connecting the proposed B-3 to the existing B-3 on Congress/Pine Street. The depth of the zone or height limit on Winter Street was discussed – the applicant raised the point that the 30 foot depth was proposed to accommodate

the height needed interior to the site to build more affordable units. There was an acknowledgement that the adaptive reuse of this site would reduce traffic in the area and that providing commercial/retail spaces would provide goods and services within the neighborhood rather than generating traffic. There was support of the multi-modal accommodations – and questions related to how the METRO stop would be impacted. Furthermore, there was a request to revise the self-storage text amendment to be less broad.

Public comment included questions about the R-7 option and the extent of the B-3 boundary, what uses can continue in the R-6 zone, whether mixed-uses and retail space are appropriate in this residential location, impacts on future historic reuses, desire to maintain the residential nature of Winter Street, and concern that though the applicant's plans propose housing on Winter Street, the B-3 zoning could allow a larger list of B-3 uses on Winter Street that may not be compatible. Parking and traffic impacts, including location of curb cuts, was mentioned as a concern by several residents.

II. PROJECT DATA

Current Zoning:

R-6 Residential

Proposed Zoning:

B-3 Downtown Business Zone

Current Uses (Vicinity):

Hospital; office; community center/assembly/religious; day care; private club; funeral home; residential; lodging house

Proposed Uses (Mercy site):

Residential (mix of market rate, low- and moderate-income affordable, intermediate care, and/or congregate care facilities); general office; medical clinic; health club; professional services; restaurant; retail; grocery; self storage

Required reviews and requested waivers:

Applicant's Proposal	Applicable Standards
New construction over 20,000 sf	Sec 14-526 Level III Site Plan Review
Subdivision (175 dwelling units)	Sec 14-497 Subdivision Review
Multi-family Residential >10 units	Sec 14-487 Inclusionary Zoning Conditional Use
Parking Requirement Reduction (30%)	Ch 14 Div. 20 Off-street Parking/B-3 Zone
Congress Street Historic District	Certificate of Appropriateness (for approval by HPB)
Waivers	Citation
Parking drive aisle width – 22 feet	City of Portland Technical Manual 1.7.2.3 Driveway Design
Landscape Preservation – removal of 6 trees (0% preserved)	City of Portland Technical Manual 4.3 Preservation of Existing Vegetation
Parking Lot Landscaping – no curbs	City of Portland Technical Manual 4.5.5 Parking Areas

I. PROJECT DATA

SUBJECT	DATA
Total area of the site	102,343 sq ft
Total Disturbed Area	57,216 sq ft
Existing Zoning	R-6
Existing Use	Hospital, surface parking, office
Proposed Use	Residential, Commercial/Retail, health clinic, self-storage, surface parking
Impervious Surface Area --Existing	95,210 sq ft

--Proposed	99,767 sq ft
--Net Change	+4,557 sq ft
Building Footprint	
--Existing	18,663 sq ft
--Proposed	32,850 sq ft
--Net Change	+14,187 sq ft
Building Floor Area	
--Existing	232,594 sq ft
--Proposed	160,612 sq ft
-Net Change	-71,982 sq ft
Proposed Bedroom Mix	175 total
-Efficiencies	37
-One-bedroom	136
-Two-bedroom	2
-Three-bedroom	0
Parking Spaces	86 (on-site); 225 spaces required
Bicycle parking Spaces	54 (0 existing)

III. BACKGROUND AND EXISTING CONDITIONS

MERCY SITE VISIONING
MAY 2020



NEIGHBORHOOD VIEW (EXISTING CONDITION)

ALA
ACKO LANDSCAPE ARCHITECTURE + URBAN DESIGN

Figure 3: Existing Conditions (applicant)

a. Current Land Uses and Zoning

The proposed project is comprised of two parcels, Chart 45, Block C, Lot 7 (120 State Street) and Chart 45, Block C, Lot 6 (148 State Street), encompassed by State, Spring, and Winter streets. The site is currently comprised of the existing 1943 Mercy Hospital complex which includes multiple building additions throughout the years, surface parking, and a loading dock area. Mercy has operated a hospital and emergency room on the subject site for approximately seven decades and is proposed to continue operations on site through 2022. The Morrison House, which fronts onto State Street, hosts hospital administrative offices. A large area of surface parking to accommodate the existing uses occupies these blocks, interrupting the historic fabric.

In addition to the applicant's property, the immediate vicinity includes State Street and the variety of building types it contains – a wide, historic street with wide sidewalks and established street trees. The buildings range from historic

mansions converted to uses including a funeral home, Portland Club, offices, and retail. Two historic landmark church complexes with garden spaces are across the street and include community centers, day care, and places of assembly. The context becomes residential with a variety of scales and eras of buildings after the church properties. Spring Street has an intact historic fabric as does the southwest side of Winter Street. The character of Spring and Winter streets is predominantly small-scale residential, with some exceptions. Most of these properties are protected by historic districts (see section below).

Nearby Pine and Congress streets are zoned with mixed-use B-1 and B-3 zones, respectively. Congress Street, Portland's main thoroughfare, is lined with a mix of residential and commercial buildings ranging between two to eight stories. The majority of the West End neighborhood is zoned R-6. Some of these existing structures, especially the hospital and churches, are legally non-conforming when it comes to the uses, height, and dimensional standards of the R-6 zone.

b. Historic Resources

The area under review is within the West End Historic District and is adjacent to the Congress Street Historic District. In addition, many of the properties within the area are designated historic landmarks or contributing structures (see figure below). This means the majority of the parcels being rezoned would unlikely be dramatically redeveloped or demolished because of historic protections, though certain additions and repurposing of existing structures could still occur. If alterations, additions, or new construction were contemplated, the Historic Preservation Board would have review authority. The majority of parcels on Winter Street across from Mercy Hospital are contributing structures to the local historic district. State Street includes several landmark buildings that will likely remain largely unchanged in outward appearance.

The extent of the proposed B-3 rezoning stops short of Spring Street where all properties are historic structures and residential in use (except for the Portland Fire Museum). It was determined based on the existing, historic fabric and uses that B-3 was not appropriate for those parcels.

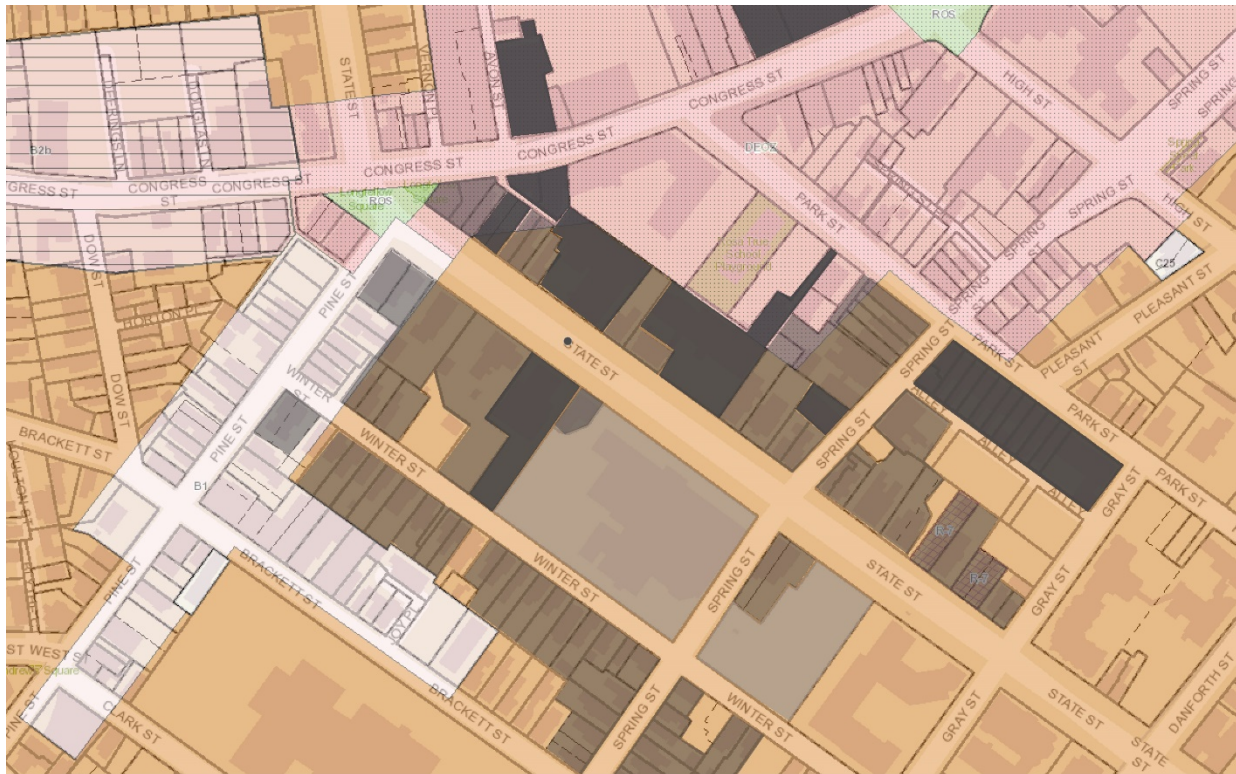


Figure 4: Historic Resources (Landmarks - dark grey, Contributing - light grey)

IV. ZONING MAP AMENDMENT PROPOSAL

The applicant proposes a zoning map amendment to rezone the applicant's properties that are located at 148, 120, and 102 State Street, from a R-6 zone to a B-3 zone. This would result in an increase in density and would permit a broader range of uses within the proposed rezoning area, which would better reflect the existing character and scale of the block and allowing for additional development of commercial and residential uses than could be provided under existing conditions. Additionally, the B-3 dimensional standards would bring the existing hospital building into conformance. The applicant's submittal describes the zoning alternatives contemplated and the rationale for requesting the B-3 zone in this location ([Attachment Z2](#)). The Downtown Height Overlay Map would be modified to regulate the height of these parcels at 85' maximum facing State Street and 45' maximum along the smaller-scale, historic residential fabric of Winter Street.

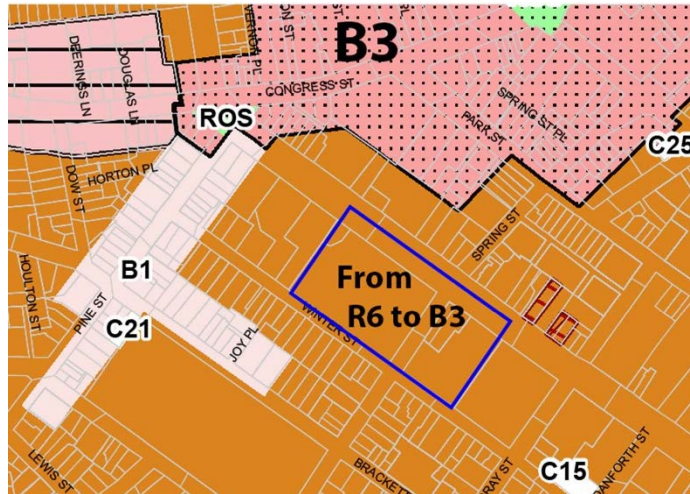


Figure 5: Map Amendment Proposal (applicant)

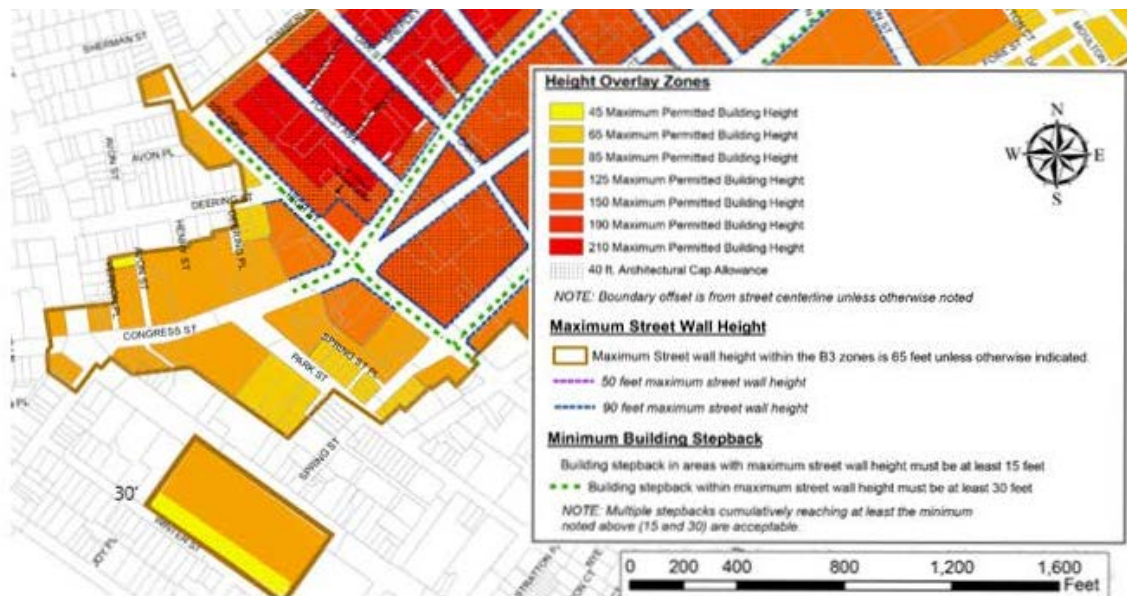
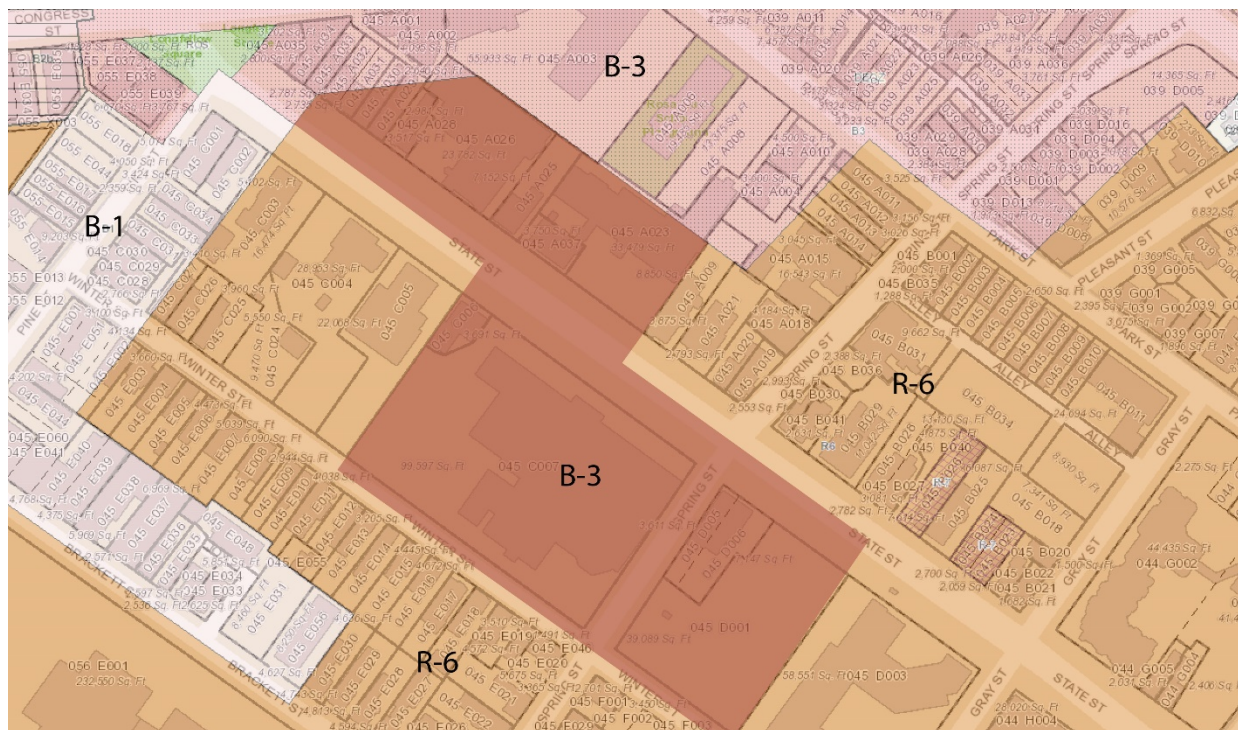


Figure 6: Proposed Height Map Overlay Amendment (applicant's proposal)

Along with the applicant's parcels, staff recommends that the Planning Board consider extending the B-3 zone to connect to the existing B-3 zone on Congress Street, extending the zone to include properties on a portion of the north side of State Street (in the R-6). The B-3 zone would then encompass existing properties that are also legally non-conforming to R-6 in scale, dimensional standards and/or use, meaning the B-3 zoning would better reflect the on-the-ground conditions of these few parcels and create a contiguous B-3 zone. B-3 is also a zone that exists across a contiguous area of Portland's downtown, rather than in isolated pockets or nodes, and this extension would be consistent with the current application and purpose of the zone. The proposal would limit the extent of the B-3 on Winter Street to only the applicant's proposal to keep to a minimum the use and scale impacts on the residential street.

Though staff finds that the mapping of the B-3 zone for the applicant's property (and potentially for an expanded, contiguous area) would support redevelopment of this important area, and also allow for the redevelopment of existing, nonconforming aspects of the property, staff recognizes that the B-3 introduces a new range of scale and uses on the Winter Street side of the proposal. Though the current pattern of the Mercy property on the Winter Street side has long not been of the same pattern as the residential facing side, redevelopment of this side of the street will need to be designed for compatibility with the surrounding context. The Historic Preservation Board review that will be required, as well as the 35 and 45 foot height limits that staff is recommending, will help guide contextually sensitive redevelopment of Winter Street.

B-3 is more intensive than the existing zoning both dimensionally and in terms of permitted uses. Although the applicant's indication of what uses are planned there in a future development includes only residential uses on Winter Street, there exists the possibility of some non-residential uses being introduced. Consideration of Winter Street impacts is thus a central consideration in the staff's review of this proposal.



extend to a depth of 65 feet into the parcel from the property line and a 45 foot height maximum for the portion of Winter Street east of Spring Street to extend to a depth of 65 feet into the parcel from the property line so as to maintain the same dimensional standards consistently throughout the new proposed buildings. The Downtown Height Overlay Map does not currently have a 35 foot height category.

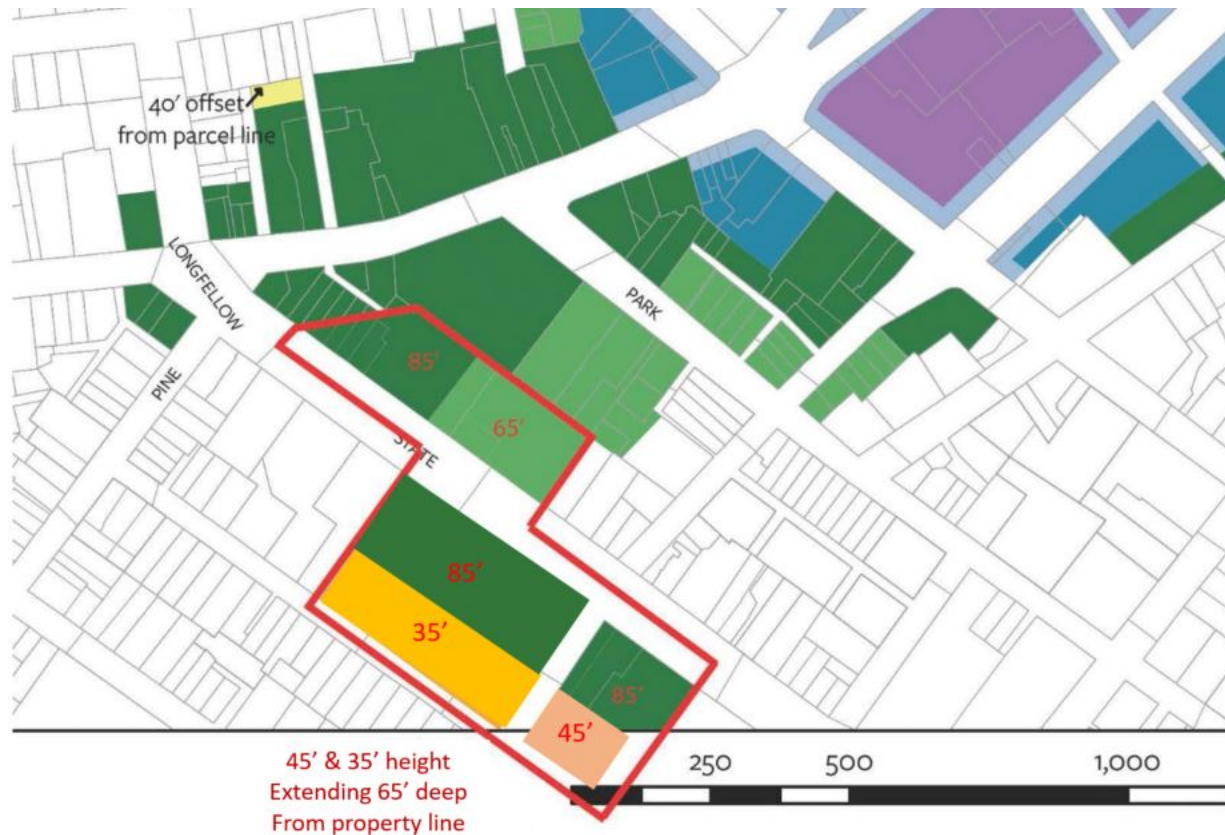


Figure 8: Downtown Height Overlay Proposed Heights

V. ZONING TEXT AMENDMENT PROPOSAL

The applicant proposes to amend Land Use Code Section 14-217. Permitted uses. (a)1.d. and (a)3.g. and Sec. 14-218. Conditional uses. (b) 5.b. and 6.

The proposed text amendments to the B-3 would allow the following:

Permitted uses

Sec. 14-217 Permitted uses.

- (a) 1. *Residential:* e. Congregate Care Facilities
- (a) 3. *Institutions:* h. Intermediate Care Facilities for thirteen (13) or more persons

Conditional uses

Sec. 14-218 Conditional Uses

(b) 6. Self-storage provided that:

- a. The space has been in existence for more than 25 years;
- b. The space is not located on the frontage of the building on a public way; and
- c. Use of the space will not significantly detract from the quality of the pedestrian experience in public spaces.

Staff Analysis

Congregate Care Facilities – There is an active text amendment application (ZN-001020-2020) to add this use category and Intermediate Care Facilities to the B-3 zone. If that proposal is adopted, this text amendment will become moot and is recommended to be removed from the final text amendment recommendations. Previous policy analysis and recommendations from staff, Planning Board, and Council suggest a variation on this use (still to be finalized) may be appropriate in the zone.

Intermediate Care Facilities – This use is limited to facilities for thirteen (13) persons or fewer and therefore has an impact similar to already permitted uses such as lodging houses, hostels, handicapped family units. Intermediate Care facilities are currently permitted in the B-1 zone and as a conditional use in the R-6 and R-7 zones.

Self-Storage – Storage uses have the potential of being incompatible with the dense, historic downtown areas of the peninsula when developed as new construction. The mass, form, and footprint of self-storage can be expansive, low-density, and lacking active, engaged building exteriors. In addition, self-storage can have extensive parking and loading needs that may conflict with the built pattern of dense downtown areas. However, this proposal is to allow self-storage as a conditional use and only in the circumstances of adaptive reuse of existing buildings (at least 25 years in existence), limiting the extent of this change, and potentially offering a valuable service for those in need of in-town storage. The proposed text language further limits the self-storage use from occupying street frontage thus addressing concerns about a use that might create inactive frontage.

Staff support the inclusion of self-storage as a conditional use in existing buildings.

Staff suggest modifications to the text to be objective and quantitative standards as follows:

Sec. 14-218 Conditional Uses

(b) 6. Self-storage provided that:

- a. The **building in which the use is located** space has been in existence for more than 25 years;
- b. The **area of the building dedicated to the use** space is not located **directly adjacent to or facing a public right-of-way on the frontage of the building on a public way**; and
- c. ~~Use of the space will not significantly detract from the quality of the pedestrian experience in public spaces.~~

Surface Parking Exception – This has been struck from the application because it is no longer requested by the applicant.

VI. ZONING POLICY ANALYSIS

R-6 Residential Zone

According to Section 14-116 of the Land Use Code, the R-6 zone allows for high-density residential development characterized by high-intensity multifamily dwellings on individual lots. R-6 zones are located on-peninsula, with the exception one small area of R-6a mapped off-peninsula.

After the first workshop, planning staff recommended that the applicant consider an alternative approach by retaining the existing R-6 zone on Winter Street to a depth of 65 feet, and mapping B-3 for the remainder of the site. After further analysis the applicant determined that the R-6 zone's density and dimensional standards caused issues with respect to the permitted density, max impervious coverage, minimum landscaped area, yard requirements, and building stepback requirements, which required buildings to stepback after a height of 35 feet before rising to a maximum height of 45 feet.

R-7 Compact Urban Residential Zone

The purpose of the R-7 Compact Urban Residential Overlay Zone is to:

... encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places,

shopping and community facilities and have access to public or private offsite parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties. It may be appropriate in some cases to rezone to R-7 overlay through conditional or contract zoning to ensure that the new development is architecturally appropriate and compatible with the surrounding neighborhood.

At the first workshop, planning staff presented an alternative option for Board consideration that mapped R-7 on Winter Street to a 100 foot depth, and B-3 for the remainder of the site and extending to the existing B-3 zone to the north. After further analysis, staff determined that the R-7 scale was not appropriate along Winter Street due to the zone's permissive dimensional standards. R-7 dimensional standards allow maximum building heights of 50 feet with no setback requirement, potentially yielding development out of context with the existing built pattern. In addition, R-7 is the only residential zone in the City that allows eligible projects to receive a height bonus up to an additional 25 feet with the provision of affordable housing. Therefore, a building may be able to achieve a maximum building height of 75 feet without a setback.

B-3 Downtown Business Zone

The purpose of the B-3 neighborhood business zone is as follows:

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure. The zone also provides the opportunity for mixed use and high residential density in on-peninsula locations. Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

- (1) Maintain and enhance the role of the downtown as the business and commercial center of the region;*
- (2) Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working and visitor populations;*
- (3) Encourage increased housing opportunity downtown for a diverse residential population;*
- (4) Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;*
- (5) Encourage excellence in urban design;*
- (6) Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;*
- (7) Provide opportunity for an enhanced presence and integration of the arts and cultural activities downtown;*
City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-216 Rev.8-4-97 14-281
- (8) Reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio-economic groups;*

(9) Provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment;

(10) In the pedestrian activities district (PAD) overlay zone, create continuity of pedestrian-oriented uses along streets where such uses predominate and along streets which, over time, will establish and maintain a strong retail and pedestrian-oriented use pattern; and

(11) Provide for the relocation of residents who are displaced by development.

Planning staff posit that B-3 is an appropriate district here due to the existing non-residential character and scale of the proposed rezoning area, the adjacency to State Street a major thoroughfare identified as a priority corridor in the City's Comprehensive Plan, and the flexibility in terms of curating and controlling the maximum heights that the Downtown Height Overlay Map allows.

Table 1 provides a comparison of the permitted uses for zones under consideration. Uses marked with a 'P', are permitted uses in the zone. A 'C' indicates a conditional use. Uses existing in the amendment area are in **purple text**. Table 2 provides a comparison of the dimensional requirements for zones under consideration.

Permitted Uses (P=use is permitted within zone) (C = Conditional use within zone)	R-6	R-7	B-3
Single and two-family Family Residential	P	P	P
Multi-Family Residential (3-or more units)	P	P	P
Handicapped Family Units	P	P	P
Single-family Manufactured Housing	P	P	
Lodging houses	P <i>(*conversion of existing duplex or multi-family only)</i>	P <i>(*conversion of existing duplex or multi-family only)</i>	P
Live/Work			P
Cemetery	P	P	
Parks/Recreation Use	P	P	
Home Occupation	P	P	
Municipal Buildings and Uses	P	P	P <i>(*county/municipal)</i>
Governmental Offices			P
Special Needs Independent Living Units	P <i>(*may not include other residential or permitted uses)</i>	P <i>(*may not include other residential or permitted uses)</i>	
Bed and Breakfast	P <i>(*up to 4 guest rooms; conversion of existing building only)</i>	P <i>(*up to 4 guest rooms; conversion of existing building only)</i>	P
Hostels	P <i>(*10 guests or fewer)</i>	P <i>(*10 guests or fewer)</i>	P
Wind energy systems	P/C	P/C	P
Accessory uses	P	P	
Bed and Breakfast (5 to 9 guest rooms)	C <i>(*conversion of existing building only)</i>	C <i>(*conversion of existing building only)</i>	
Sheltered care group homes (up to 12 residents, 500' radius between group homes)	C	C	
Elementary, middle , and secondary	C	C	P <i>(*public/private school of any type)</i>
Intermediate care facility (13 or more persons, long-term/extended care)	C	C	
Places of assembly	C	C	P
Hospital	C	C	
College, university, trade schools	C	C	P
Utility substations	C	C	C
Professional office	C	C	P
Chancellery	C	C	
Nursery school and kindergarten	C	C	P <i>(*public/private school of any type)</i>
Off-street passenger car parking	C <i>(*for permitted uses)</i>	C <i>(*for permitted uses)</i>	P <i>(parking garages)</i>

Surface Parking (with limitations)			C
Day care facility/ Home baby-sitting services	C	C	P
Private Club			
Funeral Home			
Hostels (no more than 20 guests)	C	C	
Business services			P
Personal services			P
Offices of Building Tradesmen			P
Retail Establishments (excluding drive-through, gas station, lumber)			P
Drinking Establishment			P
Beverage dealers			
Artist Studios			P
Clinics			P
Restaurants			P <i>(*excludes drive-through)</i>
Neighborhood Center			
Billiard Parlors			P
Miscellaneous Repair (excluding auto repair)			P
Communications Studios/Broadcast Facilities			P
Health Clubs/Gymnasiums			P
Theater/Performance/Exhibition Halls			P
Convention/Meeting Facilities			P
Hotels			P
Galleries			P
Registered Dispensary			P
Marijuana Retail Store			P
Small-scale marijuana caregiver			P
Museums			P
Printing/Publishing			P
Banking Services (drive-up)			C
Light Industrial (with limitations)			C
Emergency Shelters			C
Temporary wind anemometer towers	C	C	C

Zoning Requirements	R-6	R-7 (residential uses)	B-3
Purpose	To provide appropriate areas for high density residential development characterized by multifamily dwellings providing a wide range of housing for differing types of household.	To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, Intended to be located . . . peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties	Maintain and enhance the role of the downtown as the business and commercial center of the region; Preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures;
Lot Size (min)	Between 2,000 sf and 43,560 sf (one acre) depending on use	None	None
Density (min)	725 sf land area/du 250 sf land area/rooming unit, intermediate care facility, hostel	425 sf land area/du	None
Street Frontage (min)	20'	None	15'
Front Yard (min)	5' - principal + accessory structure	None	None
Front Yard (max)	None	None	5' street wall build-to line
Rear Yard (min)	10' - principal structures	5'	None
Side Yard (min)	None	5'	None
Side Yard (max)	5' 0' for attached townhouses on individual lots	None	None
Side Yard (Side Street, min)	None	None	None

Stepbacks	10' side; 15' rear above 35' height	None	Downtown Height Overlay Map
Lot Coverage (max)	60%	100%	100%
Impervious Area (max)	n/a	n/a	n/a
Landscaped Open Space (min)	20%	n/a	n/a
Lot Width (min)	20' 0' for attached townhouses	n/a	None
Building Height (max)	45'	50'	Downtown Height Overlay Map
Building Height (min)	n/a	n/a	35' within 50' of street
Floor Area (max)	n/a	400 sf min/du	Limited for buildings 125' in height or greater
Garage Door Opening (max)	9' or 40% façade width, not to exceed 20'		n/a
Undifferentiated Blank Wall (max)	n/a	n/a	30'
External Effects	n/a	Design Standards	Enclosed structure, noise, vibration/heat, smoke, materials/waste
Height Bonus eligible		Y	Y

VII. STAFF REVIEW

A. RIGHT, TITLE, AND INTEREST

The applicant submitted a deed transferring two parcels from Mercy Hospital to NewHeight Redfern LLC (Attachment C). Two new parcels will be created on Winter Street for the Community Housing of Maine (CHOM) residential buildings – these boundaries are indicated on the Site Plan but are not, yet, subdivided.

B. ZONING ASSESSMENT

General Assessment: The proposed building is currently located in the R-6 zone. A full zone assessment will be completed once the zoning map amendment has been recommended. The applicant proposes to change the zoning designation on the subject property to the B-3 zone.

The purpose statement for the B-3 zone includes the following language relevant to the proposal:

- (2) Enhance and promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working and visitor populations;*
- (3) Encourage increased housing opportunity downtown for a diverse residential population;*
- (4) Enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment;*

The zoning dimensional requirements are permissive in the B-3 zone – in most cases the requirements are intended to create dense, taller buildings that fill the site and maintain a street wall line.

Parking Requirement Reduction – The Applicant seeks Planning Board approval for a reduced parking requirement. As per Division 20 Off-Street Parking, required parking is calculated as follows:

- 175 residential spaces (1 per 1 residential unit)

- 8 spaces for the medical clinic (1 space/500 sf)
- 35 spaces for self storage (business over 3,000 sf 1 space/1,000 sf)
- 7 spaces for office/co-work space (1/400 sf).
- The commercial/retail spaces are under 2,000 sf, and thus can potentially waive out of parking requirements; however, if these spaces become restaurant or office uses, additional parking requirements will apply.
- The total required parking is 225 spaces for both buildings.

The applicant has provided a Transportation Demand Management (TDM) plan, traffic analysis, and parking analysis ([Attachment S, T](#)). Staff have not completed their assessment of these materials and do not have a recommendation at this time regarding the reduced parking requirement. The B-3 zone allows for parking requirements to be met by a variety of methods – fee-in-lieu, off-site parking, car share. See comments below in the Site Plan review for additional staff comment.

The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit . . . etc.

C. SUBDIVISION STANDARDS

(14-497(a). Review Criteria)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below and in *Attachments 1-6*.

1. Water, Air Pollution

The project is not anticipated to result in undue air or water pollution.

2 & 3. Adequacy of Water Supply

The applicant is awaiting evidence of capacity from the Portland Water District ([Attachment P](#)).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated given the infill/adaptive reuse site. Site Plan ([Plan P4](#)) and Erosion & Sedimentation Control Plan ([Plan K](#)) provide information about stabilizing the site during and after construction.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant provided a traffic and parking assessment and Transportation Demand Management (TDM) Plan ([Attachments S, T](#)) in which they propose future trip reductions. Tom Errico, the city's consulting traffic engineer, had the following comments regarding traffic impacts ([Attachment 3](#)):

- *A trip generation estimate was conducted for proposed and prior uses at the site. The estimate was generally based on Institute of Transportation Engineers (ITE) data and notes the project will generate 67 AM peak hour trips and 59 PM peak hours trips. Mercy Hospital was estimated to generate 206 AM peak hour trips and 235 PM peak hour trips. **Given the reduced trip generation, this project would not be expected to have an impact on the public street system. A traffic study is not suggested.***
- *The Traffic Assessment did identify **two High Crash Locations** in the vicinity of the project. The State Street/Pine Street intersection (crashes related to pedestrian crossings) and State Street between Spring Street and Gray Street (crashes involved parked vehicles and lane change maneuvers). I continue to review these safety locations and will provide direction in the future.*

Mike Tremblay, DPW Senior Engineer, had the following comments regarding on-street parking impacts ([Attachment 1](#)):

- *The Applicant should provide a summary of on-street parking spaces before and after construction, organized by street, including any additional parking, parking to be removed, or parking restriction change.*

State Street is scheduled to be paved in 2022. Utility work and any necessary curb work should be completed in 2021 to avoid moratorium repairs.

6. Sanitary Sewer/Stormwater Disposal

Existing sewer lines are proposed to service the buildings. The applicant is awaiting a wastewater capacity letter from Department of Public Works ([Attachment P](#)). A grease trap is required for any restaurant use. Existing catch basins and stormwater sewer lines will be removed. Staff are reviewing the proposed stormwater treatment plan.

7. Solid Waste

The existing building waste management includes a trash room in the basement with two trash compactors and a dumpster in the loading dock area. The proposal is to relocate one of the compactors to a different location within the loading dock area. The other trash compactor and dumpster will be removed.

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area. The project is within the West End historic district and includes a Historic Preservation Board review.

9. Comprehensive Plan

Portland's Plan 2030

The project is in keeping with the stated goals around affordability, equity, authenticity (preserving the historic building), and furthers the policy of creating complete neighborhoods. The project takes advantage of a central, downtown location near transit and walkable services. See Section IX. Comprehensive Plan Analysis.

10. Financial and Technical Capacity

As noted above, the applicant has provided evidence of financial and technical capacity ([Attachment G,H](#)).

11. Wetland/Water Body Impacts

Project is not located within a watershed of any pond or lake or within 250 feet of any wetland, great pond or river.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

Per the FEMA flood maps, the site is not located in a flood zone.

14. Wetland/Water Body Impacts

No potential wetlands within the proposed subdivision.

15. Wetland/Water Body Impacts

No river, stream or brook within or abutting the proposed subdivision.

D. SITE PLAN STANDARDS

Traffic - Access, Circulation, Loading and Servicing

There are two curb cuts for the project – one on State Street and one on Spring Street – with an emergency vehicle access on Winter Street. The proposal keeps one curb cut on State Street for entry/exit to the Morrison

House surface parking areas. Staff request more information regarding loading – the applicant proposes to use the existing loading dock area for many services – resident parking, loading, self-storage parking, and solid waste disposal. DPW Senior Engineer Mike Tremblay had the following comment ([Attachment 1](#)):

- *Turning templates should be provided for the loading dock. The loading area appears to be crowded, and maneuvers appear to be difficult.*
- *21 of the Applicant's proposed parking spaces are proposed to be heavily shared between the self-storage use, the loading use, and residential parking. Residents would only be able to park in these spaces from 6am-6pm. To me this is overly restrictive and, while some residents may use them from time to time, most will not be out by 6am every single day and will supplement with street parking. For this reason I recommended that these spaces not be included in calculations of the residential supply.*

Sidewalks

The applicant should clarify the accessible routes for both buildings. The Mercy Hospital building proposes many entrances but the historic nature of the building and the grade change create barriers to accessibility.

The current site plan shows only a portion of Winter Street and Spring Street being reconstructed as part of this project. Senior Engineer, Mike Tremblay has the following comments regarding the sidewalks ([Attachment 1](#)):

- *All sidewalks along the project frontage should be reconstructed to be ADA-compliant and to meet the City's technical and material standards. The sidewalks along State Street are in poor condition. The site driveway on State Street is not the City standard brick material in the apron and pedestrian walkway, and is also in poor condition. On Spring Street, sidewalks are in poor condition, with large gaps between bricks, erosion around a tipdown area, etc. The ramps at the corner of State/Spring were completed recently and should not need to be replaced, but we will verify this.*
- *The curb ramp at the corner of Spring/Winter streets are the wrong material, is in poor condition, and lacks a detectable warning panel. This ramp should be replaced in coordination with sidewalk work.*
- *Sidewalks on Winter Street will be required to be reconstructed as part of the 73 and 91 Winter Street projects. The site plan calls for new granite curb at an existing curb cut, and a mountable curb at locations along Winter Street. The sidewalk reconstruction work should be coordinated with this curb work along Winter Street.*

Public Transit Access- No transit shelter is required. The project is within a quarter mile of several existing METRO bus stops (Routes 1, 9A, 9B, 21).

Parking – The zoning requires 175 residential parking spaces, 8 for the medical clinic (1 space/500 sf), 35 for self storage (business over 3,000 sf 1 space/1,000 sf), 7 for office/cowork space (1/400 sf). The commercial/retail spaces are under 2,000 sf, however, if these spaces become restaurant or office, additional parking requirements will apply. The total required parking is 225 spaces for both buildings.

The B-3 zone allows for several options to meet the parking requirement including off-site parking, fee-in-lieu, carshare equivalent (8 spaces). The project's parking is provided on-site with 68 surface parking spaces – some of these are proposed to be tandem spaces, some with time restrictions. Staff require a parking management plan in the case of tandem spaces and highly encourage tandem spaces to be used by tenants within the same building for coordination purposes.

- *The loading/parking area, called out on the site plan to be managed by a TDM coordinator, appears to be shared between self-storage users, solid waste, and overnight residential parking. While the traffic and parking analysis document suggests spaces will be seamlessly shared between uses, the site plan indicates that residential uses will only be able to park from 6pm-6am. While we are in favor of encouraging shared parking between uses, DPW believes that these spaces (as a whole, or at the very least in large part) should not be included in the site's residential parking analysis. The parking spaces are too sparsely available for residents to use. A 6pm-6am time period may be suitable for visitor*

parking, but residents that use these spaces will almost certainly be significantly restricted based on these time limits, to the point where street parking will be more convenient.

- *Additionally, the tandem spaces in this area, if leased to separate units, would create an additional inconvenience, even if managed. If these spaces are wholly removed from the residential parking supply, as recommended by DPW, the supply is reduced to 47 spaces, 12 fewer than the 59 spaces calculated.*

The applicant requests Planning Board approval of a parking requirement reduction from 225 to 68 (70%). The Land Use Code gives the Planning Board the discretion to approve a reduced number based on the information provided by the applicant. Staff have yet to fully assess the parking and traffic assessment and cannot give a recommendation at this time. Tom Errico, traffic consultant, had the following comments regarding parking assessment ([Attachment 3](#)):

- *A Parking Assessment has been performed and estimates a need for 59 parking spaces. The estimate is generally based on Institute of Transportation (ITE) data, shared parking reductions, and hourly parking variations. While the adjustments applied seem reasonable, I continue to review the analysis and thus approval is pending.*

John Peverada, Parking Division Director, had the following comment:

- *Given that the ordinance requires 1 parking space per unit (175) and they are only providing 68 off street parking spaces, I am concerned that there will be a further demand put on the street parking in the neighborhood.*

Snow Storage – Not indicated on the plans.

Transportation Demand Management – A TDM plan is included in the submission; the current hospital use has a higher trip generation than the proposed future uses. In preliminary review, Mike Tremblay made these comments ([Attachment 1](#)):

- *TDM coordinators typically are not charged with managing parking areas on an hour-by-hour basis. The TDM Coordinator has additional responsibilities as outlined in the TDM document. If management of this area is required, it is recommended that the TDM coordinator not be responsible for the day-to-day/hourly management of this area.*
- *DPW will expand comment on the TDM document at a later date. In general, the strategies identified are positive; however, several interventions would not appear to result in reduced transportation demand. TDM strategies should generally not take "credit" for improvements required by ADA or by the City's technical standards such as sidewalk and ramp improvements. The focus should be on action items that will reduce the number of trips to and from the site, and reduce the site's parking demand.*
- *The TDM document references that 4 electric vehicle charging stations will be provided. This is positive. DPW encourages the Applicant to make as many spaces as feasible "solar-ready", installing the necessary conduit throughout the parking areas so that charging stations may be added in the future without unnecessary additional cost.*

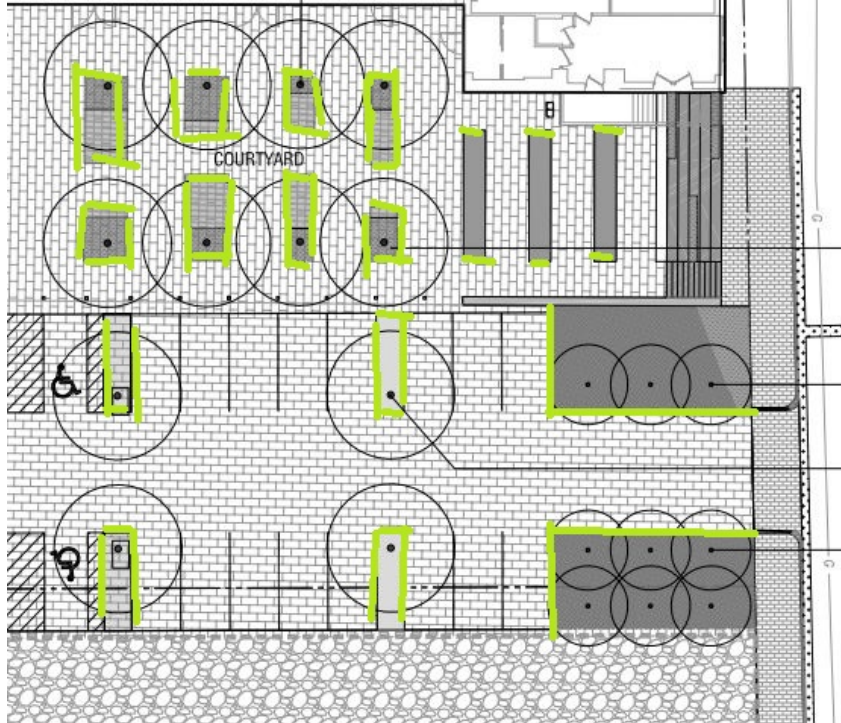
Bruce Hyman, Transportation Program Manager, had these comments regarding the TDM ([Attachment 6](#)):

- *The TDM Plan is well thought out and provides strong parking reduction (10%), trip reduction (10%) and multimodal trip (65%) targets to be achieved 3 years after the site is fully occupied (expected to be 2023). Final numbers for the targets should be updated based on final trip generation and parking requirements at project approval.*
- *The Plan contains a good overview of the transportation context of the project site that contributes to the opportunity for strong multimodal trip-making by the site's residents and tenants. The site design generally supports these goals.*

- *The Plan contains a robust menu of TDM strategies including financial incentives to use multimodal options including bus transit subsidies (for all residents/tenants) and an annual Transportation Network Co. (Uber, Lyft, etc.) incentive (CHOM).*

Landscape Preservation / Site Landscaping and Screening – The majority of the landscape and street trees facing State Street are to be preserved. Surface parking areas are properly buffered from the street with landscape areas. Jeff Tarling, City Arborist, has the following comments ([Attachment 4](#)):

- *We would want to ensure that the future tree planting as shown, is protected by raised curbing knowing the negative effect of Winter deicing salts on trees and vegetation. Without protection from salt the trees would unlikely survive...*



The City Arborist noted that the utilities within Spring Street are a conflict with the ability to provide additional street trees.

Landscape Plan – The plan shows a woonerf¹/surface parking area in the middle of the block along with a courtyard area leading to the rear building entrance from Spring Street. Landscaping is also provided as a buffer between the sidewalk and surface parking areas. The street tree contribution will be significant given the limited ability to provide trees/landscape on this dense, urban infill site.

Staff request a landscape and grading plan that differentiates the interim conditions on Winter Street landscape compared to what will be installed with this Site Plan application.

Lauren Swett, P.E., civil engineering peer reviewer, had the following comments ([Attachment 5](#)):

- *The extent and timing of impact on Winter Street should be clarified. The Site Plan shows gravel surface for the 73 and 91 Winter Street lots, with only minor curb changes on Winter Street. An interim site plan has been provided that shows loam and seed on the 73 and 91 Winter Street lots, as well as reconstruction of sidewalk to brick on Winter Street. And a third site plan for limits of construction*

¹ Woonerf: Is a term for common space created to be shared by pedestrians, bicyclists, and low speed motor vehicles.

appears to show the existing sidewalk remaining, however street trees and curb ramps have only been shown on this plan. The utility plan shows electrical infrastructure within the Winter Street sidewalk. Please clarify the timing and extent of impact in this area.

Jeff Tarling, City Arborist, had the following observations related to interim conditions (Attachment 4):

- *Winter Street - future project site, this space should be temporary improved as with other projects that have futuristic project concept plans. Something to consider if the time line is greater than next year. The Winter Street neighbors have long endured looking at the back side of the Mercy Hospital site in regards to parking, dumpsters, and pavement - this area is bleak considering it is next to an historic residential neighborhood. The existing galvanized chain link is dated and ugly, a better fence type is a minimal suggestion.*

Water quality, Stormwater Management and Erosion Control - Lauren Swett, P.E., civil engineering peer reviewer, had the following comments (Attachment 5):

- *The project is required to comply with the Maine DEP Chapter 500 and City of Portland Section 5 of the Technical Manual for stormwater management. This includes Basic, General, and Flooding Standards, as well as the Redevelopment Standards for a project like this.*
- *A 12" stormdrain connection is proposed in Spring Street. A connection of this size must be provided via a manhole.*

Public Safety - The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime.

The final submission will be evaluated for the lighting and safety. The spaces between the buildings, woonerf, parking areas will need to be designed with nighttime safety in mind while balancing the light levels appropriate for the residential uses.

Fire Prevention and Public Utilities – The applicant has yet to provide the letter from the Water District and Department of Public Works showing capacity to serve. There are no additional comments or concerns from the Fire Department at this time.

Massing, Ventilation and Wind Impact and Shadows: Generally addressed in the Design Review. The project is not adjacent to any public park or open space. The height of the structure is comparable to surrounding buildings. The proposed buildings are northeast of the existing residential fabric meaning the shadow impact will be minimal on the small-scale abutters for the majority of the day.

Historic Resources – The project is within the West End historic district and subject to Historic Preservation Review for the design review.

Exterior Lighting incl Street Lighting – The applicant will need to provide a photometrics plan for evaluation. The proposed bollard does not appear to be full cut off – building and site lighting must comply with Section 12 of the City of Portland Technical Manual (Attachment N).

Noise and Vibration – The final submissions should clarify where the HVAC will be located and how it will be screened from the public ROW even if the exact specifications are submitted later.

Construction Management Plan – Staff will provide future comment.

VIII. INCLUSIONARY ZONING CONDITIONAL USE

The applicant is required by Division 30, Section 14-487 to provide twenty-seven (18) workforce housing units (on-site or off-site) or pay the fee-in-lieu. Given the project's pending proceeding status, the Inclusionary Zoning

requirements in effect prior to the recent referendum-initiated amendments govern the requirements for this project. The applicant has proposed to provide all of these units on-site and meet the requirements. The Housing Program Manager has the following comments (Attachment 7):

- o *Based on the aforementioned information, the developer would comply with Division 30, section 148-487 by either:
1) providing 18 workforce units with 4 studio units and 14 one-bedroom units;
2) providing 17 workforce units and paying a fraction fee-in-lieu of \$54,393 (.5 x 108,786); or
3) providing a fee-in-lieu of \$1,903,755 (17.5 x \$108,786).*

The applicant has chosen to provide 18 workforce rental units composed of 4 efficiency and 14 one-bedroom units.

IX. COMPREHENSIVE PLAN ANALYSIS

a. Portland's Plan 2030

Goals and policies of both the state and the city, as described in the strategic plans that comprise the Portland Comprehensive Plan, relevant to the proposed map amendment have been included below.

The map and text amendments align with these vision statements and goals through the ability for adaptive reuse of existing and historic structures in an urban infill neighborhood, provide the opportunity for a complete neighborhood by allowing a mixture of uses within a dense, residential neighborhood and increasing the services provided within a walking and transit radius. In addition, the map amendments would allow for an increase in residential density with the potential of providing more housing. The text and map amendments also better facilitate the ability to provide a

diversity of housing types and at varying affordability. The historic, walkable character of the neighborhood is maintained with the existing historic protections and the reuse of existing historic structures.

Vision Statements

- Equity: We will be a state and national leader in achieving a more equitable city.
- Equity: We will incorporate the needs of all our residents in planning for our future.
- Sustainable: Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future.
- Sustainable: Portland will grow in order to sustain our community, infrastructure, and economy.
- Sustainable: Growth should respect and seek to preserve our spectacular natural resources.
- Secure: We will be committed to accessible housing and healthy food for all our residents.
- Authentic: The uniqueness and integrity of our neighborhoods will be maintained and enhanced.

Environment

- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.
 - Continue to develop land use policies which support complete neighborhoods.
 - Encourage landowners and developers to incorporate sustainable design, materials, and practices in rehabilitation of historic resources and in new construction.

An Enduring City – Historic Preservation

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.
 - Encourage investments in historic structures
 - Foster partnerships
 - Balance multiple objectives

A Livable City: Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.
 - Remove housing barriers
 - Leverage underused properties
 - Support age-friendly housing options
 - Adapt affordable housing

An Accessible City – Transportation

- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.

Future Land Use

- Complete Neighborhoods
- Reinforce the Center

X. PUBLIC COMMENT

As of the writing of this memo, seven additional comments were submitted to the Planning Authority concerning the zoning amendments (Attachments PC4 – PC10) as well as comments from the Neighborhood Meeting Minutes

(Attachment ZF). A neighborhood meeting for the Site Plan application was held on November 5th (Attachment U) with 15 attendees. Generally, there is support for redevelopment of the Mercy campus and optimism for the potential strengthening of the residential neighborhood rather than surface parking and hospital uses. Comments and concerns focus on:

- Using the redevelopment opportunity to reinforce the residential, historic neighborhood character – emphasis on qualities such as “quiet” “residential” “active” “scale” “historic”
- Concern that the B-3 is too intense, dense, and active a zone for Winter Street
 - Potential for incompatible uses, especially on Winter Street
- Opportunity for active, human-scaled streetscapes, design elements, and buildings including design elements that engage the street such as porches/stoops
- Compatibility of scale and character of new development on Winter Street (currently an intact, small-scale, historic residential street)
- Impacts on light, air, views, and quality of life for existing residential neighbors, especially smaller scale existing buildings
- Traffic and parking impacts on the residential street system – especially curb cut locations and traffic access locations to the redevelopment site and impacts on Winter Street, impacts on nearby school zone
- Parking supply on-site vs. off-site and impacts on surrounding street system
- Allowable height should be compatible with the existing residential scale. The R-7 and B-3 zones are eligible for a height bonus up to 25 feet under Division 30 related to affordable housing

XI. NEXT STEPS

Zoning Map & Text Amendment Application #ZN-001163-2020:

- Advise on the zones and area to advertise for a map amendment
- Advise on the proposed B-3 text amendments
- Advertise and hold a public hearing

Level III Site Plan Application #PL-001259-2020:

- Site Design – Streetscape
- Parking Design
- Accessible routes/building + site access

ATTACHMENTS**ZN-001163-2020****Public Comment**

PC4 Brent Adler 9.18.20

PC5 Susanne Hunt 9.22.20

PC6 Ginger Raspiller 9.22.20

PC7 Ginger Raspiller #2 9.22.20

PC8 Amy Grommes Pulaski 9.22.20

PC9 Laura Currier 9.22.20

PC10 Elizabeth Parsons 10.2.20

Applicant Submittals

ZA. Cover Letter

ZB. Project Description and Analysis

ZC. Site Plan

ZD. Vicinity Map

ZE. Proposed Text Amendments

ZF. Neighborhood Meeting Minutes

ZG. Mercy Visioning – Renderings

PL-001259-2020**Attachments to Memorandum**

1. Department of Public Works

2. Parking

3. Traffic

4. Landscape

5. Civil/Stormwater

6. TDM

7. IZ Conditional Use

Public Comment**Applicant's Submittal**

A. Cover Letter

B. Application

C. Right, Title, & Interest

D. Zoning Assessment

E. Easements

F. Waivers

G. Financial Capacity

H. Technical Capacity

I. Conformance with Land Use Ordinance

J. Stormwater Management Plan

K. Erosion & Sediment Control Report

L. Fire Department Letter

M. Wastewater Application

N. Lighting

O. Architectural Design Narrative

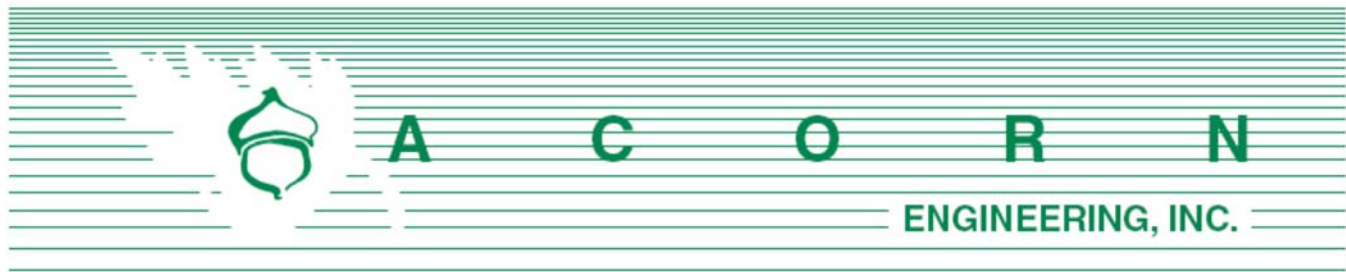
P. Utilities

Q. Construction Management Plan

- R. Solid Waste Disposal
- S. Traffic Parking Analysis
- T. Transportation Demand Management Plan
- U. Neighborhood Meeting Materials

Plans

- P1. Cover Sheet
- P2. General Notes
- P3. Boundary & Topographic Survey
- P4. Site Plan
- P5. Site Plan – Interim
- P6. Site Plan – Limits of Construction
- P7. Utility Plan
- P8. Grading Plan
- P9. Site Details – 1
- P10. Site Details – 2
- P11. Utility Details – 1
- P12. Utility Details – 2
- P13. Drainage Details
- P14. Erosion Sediment Control Notes
- P15. Erosion Sediment Control Details
- P16. Landscape Cover Sheet
- P17. Landscape Materials Plan
- P18. Landscape Planting Plan
- P19. Landscape Site Details
- P20. Landscape Details
- P21. Landscape Planting Details
- P22. Landscape Site Furnishings – 1
- P23. Landscape Site Furnishings – 2
- P24. Landscape Site Furnishings – 3
- P25. Architectural Drawings



Planning and Urban Development Department
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

September 15, 2020

Subject: Level III Site Plan/Subdivision Application – 120 and 148 State Street
Mercy Hospital Redevelopment

To Caitlin Cameron,

On behalf of NewHeight Redfern, LLC we are pleased to submit the accompanying package of materials related to the proposed redevelopment of the existing Mercy Hospital at 120 and 148 State Street.

The proposed project site is comprised of two parcels, Chart 45, Block C, Lot 7 (120 State Street) and Chart 45, Block C, Lot 6 (148 State Street), encompassed by State, Spring, and Winter Streets. The Owners recently submitted a map and text amendment application to change the zoning district from R6 Residential Zone to the B3 Downtown Business Zoning District with height limitations along Winter St. The site is currently comprised of the existing Mercy Hospital complex which includes multiple additions throughout the years, surface parking, and a loading dock area. The project includes the subdivision of the Chart 45, Block C, Lot 7 into three parcels to facilitate redevelopment of the existing hospital building and two future affordable housing projects. Adaptive reuse of the historic hospital building will create 167 new residential units and the Morrison House will create 8 new residential units with associated common areas, office, and fitness room, as well as self-storage, commercial/retail space, and a medical clinic. The applicant is also working with Community Housing of Maine (CHOM), a Portland-based, non-profit affordable housing developer to transfer the two proposed outparcels along Winter St. The two CHOM projects will be permitted separately.

Portions of the existing Mercy building will be removed to make way for a shared woonerf. The woonerf, although unique, is not new Portland or the development team. The European urban planning technique creates a multi-modal courtyard with a level shared walking and driving space. Combined with extensive landscaping and playful design it will create an inviting community space.

We are pleased to submit an application which will increase the available housing stock consistent with the City's Comprehensive Plan, provide onsite Workforce Housing, implement stormwater treatment, improve the Winter Street streetscape, sidewalk reconstruction, street tree plantings and provide community space in the West End.

NewHeight Redfern LLC and the design team look forward to your review of this exciting project.

Sincerely,



William H. Savage, P.E.
Project Manager
Acorn Engineering, Inc.

Documents:

- Section A: Cover Letter
- Section B: Level III Final Site Plan Application & Checklist
- Section C: Right, Title, Interest (Deed)
- Section D: Zoning Assessment
- Section E: Easements
- Section F: Waivers
- Section G: Financial Capacity
- Section H: Technical Capacity
- Section I: Conformity with Land Use Ordinance
- Section J: Stormwater Management Report
- Section K: Erosion & Sedimentation Control Report
- Section L: Fire Department Letter
- Section M: Wastewater Capacity Letter
- Section N: Lighting
- Section O: Architectural Design Narrative
- Section P: Utilities
- Section Q: Construction Management Plan
- Section R: Solid Waste
- Section S: Traffic and Parking Analysis
- Section T: Traffic Demand Management

Drawings:

- Civil Site Plan Set
- Landscaping Plan Set
- Architectural Plan Set



CITY OF PORTLAND
Planning & Urban Development Department

LEVEL II and LEVEL III SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST

- * Please upload each document and drawing as a separate PDF file
- * Please upload all drawings in a 24 x 36 sheet size
- * Please confirm each item by electronically checking the boxes to the left for each document/drawing
- * Please fill out and upload separately the zoning assessment table and waiver table

(At the time of application submission, please contact the Department of Public Works regarding E-911 addressing of your project)

GENERAL APPLICATION DOCUMENTS

Yes ☒	NA ☐	Project Description Cover Letter with detailed project description
Yes ☒	NA ☐	Completed Checklist – Level II and Level III Site Plan (this document)
Yes ☒	NA ☐	Right, Title and Interest Deeds, leases, or purchase and sales agreements
Yes ☐	NA ☒	Evidence of State or Federal Approvals Permits or letters of non-jurisdiction, if applicable
Yes ☒	NA ☐	Zoning Assessment Table listing required and proposed uses and dimensional standards <u>Zoning Assessment Table</u>
Yes ☒	NA ☐	Existing and/or Proposed Easements or Covenants, applicable. Evidence of existing easements and any proposed easements
Yes ☒	NA ☐	Waiver Requests Written request for waiver describing request and reason <u>Waiver Table</u>
Yes ☒	NA ☐	Financial Capability Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
Yes ☒	NA ☐	Technical Capability Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

LEVEL II AND LEVEL III SITE PLAN STANDARDS AND SUBMISSION CHECKLIST

* Please provide assessment of compliance with standards and include supplemental documentation, as applicable

* Please upload each document as a separate PDF file

TRANSPORTATION

Yes ☒	NA ☐	Transportation Analysis- Traffic Impact (14-526 (a) 1) - Provisions for pedestrian, bicycle, vehicle, and loading circulation and incremental volume of traffic impacts - Traffic Impact Study (Technical Manual, Section 1) if applicable
Yes ☒	NA ☐	Access and Circulation (14-526 (a) 2 a) - Access and internal circulation, addressing ADA access - Access and egress impacts on traffic flows - Description and use of drive-up features, if applicable
Yes ☒	NA ☐	Loading and Servicing (14-526 (a) 2 b) - Loading and servicing needs, route and travel way geometrics for deliveries - Turning templates for delivery vehicles, if applicable
Yes ☒	NA ☐	Sidewalks (14-526 (a) 2 c) - Sidewalks and condition along street frontages and internal walkways - Engineered details for ADA ramps and public sidewalk details meeting sidewalk materials policy and ADA ramp construction details as applicable (Technical Manual, Section 1)
Yes ☒	NA ☐	Public Transit (14-526 (a) 3), if applicable - Existing available transit services - Proposed site plan design details, such as easement, pad base, and shelter
Yes ☒	NA ☐	Off-Street Parking: Vehicle & Motorcycle/Scooter) (14-526 (a) 4 a and c) - Expected parking demand, proposed parking supply, ADA parking, and applicable Zoning Requirements - Address Technical Manual standards (Section 1) for curb cut separation and parking lot layout and locate on site plan
Yes ☒	NA ☐	Bicycle Parking (14-526 (a) 4 b) - Address bicycle parking requirements and identify locations on-site - Construction details for bike racks (Technical Manual, Section 1)
Yes ☒	NA ☐	Snow Storage (14-526 (a) 4 d) Management plan for snow removal and locate snow storage areas on plan
Yes ☒	NA ☐	Traffic Demand Management (TDM) (14-526 (a) 5), if applicable Develop TDM with Trip Reduction Targets and Strategies

ENVIRONMENTAL AND LANDSCAPE FEATURES		
Yes ☒	NA ☐	Preservation of Significant Natural Features (14-526 (b) 1), if applicable • Trees, plants, habitats listed on State or Federal list of endangered or threatened • High and moderate value waterfowl and wading habitat • Aquifers on Casco Bay Islands • Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) • Proposed preservation areas and protection measures • Documentation from environmental consultants, determinations from applicable state agencies
Yes ☒	NA ☐	Landscaping and Landscape Preservation (14-526 (b) 2 a) • Preservation of trees and preservation within required zoning setbacks (Technical Manual, Section 4) • Protection measures of existing vegetation during construction • Protection measures within Shoreland Zone, if applicable
Yes ☒	NA ☐	Site Landscaping (14-526 (b) 2 b) • Screening and buffering of service areas and between non-residential and residential uses • Planting plans with plant schedule and sizes (Technical Manual, Section 4)
Yes ☒	NA ☐	Parking Lot Landscaping (14-526 (b) 2 b ii), if applicable • Landscaped islands within parking areas (Technical Manual, Section 4)
Yes ☒	NA ☐	Street Trees (14-526 (b) 2 b iii) • Existing Heritage or Feature Trees on site and measures to preserve • Identify street trees on the plan meeting the site plan and Technical Manual standards (Section 4) or identify alternative measures, if applicable
ENVIRONMENTAL AND STORMWATER		
Yes ☒	NA ☐	Water Quality, Stormwater Management and Erosion Control (14-526 (b)3 a) • Stormwater report in compliance with Section 5 of Technical Manual and DEP Chapter 500 stormwater for basic, general and flooding standards, as applicable • Erosion control plan and measures • Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater, as applicable • Subsurface sanitary sewage disposal and groundwater protection

PUBLIC INFRASTRUCTURE AND SAFETY		
Yes ☒	NA ☐	Consistency with City Master Plans (14-526 (c) 1) - Identify consistency with master plans - Proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
Yes ☒	NA ☐	Public Safety and Fire Prevention (14-526 (c)) - Address Crime Prevention through Environmental Design (CPTED) (Technical Manual, Section 3) - Emergency vehicle access - Address consistency with public safety standards (Technical Manual, Section 3) - Submit a code summary referring NFPA 1 and all Fire Department standards (Technical Manual, Section 3) – <u>Fire Checklist</u>
Yes ☒	NA ☐	Availability and Adequacy of Public Utilities (14-526 (c) 3) (Technical Manual, Sections 2 & 9) - Electrical services, including providing underground services - Identify existing and proposed connections for public utilities and required public utility upgrades - Sewer line connections are required, if there is a main within 200 feet - Proposed solid waste management facilities on-site and management for the site - Written evidence of the ability to serve from utility companies, as applicable
SITE DESIGN		
Yes ☒	NA ☐	Massing, Ventilations and Wind Impact (14-526 (d) 1) - Wind and ventilation impacts on adjoining structures and/or adjacent public spaces. Wind study, if applicable - Bulk, location or height impacts on adjoining structures - Identify and locate HVAC equipment and venting away from public spaces and residential properties - Identify screening and manufacturing specifications for noise, if applicable
Yes ☒	NA ☐	Shadows (14-526 (d) 2), if applicable Shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
Yes ☒	NA ☐	Snow and Ice Loading (14-526 (d) 3) Building design to prevent snow and ice from loading or falling onto adjacent properties or public ways
Yes ☒	NA ☐	View Corridors (14-526 (d) 4), if applicable Protection of designated view corridors (Portland Design Manual, Appen. 1)

Yes ☒	NA ☐	Historic Resources (14-526 (d) 5), if applicable • Identify developments within Historic Districts or affecting Designated Landmarks • Certificate of Appropriateness or other evidence • Identify Developments within 100 feet of Historic Districts or affecting Designated Landmarks. Advisory HP review may be required • Address preservation and documentation of Archaeological Resources
Yes ☐	NA ☐	Exterior Lighting (14-526 (d) 6) • Cut sheets of on-site light fixtures and any architectural or specialty lights (Technical Manual, Section 12) • Engineered details for any lights proposed in street right-of-way (Technical Manual, Section 10)
Yes ☐	NA ☒	Noise and Vibration (14-526 (d) 7) • Evidence of noise levels for equipment, such as equipment specifications, to demonstrate consistency with zoning requirements
Yes ☐	NA ☒	Signage and Wayfinding (14-526 (d) 8), if applicable • Signage plan showing the location, dimensions, height and setback of all existing and proposed signs. Signs in Historic Districts are reviewed by Historic Preservation staff • Proposed commercial and directional signage on site
Yes ☒	NA ☐	Zone Related Design Standards (14-526 (d) 5) • Address Historic Preservation Design Review, if applicable • Address any applicable design review standards by zone • Address submission requirements from Design Manual, page 1, addressing neighborhood context • Description of exterior materials, color, finish, and samples
Construction Management Plan		
Yes ☒	NA ☐	Construction Management Plan • <u>Construction Management Document and Plan</u>

**LEVEL II AND LEVEL III SITE PLAN
DRAWINGS CHECKLIST**

*** Please upload the following drawings with the listed details as separate pdfs**

(ALL drawings must be uploaded in a 24 x 36 sheet size)

RECENT BOUNDARY SURVEY (stamped by Maine Licensed Surveyor)

- ☒ Must be in compliance with Technical Manual, Section 13

SITE PLAN(s) (stamped by Maine Licensed Engineer) including:

Existing Conditions

- ☒ Approximate location of structures on abutting property
- ☒ Topography
- ☐ Locate water courses
- ☐ Delineate wetlands
- ☒ Zone lines

Proposed Site Plan

- ☒ Ground floor area, and grade elevations for all buildings

Access, Circulation, and Parking

- ☒ Streets and intersections adjacent to site, any proposed geometric modifications
- ☒ Location, dimensions and materials of all existing and proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- ☒ Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
- ☒ Location and dimensions of proposed loading areas
- ☒ Existing and proposed transit infrastructure with dimensions/ engineering specifications
- ☒ Location of vehicle and bicycle parking with dimensions and engineering specifications

Site Considerations

- ☐ Identify snow storage areas
- ☒ Location of fire hydrants
- ☒ Location of solid waste management facilities

UTILITY PLAN including:

- ☒ Existing utilities on site and within public streets
- ☒ Location, sizing and directional flows of all existing and proposed utilities
- ☒ Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- ☒ Electric utility infrastructure

GRADING AND DRAINAGE PLAN including:

- ☒ Existing grades and drainage
- ☒ Proposed grades
- ☒ Proposed stormwater management meeting Technical Manual (Section 5), standards
- ☒ Location and proposed alteration of a water course
- ☒ Preservation or alteration of wetlands

EROSION CONTROL

- ☒ Must be in compliance with Technical Manual, Section 5

LANDSCAPE PLAN including:

- ☒ Existing vegetation to be preserved and preservation measures
- ☒ Proposed landscaping and buffers
- ☒ Planting schedule

RECORDING PLAT, if applicable

- ☒ If Subdivision, must be in compliance with requirements of Section 14-496 (b)

ARCHITECTURAL PLANS AND RENDERINGS including:

- ☒ Exterior building elevations, color renderings, illustrations of all sides
- ☒ Location and dimensions of all existing and proposed HVAC and mechanical equipment, all proposed screening
- ☒ Provide context drawings, if applicable (Design Manual, page 1)
- ☒ Floor plans

Right, Title, or Interest

The Quitclaim Deed with Covenant is attached to this section providing the applicant with Right, Title and Interest in the property.

DLN: 1002040088241

QUITCLAIM DEED WITH COVENANT

DLN# _____

MERCY HOSPITAL, a.k.a. NORTHERN LIGHT MERCY HOSPITAL, a Maine non-profit corporation with a principal place of business in Portland, Cumberland County, Maine, for consideration paid, grants to **NEWHEIGHT REDFERN LLC**, a Maine limited liability company with a principal place of business in Portland, Cumberland County, with a mailing address of 167 Newbury Street, Suite 503, Portland, ME 04101, Maine, with quitclaim covenant, the land in **Portland**, Cumberland County, Maine, described as follows:

PARCEL 1 (102 STATE STREET): A certain lot or parcel of land, with the buildings thereon, lying on the southerly side of Spring Street in said Portland described as follows

Beginning at a point of intersection of the northeasterly sideline of Winter Street with the southeasterly sideline of Spring Street;

Thence N48°34'00"E along the southeasterly sideline of said Spring Street 125.93 feet to the southerly line of land now or formerly of Town Houses at Eaton Shaw Block Condominiums (Cumberland County Registry of Deeds ("CCRD") Book 27136, Page 174);

Thence the following courses and distances along said Town Houses at Eaton Shaw Block Condominiums:

S38°02'31"E 65.99 feet;

N49°42'19"E 82.20 feet;

S40°38' 15"E 15.59 feet;

N49°21'45"E 63.93 feet to the southwesterly sideline of State Street;

Thence S40°10'00"E along the southwesterly sideline of said State Street 125.89 feet to land now or formerly of State Street Housing Preservation Corporation (CCRD Book 21735, Page 205);

Thence S49°51'30"W along the northerly line of said State Street Housing Preservation Corporation 269.62 feet to the northeasterly sideline of Winter Street;

Thence N40°11'30"W along the northeasterly sideline of Winter Street 203.81

MAINE REAL ESTATE TAX PAID

feet to the point of beginning.

THE ABOVE DESCRIBED PARCEL 1 IS SUBJECT TO the following recorded in CCRD:

1. Rights and easements as set forth in an instrument from Mercy Hospital to Central Maine Power Company and New England Telephone and Telegraph Company dated August 22, 1966, CCRD Book 2978, Page 31.
2. Rights and easements set forth in an instrument from Mercy Hospital to Central Maine Power Company and New England Telephone and Telegraph Company dated March 6, 1968, CCRD Book 3046, Page 716.
3. Easement Deed from Mercy Hospital to Central Maine Power Company dated November 21, 1977, CCRD Book 4171, Page 66.
4. Terms and conditions set forth in a deed from the City of Portland to Mercy Hospital dated December 18, 1980, CCRD Book 4925, Page 317 and noted as: "The Mercy Hospital, its successors and assigns, will not discriminate on the basis of race, color, creed, sex, or national origin in the sale, lease or rental, or in the use or occupancy of the property described herein or any improvements erected or to be erected thereon, or any part thereof. Said covenant is to run with the land in perpetuity."
5. The following matters shown on a plan entitled "ALTA/ACSM Land Title Survey, 102, 120 (AKA 144) & 148 State Street, Portland, Cumberland County, Maine made for Mercy Hospital and Eastern Maine Healthcare Systems," dated February 27, 2013, revised September 20, 2013, prepared by Owen Haskell, Inc.:
 - a. Pavement and curbing encroach .5 feet +/- onto northerly abutter;
 - b. Overhead wires crossing premises from Winter and Spring Streets; and
 - c. Note 3 regarding location of utilities.

PARCEL 2 (120 STATE STREET, A/K/A 144 STATE STREET, AND 148 STATE STREET): A certain lot or parcel of land, with the buildings thereon, lying on the southwesterly side of State Street in said Portland described as follows:

Beginning at a point of intersection of the southwesterly sideline of State Street with the northwesterly sideline of Spring Street;

Thence S48° 56' 10" W along the northwesterly sideline of said Spring Street 270.49 feet to the northeasterly sideline of Winter Street;

Thence N 40° 09' 30" W along the northeasterly sideline of said Winter Street 400.49 feet to land now or formerly of the Portland Club;

Thence N 50° 12' 30" E along land of said Portland Club 272.95 feet to the southwesterly sideline of said State Street;

Thence S 39° 47' 50" E along the southwesterly sideline of said State Street 394.48 feet to the point of beginning

THE ABOVE DESCRIBED PARCEL 2 IS SUBJECT TO the following recorded in CCRD:

1. Rights and easements from Mercy Hospital to Central Maine Power Company and New England Telephone and Telegraph Company as set forth in an instrument dated March 6, 1968, CCRD Book 3046, Page 716.

2. Terms and conditions set forth in a deed from the Portland Renewal Authority to Mercy Hospital dated June 4, 1975, CCRD Book 3692, Page 343, as affected by a Certificate of Completion by the Portland Renewal Authority dated March 22, 1982, CCRD Book 4934, Page 96 and noted as: "FIFTH: The Grantee agrees for itself and any successor in interest not to discriminate upon the basis of race, creed, color, or national origin in the sale, lease, or rental or in the use or occupancy of the property hereby conveyed or any part thereof or of any Improvements erected or to be erected thereon or any part thereof."

3. Easement Deed from Mercy Hospital to Central Maine Power Company dated November 21, 1977, CCRD Book 4171, Page 66.

4. Easement and Memorandum of Agreement by and between Mercy Hospital and Time Warner Cable of Maine dated November 18, 1998, CCRD Book 15936, Page 165.

5. Easement Deed from Mercy Hospital to Central Maine Power Company and Verizon New England, Inc. dated May 24, 2001, CCRD Book 16391, Page 232.

6. Easement from Mercy Hospital to Central Maine Power Company and Northern New England Telephone Operations, LLC dated September 4, 2010, CCRD Book 28512, Page 45.

7. The following matters shown on a plan entitled "ALTA/ACSM Land Title Survey, 102, 120 (AKA 144) & 148 State Street, Portland, Cumberland County, Maine made for Mercy Hospital and Eastern Maine Healthcare Systems," dated February 27, 2013, revised September 20, 2013, prepared by Owen Haskell, Inc.:

- a. Pavement and parking encroach 3 feet +/- onto northerly boundary;
- b. Overhang 3 feet +/- into Spring Street;
- c. Overhead wires cross onto premises from Spring and Winter Streets;
- d. Granite wall encroaches into right of way of State Street; and
- e. Note 3 regarding location of utilities.

For Grantor's source of title, reference may be had to the deeds recited in Exhibit A attached hereto.

EXHIBIT A

For Grantor's source of title to the above-described premises, reference may be had to the following deeds recorded in the Cumberland County Registry of Deeds:

PARCEL 1 (102 STATE STREET):

- a. Deed from Basil Ballides and Katherine Ballides dated February 14, 1957, recorded in Book 2337, Page 148.
- b. Deed from Freda M. Morrill dated November 10, 1961, recorded in Book 2642, Page 436.
- c. Deed from Aman Maria dated December 12, 1961, recorded in Book 2649, Page 180.
- d. Deed from George H. Hinckley, Guardian of Arthena Wiggin, dated February 1, 1962, recorded in Book 2657, Page 71.
- e. Deed from Fernando P. Giobbi and Margaret O. Giobbi dated April 23, 1962, recorded in Book 2669, Page 105.
- f. Deed from Thomas J. Donahue, Charles R. O'Connell, Jr. and Edith M. O'Connell dated November 10, 1964, recorded in Book 2863, Page 456.
- g. Deed from Sigmund S. Dyro and Mary A. Dyro dated July 30, 1965, recorded in Book 2911, Page 334,
- h. Deed from Marie V. Hetu dated September 30, 1965, recorded in Book 2924, Page 259.
- i. Deed from James A. Desmond, Conservator of Bertha Smite, dated November 3, 1965, recorded in Book 2932, Page 500.
- j. Deed from Mary G. Smith, also known as Mary Morgan Smith, dated March 27, 1970, recorded in Book 3121, Page 446.
- k. Deed from Theodore R. Brownlee dated October 31, 1970, recorded in Book 3149, Page 363.
- l. Deed from the City of Portland dated December 18, 1980, recorded in Book 4925, Page 317.

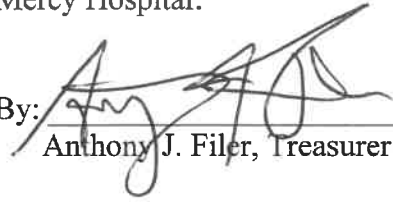
PARCEL 2 (120 STATE STREET, A/K/A 144 STATE STREET, AND 148 STATE STREET):

- a. Deed from Alice A. Oxnard dated June 9, 1948, recorded in Book 1914, Page 495.

- b. Deed from Harriet E. Frates dated October 8, 1948, recorded in Book 1930, Page 450.
- c. Deed from St. Joseph's Convent and Hospital dated January 30, 1950, recorded in Book 1989, Page 3.
- d. Deed from Guy A. Shaw dated October 1, 1952, recorded in Book 2103, Page 238.
- e. Deed from Earle W. Watson and Maybelle C. Watson dated November 30, 1953, recorded in Book 2156, Page 232.
- f. Deed from Raymond L. Baillargeon and Cora M. Baillargeon dated September 5, 1963, recorded in Book 2773, Page 347.
- g. Deed from James B. McKenney and Beatrice M. McKenney dated May 2, 1964, recorded in Book 2821, Page 441.
- h. Deed from John Malconian dated July 1, 1964, recorded in Book 2833, Page 323.
- i. Deed from Samuel Levey and Helen G. Levine dated November 5, 1965, recorded in Book 2932, Page 498.
- j. Deed from Irene L. Fisher dated August 1, 1964, recorded in Book 2942, Page 39.
- k. Indenture with Portland Renewal Authority dated June 4, 1975, recorded in Book 3692, Page 343.
- l. Deed from Robert M. Morrison dated December 2, 1975, recorded in Book 3779, Page 204.

IN WITNESS WHEREOF, Mercy Hospital, has caused the foregoing instrument to be signed in its corporate name and sealed by its undersigned officer, duly authorized, this 25th day of February, 2020.

Mercy Hospital:

By: 
Anthony J. Filer, Treasurer

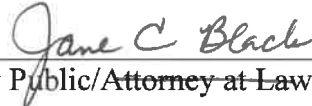
GFE

STATE OF MAINE

Penobscot County

February 25, 2020

Personally appeared before me the above named Anthony J. Filer, Treasurer of Mercy Hospital, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said non-profit corporation.


Notary Public/Attorney at Law


Print or type name as signed

Jane C. Black
Notary Public, State of Maine
My Commission Expires September 13, 2023

SEAL

Received
Recorded Register of Deeds
Feb 27, 2020 01:07:06P
Cumberland County
Nancy A. Lane



ZONING ANALYSIS Relevant Zone(s) B3

All Projects:

	Required	Proposed
Lot Size	None	2.48 acres
Area Per Dwelling Unit	None	0.014
Minimum Street Frontage	15'	400' / 270' / 394'
Front Yard Minimum	N/A	N/A
Front Yard Maximum	5'	21' / 5' / 4.5'
Rear Yard	None	10.5' min
Yard Right	None	1.99' min
Yard Left	None	5.35' min.
Side Street Setback	N/A	N/A
Step Back	30' @ 45' Winter	30' @ 45' Winter
Maximum Lot Coverage	100%	92.2%
Minimum Lot Coverage	N/A	N/A
Maximum Height	85' /45'*	86' (existing)
Open Space	N/A	7.8%
Maximum Impervious Area	100%	92.2%
Pavement Setback	N/A	N/A
Floor Area Ratio	N/A	N/A
Off Street Parking Spaces	TBD	51
Loading Bays	None	2
Other 1		
Other 2		
Other 3		

Summary of Written Easements

Existing Easements

- The following agreements are listed within the deed recorded at the Cumberland County Registry of Deeds:
 - o Easement and Memorandum of Agreement and Mercy Hospital and Time Warner of Maine dated November 18, 1998 and recorded in Book 5936, Pages 65-67.
 - o Easement Deed by Mercy Hospital and Central Maine Power Company dated November 21, 1977 and recorded in Book 4171, Page 66.
 - o Easement Deed by Mercy Hospital and Central Maine Power Company dated September 4, 2010 and recorded in Book 28512, Page 45.
 - o Easement Deed by Mercy Hospital and Central Maine Power Company dated March 6, 1968 and recorded in Book 3046, Page 716.
 - o Easement Deed by Mercy Hospital and Central Maine Power Company dated August 22, 1966 and recorded in Book 2978, Page 31.
 - o Easement Deed by Mercy Hospital and Central Maine Power Company dated May 24, 2001 and recorded in Book 639, Page 232.

Proposed Easements

- The following agreement ~~are~~is proposed as part of the project:
 - o Easement Deed by NewHeight Redfern, LLC and Central Maine Power Company for access and maintenance of proposed electric transformer and/or subsurface utility vault and associated electric utility conduits.



0000490

BK 15936PG 165

EASEMENT AND MEMORANDUM OF AGREEMENT

THE STATE OF MAINE

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF CUMBERLAND

THAT **Mercy Hospital**, a Maine corporation (herein called the "Grantor"), acting herein by and through its duly authorized general manager, in consideration of, and pursuant to, that certain Standard Form of Service and Easement Agreement dated November 18, 1998 (the "Agreement") by and between Grantor, and **Time Warner Cable of Maine** (herein called the "Grantee") and in consideration of One and no/100 Dollars and other good and valuable consideration, which consideration is hereby confessed and acknowledged by the Grantor, has GRANTED, BARGAINED, SOLD AND CONVEYED, and does hereby GRANT, BARGAIN, SELL AND CONVEY, unto the Grantee, its successors and assigns, an easement and right-of-way in, on, over, under, through and across all that certain parcel of land described on Exhibit A hereto and all the improvements now or hereafter situated (said real property, improvements, easements and appurtenances being herein collectively called the "Premises"), and every part and portion thereof (including, without limitation, all improvements and fixtures included therein), for the purposes of (i) providing cable television services to the Premises; and (ii) owning, installing, operating, upgrading, maintaining, relocating, removing and replacing the "Services Delivery System" (which is all wires, cables, poles, conduits, pipes, antennas, signal converters, signal decoders, facilities and equipment on the Premises from time to time which are necessary or desirable, in the opinion of the Grantee, to make Services available to the Premises (said purposes being hereinafter collectively called the "Easement Purposes")).

This Easement and Memorandum of Agreement is executed and delivered by Grantor and Grantee for the purpose of evidencing of record and giving notice of the existence of the Agreement, to which reference is made and the same is incorporated herein as fully and for all purposes as if set forth in this Easement and Memorandum of Agreement in full. If any conflict shall exist between this Easement and Memorandum of Agreement and the Agreement, the latter shall control.

TO HAVE AND TO HOLD said easement and right to serve, together with all the rights and appurtenances thereunto in anywise belonging, unto the Grantee, its successors and assigns, for the duration of the term, including any extensions and renewals, stated in the Agreement; and the Grantor does hereby bind itself, its successors and legal representatives, to warrant and forever defend, all and singular, said easement and right to serve herein granted, unto the Grantee, its successors and assigns, against the claims of all persons whomsoever lawfully claiming or to claim the same, or any part thereof, subject to the matters set forth herein.

BK 15936PG 166

EXECUTED on this 18 day of Nov 1998.

Mercy Hospital
a Maine corporation
By: [Signature]
Name: Thomas Gruber
Title: Vice President, Clinical Services

THE STATE OF MAINE

COUNTY OF CUMBERLAND

This instrument was acknowledged before me on the 18 day of Nov 1998, by Thomas Gruber, Vice President, Clinical Services of Mercy Hospital, a Maine corporation, on behalf of said Mercy Hospital.

My Commission Expires:

12/6/2002

(SEAL)

[Signature]
Notary Public in and for
the State of Maine
GEORGIA E. JONES
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES
DECEMBER 6, 2002

(Printed Name of Notary)

BK 15936 PG 167

EXHIBIT A

**LEGAL DESCRIPTION OF PREMISES
COVERED BY EASEMENT AND MEMORANDUM OF AGREEMENT**

**MERCY HOSPITAL
144 State Street
Portland, ME 04101**

Legal Description of Premises attached.

**RECEIVED
RECORDED REGISTRY OF DEEDS**

2001 JAN -3 AM 8: 33

CUMBERLAND COUNTY

John B O'Brien

Mercy Hospital, a corporation organized and existing by law and having an office in the City

of Portland, Cumberland County, Maine,
~~(being considered)~~ for consideration paid, grant to CENTRAL MAINE POWER COMPANY, a Maine corporation having its principal office at Edison Drive, Augusta, Maine 04336, the right and easement to erect, bury, maintain, repair, rebuild, operate and patrol electric transmission and distribution wires and/or cables, consisting of suitable and sufficient poles with wires strung upon and extending between the same and/or underground cables buried under the surface, together with all necessary fixtures and appurtenances, over, across and/or under the surface of my land in the ~~Town~~/City of Portland, Cumberland County, Maine, the location of said poles and/or underground cables to be as follows:

for area lighting in Mercy Hospital Parking Lot #1 on land of this Grantor lying on the northeasterly side of Winter Street, specifically, poles #8.1, 8.2, 8.3, 8.4, 8.13 and 8.15 as shown on plan of Blue Rock Industries, Westbrook, Maine titled Mercy Hospital Parking Lot Reconstruction, Lot #1, scale 1" = 10', dated 6/8/77 by G.M.H.. This plan on file at Central Maine Power Company Engineering Office, 162 Canco Road, Portland, Maine.

This location crosses a portion of the premises conveyed to the Grantor(s) by deed of _____, dated _____, 19____, recorded in the _____ County Registry of Deeds, Book _____, Page _____.

Together with the right to cut down, keep trimmed and control such trees, branches and underbrush as the Grantee believes may interfere with the operation and maintenance of its wires and/or cables; the right to restrict the construction of buildings or structures within _____ feet of its wires and/or cables; the right to keep the surface of the ground above said underground cables and other electrical equipment free from structures and growth which, in the judgment of the Grantee, would interfere with or endanger the proper operation or maintenance of said underground cables; and the right to enter upon the Grantor's premises for any and all of the foregoing purposes.

Mercy Hospital has caused this instrument to be sealed with its corporate seal and ~~signed~~ signed in its corporate name by Howard R. Buckley, its Executive ~~(and its authorized agent)~~ of this and Grantor(s), of the premises, and its heirs and assigns, by descent and otherwise rights. Director, hereunto duly authorized

~~WITNESSES~~ _____ this 21st day of NOVEMBER, 1977.

Signed, Sealed and Delivered
 in the presence of

Margaret M. Haley

MERCY HOSPITAL

By: *Howard R. Buckley*

Its Executive Director

STATE OF MAINE

Cumberland ss.

Nov. 21

1977

Personally appeared the above-named Howard R. Buckley
 and acknowledged this instrument to be his free act and deed, ~~in his own right~~ in his said capacity and the free act and deed of said corporation, before me,

MY COMMISSION EXPIRES
 MARCH 14, 1980

Margaret M. Haley
 Notary Public
 Justice of the Peace

STATE OF MAINE

CUMBERLAND, ss.

REGISTRY OF DEEDS

Received at 8 H 30 M A M on FEB 3 1978 and recorded in
 Book 4171 Page 66 Attest

Edward D. Brewster Register

Easement

WO# 300436353

Form 1199, Rev. 07/08

Mercy Hospital, a Maine corporation with a mailing address of 144 State St, Portland, ME, 04101 (Grantor(s)), for consideration given, grants to CENTRAL MAINE POWER COMPANY, a Maine Corporation with an office at 83 Edison Drive, Augusta, Maine 04336, and Northern New England Telephone Operations, LLC, a limited liability company organized under the laws of the State of Delaware, and having its principal place of business at 521 East Moorehead Street, Suite 250, Charlotte, NC 28202, and their respective successors and assigns (collectively Grantees), with warranty covenants, the right and easement to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of poles, wires and cables, anchors, guywires or pushbraces, together with all necessary fixtures and appurtenances over, across and under a portion of the surface of the land of the Grantor(s) in the City/Town of Portland, Cumberland County, Maine. The said equipment and facilities are attached to a line commencing at Pole/Pad Pole 11, Winter Street, Portland and extending to include Pole(s)/Pad(s) Poles 11.1 & 11.2, Winter Street. This easement affects land conveyed to the Grantor(s) in a deed from Robert M. Morrison, dated December 04, 1975, and recorded in the Cumberland County Registry of Deeds in Book 3779 Page 204. This easement is an easement in gross and is not for the sole purpose of serving the Grantor(s) or Grantor's land. The rights granted herein include the right to cut down and trim trees and other vegetation and to use formulations registered with the Environmental Protection Agency or its successor to eliminate vegetation, and modify the growth of trees, which vegetation or growth, in the judgment of Grantees, may interfere with the operation and maintenance of its equipment or facilities; and the right to restrict the construction of buildings, structures and improvements within 15 feet of its equipment and facilities; and the right to keep the surface of ground above its underground cables and other electrical equipment free from structures, improvements and growth which, in the judgment of the Grantees, may interfere with the proper operation or maintenance of said underground cables; and the right to enter upon the land of the Grantor(s) for any and all of the foregoing purposes.

WITNESS the hand(s) and seal(s) of Grantor(s) duly authorized representatives on 9/4, 10.

Signed, Sealed and Delivered in the presence of:

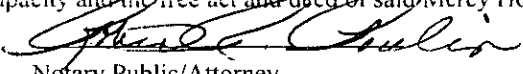
Mercy Hospital


Eileen Skinner, President & CEO

State Of Maine

County Of Cumberland

The above-named Eileen F. Skinner, personally appeared before me this 4th day of September, 2010 and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said Mercy Hospital.


Notary Public/Attorney

Printed Name:

ROBIN R. POULIN
Notary Public, Maine

My Commission Expires My Commission Expires December 3, 2011

SEAL

Received
Recorded Register of Deeds
Feb 09, 2011 08:33:57A
Cumberland County
Pamela E. Lovley

KNOW ALL MEN BY THESE PRESENTS, that MERCY HOSPITAL, a corporation organized and existing by law and having an office in the City

of Portland, in the County of Cumberland

and State of _____ in consideration of One Dollar and other valuable consideration (the sum being less than one hundred dollars) paid by CENTRAL MAINE POWER COMPANY, a Maine corporation and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, a New York corporation, the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said Central Maine Power Company and New England Telephone and Telegraph Company, their successors and assigns, the right and easement to construct, erect, rebuild, operate, maintain and remove electric distribution and communication lines for the transmission of electricity and intelligence; together with the necessary poles, wires, cables, cross-arms, braces, anchors, guys and other electrical equipment and appurtenances connected therewith, over, along and across premises owned by the Grantor(s) in the City/Town of Portland, County of Cumberland and State of Maine, along the route as now staked out, extending in a southeasterly direction from pole 27 Spring Street to pole 27.1

Also the right to cut down and keep trimmed and/or spray or treat with a chemical preparation of the Grantee's selection such trees, branches and underbrush as in the judgment of the Grantee, interfere with or endanger the proper operation and maintenance of the lines constructed along the above described location, together with the right to enter upon the Grantor's premises for any and all of the foregoing purposes.

It is understood and agreed that the rights and easements hereby conveyed are to be jointly owned by Central Maine Power Company and New England Telephone and Telegraph Company, their successors and assigns. If either Central Maine Power Company or New England Telephone and Telegraph Company, or the successors or assigns of either, shall relinquish or abandon the rights and easements hereby conveyed, the same shall become the sole property of the remaining company.

TO HAVE AND TO HOLD the above granted rights and easements to the said Central Maine Power Company and New England Telephone and Telegraph Company, their successors or assigns, to their own use and behoof forever.

IN WITNESS WHEREOF, the said Mercy Hospital has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Donald F. Plunkett, its Executive Director, hereunto duly authorized,

and _____ wife (husband) of the said _____ joining in this instrument as grantor(s) and relinquishing and conveying all _____ rights by descent and all other rights in the above described rights and easements have hereunto set their hands and seals this March day of 1968.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Merle R. Mahany

MERCY HOSPITAL

By Donald F. Plunkett
Its Executive Director

STATE OF MAINE
County of Cumberland

Personally appeared the above named Donald F. Plunkett

and acknowledged the foregoing instrument to be his free act and deed, March 10 in his said capacity and the free act and deed of said corporation, before me, Merle R. Mahany
Notary Public

41-1

STATE OF MAINE

CUMBERLAND, ss.

REGISTRY OF DEEDS

Received at 2 H 30 M P M on JUL 1 1968 and recorded in
Book 3046 Page 716 Attest

Seward P. H. [Signature] Register

4508

2-68
1-500

13801

31

KNOW ALL MEN BY THESE PRESENTS, that MERCY HOSPITAL, a corporation organized and
existing by law and having an office in the City

of Portland, in the County of Cumberland

and State of Maine in consideration of One Dollar and other valuable consideration (the sum being less than one hundred dollars) paid by CENTRAL MAINE POWER COMPANY, a Maine corporation and NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY, a New York corporation, the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said Central Maine Power Company and New England Telephone and Telegraph Company, their successors and assigns, the right and easement to construct, erect, rebuild, operate, maintain and remove electric distribution and communication lines for the transmission of electricity and intelligence; together with the necessary poles, wires, cables, cross-arms, braces, anchors, guys and other electrical equipment and appurtenances connected therewith, over, along and across premises owned by the Grantor(s) in the City/Town of Portland

County of Cumberland and State of Maine, along the route as now staked out, extending in a northeasterly direction from Winter Street to pole 8.1, thence northerly to pole 8.2; another line extending northeasterly from Winter Street to pole 9.1, thence northwesterly to pole 9.2; another line extending westerly from Spring Street to pole 26.1; another line extending southwesterly from State Street to pole 8.1; also another line extending southwesterly from State Street to pole 9.1, thence southerly to pole 9.2, thence southeasterly to pole 9.4.

Also the right to cut down and keep trimmed and/or spray or treat with a chemical preparation of the Grantees' selection such trees, branches and underbrush as in the judgment of the Grantees, interfere with or endanger the proper operation and maintenance of the lines constructed along the above described location, together with the right to enter upon the Grantor's premises for any and all of the foregoing purposes.

It is understood and agreed that the rights and easements hereby conveyed are to be jointly owned by Central Maine Power Company and New England Telephone and Telegraph Company, their successors and assigns. If either Central Maine Power Company or New England Telephone and Telegraph Company, or the successors or assigns of either, shall relinquish or abandon the rights and easements hereby conveyed, the same shall become the sole property of the remaining company. This easement may be terminated on ninety (90) days written notice.

TO HAVE AND TO HOLD the above granted rights and easements to the said Central Maine Power Company and New England Telephone and Telegraph Company, their successors or assigns, to their own use and behoof forever.

IN WITNESS WHEREOF, the said Mercy Hospital has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Donald F. Plunkett, its Executive Director, hereunto duly authorized,

and ~~the~~ ~~jointing in this easement as grantor(s) and relinquishing and conveying all () rights by descent and all other rights in the above described rights and easements have herunto set their hands and seals this~~
22nd day of August, 1966.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF



MERCY HOSPITAL

By Donald F. Plunkett
Its Executive Director

P.K. 11-285

STATE OF MAINE,
County of Cumberland

Personally appeared the above named Donald F. Plunkett
and acknowledged the foregoing instrument to be his free act and deed, before me, in his said capacity and the free act and deed of said corporation, before me, Paul R. Mahoney
Justice of the Peace

STATE OF MAINE

CUMBERLAND, ss.

REGISTRY OF DEEDS

Received at 9 H - M. U. M on OCT 26 1966 and recorded in
Book 2978 Page 31 Attest Lawrence R. Plunkett Register

0039564

Corporation Easement Deed

BK 1639 | PG 232

Underground Line Easement

MERCY HOSPITAL, a MAINE corporation with a mailing address of 144 State Street, Portland, ME, 04101 ('Grantor(s)'), for consideration given, grants to CENTRAL MAINE POWER COMPANY, a Maine Corporation with an office at 83 Edison Drive, Augusta, Maine 04336, and VERIZON NEW ENGLAND, INC. A New York corporation with a mailing address of 125 High Street, Boston, Massachusetts, 02110, and their respective successors and assigns (collectively 'Grantees'), with warranty covenants, the right and easement to erect, bury, maintain, rebuild, respace, patrol, operate, and remove and do all other actions involving electric and communication distribution equipment and facilities, consisting of wires, cables, together with all necessary fixtures and appurtenances under the surface of the land of the Grantor(s) in the City/Town of Portland, Cumberland County, Maine. The said equipment and facilities are attached to a line commencing at Pole(s)/Pad(s) 28, Winter Street, Portland and extending to include Pole(s)/Pad(s) 28.1 to serve Grantor(s) and others. This easement affects land or rights conveyed to the Grantor(s) in a deed from Portland Renewal Authority, dated August 22, 1966, and recorded in the Cumberland County Registry of Deeds in Book 2978 Page 31. The rights granted herein include the right to keep the surface of ground above its underground cables and other electrical equipment free from structures, improvements and growth which, in the judgment of the Grantees, may interfere with the proper operation or maintenance of said underground cables; and the right to enter upon the land of the Grantor(s) for any and all of the foregoing purposes.

WITNESS the hand(s) and seal(s) of Grantor(s) duly authorized representatives on May 24, 2001.

Signed, Sealed and Delivered in the presence of:

Witness(es)

Linda Lockart
Printed LINDA LOCKART

MERCY HOSPITAL

Jeffrey Thomas
Jeffrey Thomas
Manager
Jeffrey Thomas

State of Maine

County of Cumberland

The above-named Jeffrey Thomas, personally appeared before me this 24 day of MAY, 2001 and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said MERCY HOSPITAL.

WR# 0004101841 Acct# 441-1670410-001
WO# 041-09695

Beryl C McGrath
Notary Public/Attorney
Printed Name: Beryl C. McGrath
My Commission Expires: 9-23-2006

RECEIVED
RECORDED REGISTRY OF DEEDS
2001 JUN -8 AM 9: 23
CUMBERLAND COUNTY
John B O'Brien

BERYL C. McGRATH
Notary Public, Maine
My Commission Expires September 23, 2006

SEAL

Request for Waivers

The following waivers are being requested for the proposed project located at 120 State Street.

1. ***Parking drive aisle width*** – Per the City of Portland Technical Manual, Standard Parking Spaces Figure 1-27, the required drive aisle width for 90-degree parking spaces is 24 feet. The project is requesting a waiver to allow for a reduction to a 22-foot drive aisle.
2. ***Landscape Preservation*** – There are six (6) existing trees on the lot along the Winter Street sidewalk / ROW that are in poor condition. We are requesting removal of these trees and a waiver for the 30% preservation of existing trees for the construction of the future buildings along Winter Street. The project is proposing to install new street trees spaced approx. 30 feet on center within the Winter Street sidewalk / ROW where there are currently none to provide replacement for the landscaping to be removed. Additional landscaping is also proposed within the project and along the State Street frontage. Please refer to the Landscaping Plan for additional information.
3. ***Parking Lot Landscaping*** – The project parking area is proposed as a “woonerf” or living street, which incorporates trees, shrubs and plantings within the area. The proposed condition of the woonerf is to provide a flush surface across the area to provide accessible routes and promote pedestrian flow through the space. As such, no curbing is proposed, however the “landscaped islands” provide separation from the parking stalls and incorporates stormwater collection leading to a proprietary modular wetland water quality treatment system.



Financial Capacity

A letter from the Applicant's bank confirming financial capacity is attached to this section.





Christine Grimando, Director
Planning and Urban Development Department
City of Portland
389 Congress Street
Portland, ME 04101

August 24, 2020

Dear Ms. Grimando:

I am writing this letter on behalf of NewHeight Redfern LLC in reference to the site development plan for the Mercy Hospital building.

Machias Savings Bank (MSB) provided the lending for the for the group's purchase of the entire Mercy Campus this past winter. Although NewHeight Redfern LLC is a newly formed entity, MSB has had previous lending experience with the principals of this entity on other large commercial construction projects. They have proven to be a highly qualified, effective, and professional development team.

MSB is aware of their current site application and would be pleased to entertain financing requests from the group for that project as well as other future projects on this site.

If you have any questions and or concerns, please do not hesitate to contact me at 207-561-3937.

Sincerely,

A handwritten signature in black ink that reads 'Francine Cram/mtr'.

Francine V. Cram
Senior Vice President
Business Banking Team Leader

Technical Capacity

NewHeight Redfern, LLC is a collaboration between the principals of two Portland-based development firms, Chip Newell and Erin Cooperrider of NewHeight Group, and Jonathan Culley of Redfern Properties.

Most recently, NewHeight Group has developed two high-end condominium projects in Portland, 118 on Munjoy and Luminato, and has a third, Verdante at Lincoln Park, under construction. NHG brought materials from Europe and adapted design ideas from Washington, D.C. to raise the bar for new construction condominiums in Portland. The most recent project, Luminato Condominium, sold out six months prior to construction completion and was honored in 2017 with a Maine Real Estate & Development Association Notable Project award.

Redfern Properties develops, owns, and operates a portfolio of properties that includes the highest quality rental apartments in Portland. Redfern Properties is committed to developing innovative residential properties, and focuses on infill and other “smart-growth” development in creating unique residences and commercial spaces, while making neighborhoods and communities more vibrant and sustainable.

Ryan Senatore Architecture has designed several important multifamily residential projects in Southern and Central Maine, including the nine-story, 139-unit, concrete and steel framed high-rise apartment building known as the Hiawatha (for Redfern Properties). RSA’s residential clients include private developers as well as public housing authorities, and completed projects include both new construction and adaptive reuse of existing historic structures.

Acorn Engineering specializes in providing urban redevelopment, civil/site design, environmental services, municipal consulting and construction administration. Together, Acorn Engineering, Inc. and Ryan Senatore Architecture have successfully designed and permitted more than 20 level II/III projects in Portland during the past 5 years, including four for Redfern Properties: Munjoy Heights, East Bayside Lofts, The Hiawatha, and 70 Anderson.

ALA is a process-driven, landscape architecture and urban design firm committed to thoughtful, creative intervention at the intersection of environment, economics, art, and culture. ALA has worked on a number of important projects throughout Maine and the U.S. Locally, ALA has been the prime design consultant for the redevelopment of the 500-acre Scarborough Downs property in addition to numerous public and private development projects across Maine. ALA’s clients include private developers, housing authorities, and municipalities.



Conformity with Land Use Ordinance

The following outline is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526 as well as the City of Portland Technical Manual, Chapter 14 Standards for Local Site Location of Development Review.

OVERVIEW

The proposed redevelopment of the existing Mercy Hospital complex has been designed to conform to City standards where possible as well as improve upon existing non-conformities. This project conforms with the majority of the applicable standards of Portland's Land Use Ordinance Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

The site is located at the corner of Spring and State Streets. State Street is classified as a minor arterial with an average annual daily traffic volume of approximately 15,550 vehicles per day. Spring Street is classified as a local road with an average annual daily traffic volume of approximately 4,820 vehicles per day (Maine DOT 2017). The project design provides 68 on-site parking spaces. Residents are expected to also use other modes of travel (i.e. walking, bicycle, transit, etc) other than automobiles. As a result, a very insignificant increase in motorized traffic is expected on either State and/or Spring Street.

2. Access and Circulation:

a. Site Access and Circulation:

This project conforms with the majority of design standards of Section 14-526 as demonstrated in the following narrative.

- (i) The development will provide safe access and internal circulation for both pedestrians and vehicles as seen on the Site Plan.
- (ii) The proposed entrances have been located to provide ample site distance from oncoming traffic on Spring Street.
- (iii) The site does not feature drive up services.

b. Loading and Servicing:

- (i) It is anticipated that deliveries will temporarily load from either the existing loading dock area off State Street or within the proposed parking area off Spring Street.

c. Sidewalks:

- (i) A brick sidewalk exists along both State Street, Spring Street, and Winter Street and will be rebuilt to City standards as part of the project if disturbed.
- (ii) The existing sidewalk not disturbed as part of the project is not in need of rebuilding.



- (iii) The main entrances to the building will be from the proposed parking area. Pedestrian access to the site will be provided by sidewalks and within parking areas. Please refer to the Site Plan, Sheet C-10, for more information.

3. Public Transit Access:

- a. Existing Metro Bus Stop on Spring Street is located directly across the street from the project site. As a result, no transit facility is required for the project.
- b. Not applicable. See a above.
- c. Not applicable. See a above.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

- (i) See attached Section S: Traffic and Parking Analysis. Traffic Demand Management strategies will be provided under separate cover.
- (ii) Traffic Demand Management strategies will be provided under separate cover.
- (iii) The amount of parking does not exceed the minimum requirement by more than 10%.
- (iv) The parking space dimensions are in conformance with the Technical Standards. The parking aisle dimensions are not in conformance with the Technical Standards. See attached Section F: Request for Waivers for additional information (reduction from 24' to 22').
- (v) The driveway and parking areas proposed are to be constructed with pavers, bituminous pavement & brick.

b. Location and Required Number of Bicycle Parking Spaces:

- (i) The site will be served by two bicycle hitches within the courtyard near the new building entrance and additional bicycle storage within the building for a minimum total of 54 bicycle parking spaces.

c. Motorcycles and Scooter Parking:

- (i) There are no areas designated for motorcycles or scooters at this time; however, adequate room exists for the storage of these motor vehicles.

d. Snow Storage:

- (i) The Owner will have snow removed from the site when necessary.
- (ii) The Owner will have snow removed from the site when necessary to provide minimum parking requirements an pedestrian circulation.

5. Transportation Demand Management (TDM):

- a. Traffic Demand Management strategies will be provided under separate cover.



- b. Traffic Demand Management strategies will be provided under separate cover.
- c. The TDM shall comply with the City of Portland TDM standards as described in Section 1 of the Technical Manual.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

- a. Not applicable.
- b. Not applicable.

2. Landscaping and Landscape Preservation:

a. Landscape Preservation.

- (i) The few existing trees and vegetation on site are of low value or dead. The project proposes to install new street trees, trees within the proposed parking area and various plantings along the proposed buildings and within the internal parking area. Please refer to the Landscaping Plan for specific information.
- (ii) See attached Section F: Request for Waivers.
- (iii) It is not anticipated that the project will necessitate any tree protection.
- (iv) See attached Section F: Request for Waivers.
- (v) Not applicable.

b. Site Landscaping.

(i) Landscaped Buffers:

- a. The existing loading and servicing areas, exterior dumpsters, storage areas are screened from public sidewalks, streets and adjacent properties by the existing building and retaining walls. The proposed pad mounted transformer will be screen by a combination of fencing and/or landscaping.
- b. The project includes a total of approximately 1,006 lf of frontage improvements along Winter, Spring and State Streets All development subject to required zoning setbacks shall include a minimum of six (6) shrubs per forty-five (45) linear feet of all frontages as measured along the property line, which equates to 134 shrubs. Please refer to the Landscaping Plan for additional information.
- c. Not applicable.
- d. Not applicable.

(ii) Parking Lot Landscaping:

- a. Per Section 4.6 of the Portland Maine Technical Manual, two trees are required (or one (1) tree and three (3) shrubs) per five (5) parking spaces. The project proposes 51 space, which require 20 trees to be installed in the parking area. The project proposes to install



21 trees and additional shrubs and trees planted along the parking and courtyard areas.

- b. There is no proposed area with greater than 40 parking spaces without interrupted pavement.
- c. The project parking area is proposed as a “woonerf” or living street, which incorporates trees, shrubs and plantings within the area. The proposed condition of the woonerf is to provide a flush surface across the area to provide accessible routes and promote pedestrian flow through the space. As such, no curbing is proposed, however the “landscaped islands” provide separation from the parking stalls and incorporates stormwater collection leading to a proprietary modular wetland water quality treatment system.
- d. Not applicable.
- e. See attached Section F: Request for Waivers.

(iii) Street Trees:

- a. Street trees are to be provided every 30 to 45 feet along the Winter Street frontage. A total of approximately 400 ft of frontage improvements along Winter Street are included within this project, which equates to a minimum of nine street trees. The project proposes twelve street trees. The Spring Street frontage currently has no existing street trees, with new street trees proposed at the entrance to the parking area. The landscaped area along State Street in front of the existing building proposes to add and improve the existing landscaping features. Please refer to the Landscaping Plan for additional information.
- b. Not applicable.

3. Water Quality, Stormwater Management and Erosion Control:

- a. Stormwater:
 - (i) The site drainage will not be directed to flow or pond onto adjacent lots. The drainage patterns will be altered to intercept the roof runoff as well as the parking area runoff, with the addition of stormwater management practices to treat and attenuate the flows.
 - (ii) Any stormwater that flows onto adjacent lots will not exceed the pre-development flows.
 - (iii) The runoff from the site into the City property will not increase from the pre-development condition.
 - (iv) Not applicable.
- b. A site-specific Stormwater Management Plan has been developed for the project to show compliance with Section 5 of the Technical Manual, including the basic standards of MEDEP Chapter 500. Please refer to sections J and K, the Stormwater Management and Erosion & Sedimentation Control Plans, respectively, for more information.
- c. The project is not located in a watershed of an urban impaired stream as listed by the MEDEP.
- d. Not applicable.



- e. The development is not anticipated to pose a contamination risk to groundwater during or after construction. The project will be serviced by a public wastewater system.
- f. The development will provide for adequate and sanitary disposal of sewage in accordance with Section 2 of the Technical Manual.

(c) Public Infrastructure and Community Safety Standards

1. Consistency with City Master Plans:
 - a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.
 - b. Not applicable.
2. Public Safety and Fire Prevention:
 - a. The site has been designed to promote safe and inviting public access.
 - b. Adequate emergency access has been provided within the parking area, emergency access lane off Winter Street, and along Winter Street, Spring Street and State Street.
 - c. One existing hydrant is located in front of the building on State Street, two existing hydrants are located on Spring Street and one existing hydrant is located on Winter Street, approximately 44 feet from the southwest property corner.
3. Availability and Adequate Capacity of Public Utilities:
 - a. Ability to Serve letters have been sent to the respective utility companies to determine adequate capacity for the project. Responses will be submitted upon receipt.
 - b. The electrical service will be wired underground through coordination with CMP, including relocating portions of the existing Winter Street overhead power lines to go underground along the Winter Street parcel frontage.
 - c. The new sewer and stormwater infrastructure will meet the provisions of the Technical Manual.
 - d. The project will be served by connection to the public sewer system within Winter Street, Spring Street (existing connection) and State Street (existing connection).
 - e. The sanitary sewer collection system meets all applicable sections of the Technical Manual. The stormwater management system is designed to meet the standards of Chapter 500.
 - f. Temporary storage and timely removals of all trash and recyclable materials will be provided.

(d) Site Design Standards

1. Massing, Ventilation and Wind Impact:
 - a. See attached Section O: Architectural Design Narrative



- b. See attached Section O: Architectural Design Narrative
- c. See attached Section O: Architectural Design Narrative
- 2. Shadows:
 - a. See attached Section O: Architectural Design Narrative
- 3. Snow and Ice Loading:
 - a. The structures will not distribute snow and ice onto adjacent properties.
- 4. View Corridors:
 - a. See attached Section O: Architectural Design Narrative
- 5. Historic Resources:
 - a. The development is located in the West End historic district and therefore will conform to the standards set in Appendix 8 of the Portland Maine Design Manual. The building has yet to go through the historic preservation approval process.
 - b. The development is located within the West End Historic District. Development will be compatible with the character-defining elements of the district in the immediate vicinity.
 - c. There are no known archaeological resources on the site.
- 6. Exterior Lighting:
 - a. Site Lighting.
 - (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual. A photometric plan will be provided under separation cover.
 - (ii) Any lighting that may adversely impact the abutting residential properties will feature house-side shielding.
 - b. Architectural and Specialty Lighting.
 - (i) Any architectural or specialty lighting shall be designed to any specific details or attributes only and shall meet the standards of Section 12 of the Technical Manual. Final architectural or specialty light will be submitted under separate cover.
 - (ii) Up-lighting for landscape features and public art shall be designed by a lighting professional and shall be scaled and placed to minimize the visibility and installed in accordance with the standards contained in Section 12 of the Technical Manual. A photometric plan will be provided under separation cover.
 - c. Street Lighting.
 - (i) Streetlighting will conform to specific lighting district requirements, as specified in Section 10 of the Technical Manual. As there are existing street lights on the opposite side of the street, no additional street lights are proposed at this time.



7. Noise and Vibration:

- a. The HVAC system will meet the applicable state and federal emissions requirements and will be enclosed within a roof “penthouse.” See Architectural Plans for additional information.

8. Signage and Wayfinding:

- a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
 - (i) The project is located in the West End Historic District.
 - (ii) See Section S Architectural Design Narrative
 - (iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

- a. The project has been designed to meet the standards set forth in the B3 zone and West End Historic District. Please refer to the Site Plan for more information on the Space & Bulk Standards



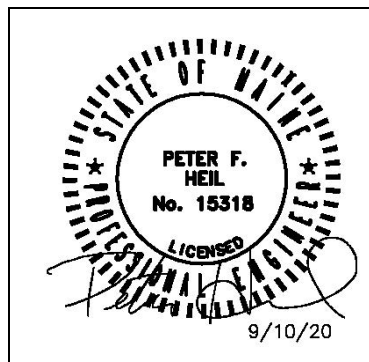
STORMWATER MANAGEMENT **REPORT**

Prepared For:

NewHeight Redfern, LLC
217 Commercial Street, Suite 205
Portland, ME 04101

Prepared By:

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104



September 2020



INTRODUCTION

Acorn Engineering, Inc. has been retained by NewHeight Redfern, LLC to provide civil engineering services for the proposed work located at 120 and 148 State Street, Portland, ME 04101. The site is currently comprised of the existing Mercy Hospital complex, including the Morrison House, with surface parking, landscaping, and a loading dock area. The project proposes to redevelop the existing lot into a mixed-use development, consisting of redevelopment of the existing hospital building and Morrison House and proposes two (2) new residential buildings with exterior parking. The two (2) new residential buildings will be submitted under a separate Site Plan application. The existing hospital building will be redeveloped to include 167 residential units, and the Morrison House to include 8 residential units, with associated common areas, office, and fitness area, as well as self-storage, commercial/retail space, and a medical clinic.

A stormwater analysis was prepared to demonstrate that the project will meet the following requirements of the City of Portland (the City):

- City of Portland Land Use Ordinance Chapter 14, Article V. Site Plan Section 14-523. Required Approvals and Applicability (F) Level III Site Plan Review.
- City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and Maine DEP Chapter 500 Stormwater Management.

The property consists of approximately 2.48 acres of land in Portland's West End neighborhood. The site is currently comprised of approximately 2.19 impervious area. The proposed project will increase the impervious area by approximately 0.10 acres, including redevelopment of non-roof impervious area greater than 5,000 sf.

EXISTING CONDITIONS

The proposed project site is located on 120 and 148 State Street, bounded by State Street, Spring Street and Winter Street. A Boundary & Topographic Survey has been prepared by Owen Haskell, Inc., dated August 4, 2020.

The existing property is covered by approximately 93% impervious surfaces including the existing Mercy Hospital, Morrison House, pavement, and concrete. The existing site has relatively flat slopes, with an approximate 13 foot retaining wall from the parking lot along Winter Street to the loading dock area off State Street.

The project team is not aware of the presence of any existing significant natural features located on the site. Given the urban setting and existing impervious surfaces, a field inventory of significant natural features was not undertaken. The project is not located within a watershed classified as an Urban Impaired Stream.



PROPOSED DEVELOPMENT

The project proposes to redevelop the existing hospital building and Morrison House with future residential buildings along Winter Street with a parking lot and courtyard area in the internal area of the site. Pedestrian access to the site shall be provided off all three adjacent streets. The development will be served by Portland Water District, Department of Public Works (sewer/storm), Unitil (natural gas), CMP (electric), Charter (cable), and Fairpoint (telephone).

The proposed project will increase the site's impervious area by approximately 0.10 acres, including redevelopment of non-roof impervious area greater than 5,000 sf, which triggers the City's water quality requirement. Water quality treatment will be provided by collecting the runoff through a new storm drain system which leads to a proprietary modular wetland system prior to discharging into the combined sewer within Spring Street. The project has been designed to meet Chapter 500 General Standards.

BASIC STANDARDS – EROSION & SEDIMENT CONTROL

The development shall provide erosion and sediment control, inspection and maintenance, and housekeeping standards as specified in the attached Exhibit K: Erosion and Sediment Control Report and that the grading and construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on an adjacent downslope parcel.

GENERAL STANDARDS - WATER QUALITY

The development shall provide water quality treatment in accordance with the DEP Chapter 500 General Standards for no less than 50% of the redeveloped impervious area. Water quality treatment will be provided through the use of proprietary modular wetland system, which is an approved system per Appendix B of the Maine Stormwater BMP Manual. Filtration BMPs have been shown to be very effective at removing a wide range of pollutants from stormwater runoff.

The treatment of the impervious & disturbed areas are as follows:

Table 1 – Impervious Area Treatment Table				
Existing Impervious Area (SF)	Total Proposed Impervious Area (SF)	Redeveloped Impervious Area (SF)	Proposed Impervious Area with Treatment (SF)	Overall New Imp. Area Treated
95,210	99,767	42,340	28,862	68.2%

As shown above, the project anticipates meeting and exceeding the required treatment for 50% of the redeveloped impervious surfaces as ample stormwater treatment is being provided.



SOILS

Onsite soil information includes the following:

- Soil Conservation Service Medium Intensity Soil Survey for Cumberland County

The area within and surrounding the project includes soils types listed in the table below.

Table 2 – Hydrologic Soil Group	
Soils Type	HSG
Hinkley Loamy Sand, 3-8% slopes	A

The HSG for the soils, listed above, show soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained sands, with a high rate of water transmission. Implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance to provide proper stabilization of the site.

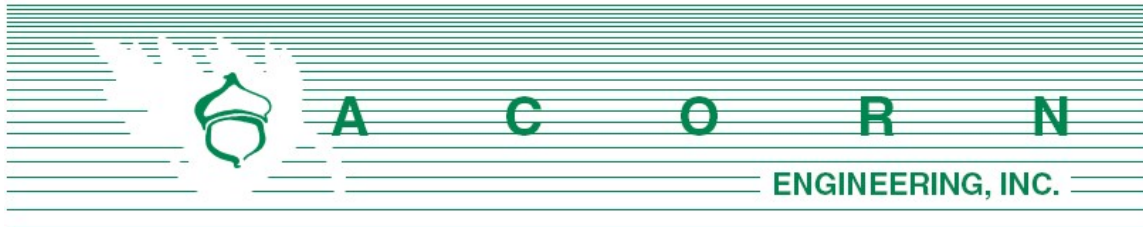
Conclusion

The proposed development was designed to meet the requirements implemented by the MDEP under the Stormwater Management Statute (38 M.R.S.A. § 420-D) as well as the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards. The proposed project as designed is not anticipated to cause flooding or erosion problems within the subject site, abutters' sites, nor within the right-of-way.

Attachments

Attachment A: Soils Map





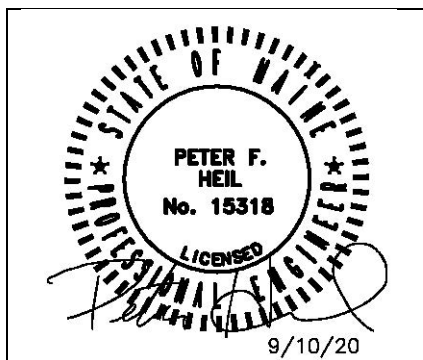
EROSION & SEDIMENTATION **CONTROL REPORT**

Prepared For:

NewHeight Redfern, LLC
217 Commercial Street, Suite 205
Portland, ME 04101

Prepared By:

Acorn Engineering, Inc.
P.O. Box 3372
Portland, Maine 04104



September 2020



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1.0 INTRODUCTION

Acorn Engineering, Inc. has been retained by NewHeight Redfern, LLC to provide civil engineering services for the proposed work located at 120 and 148 State Street, Portland, ME 04101. The site is currently comprised of the existing Mercy Hospital complex, including the Morrison House, with surface parking, landscaping, and a loading dock area. The project proposes to redevelop the existing lot into a mixed-use development, consisting of redevelopment of the existing hospital and Morrison House buildings and proposes two (2) new residential buildings with exterior parking. The two (2) new residential buildings will be submitted under a separate Site Plan application. The existing hospital building will be redeveloped to include 167 residential units and the Morrison House to include 8 residential units, with associated common areas, office, and fitness area, as well as self-storage, commercial/retail space, and a medical clinic.

The following Erosion and Sedimentation Control Report was developed in accordance with the Maine DEP Chapter 500 Stormwater Management Appendix A and B (1) and the City of Portland Code of Ordinance, Chapter 14, Article V, Section 14-526, as well as the City of Portland Technical Manual. This narrative also meets the standards required in the 2016 Maine DEP's Erosion & Sediment Control BMP's Manual.

2.0 EXISTING CONDITIONS

The proposed project includes a boundary and topographic survey that has been prepared by Owen Haskell, Inc. dated August 4, 2020.

2.1 Existing Soils

Per the attached USDA NRCS Web Soil Survey, the site is mapped with Hinckley loamy sand, 3-8% slopes with a Hydrologic Soil Group A.

2.2 Existing Erosion Problems

The existing site surface is largely impervious and does not show signs of erosion within the property.

2.3 Critical Areas

There were no critical areas identified.

2.4 Protected Natural Resource

There are no known protected natural resources on site.



2.5 Previous Construction Activity (5 years)

Acorn Engineering, Inc. is not aware of any construction related activities or timber harvesting within the project limits within the past 5 years.

2.6 Timber Harvesting

Acorn Engineering, Inc. is not aware of any significant timber harvesting within the past five years.

3.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

As part of the project, the following temporary and permanent erosion and sedimentation control devices shall be implemented. Devices shall be installed as described in this report or within the plan set. See the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices for further reference.

3.1 Temporary Erosion Control Measures

The following temporary erosion and sedimentation control measures are planned for the project's construction period:

- 3.1.1 Construction activities will be performed in a manner to prevent impact to trees and shrubs within and adjacent to the property that are to remain.
- 3.1.2 Siltation fence, erosion control berm, and/or filter socks shall be installed down gradient of any disturbed areas to trap runoff borne sediments until permanent stabilization is achieved. The sediment barrier shall be installed per the details provided in the plan set and inspected before and immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made if there are any signs of erosion or sedimentation below the fence line or berm. If there are signs of undercutting at the center or the edges or impounding of large volumes of water behind the fence or berm, the barrier shall be replaced with a stone check dam.
- 3.1.3 Hay mulch including hydro seeding is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed between April 15th and November 1st on slopes of less than 15 percent shall be covered by fabric netting and anchored with staples in accordance with the manufacturer's recommendation. Mulch placed between November 1st and April 15th on slopes equal to or steeper than 8 percent and equal to or flatter than 2:1 shall use mats or fabric netting and anchored with staples in accordance with the manufacturer's recommendation.



- 3.1.4 Winter Street and Spring Street shall be swept to control mud and dust as necessary.
- 3.1.5 If a silt fence is used, silt fence stake spacing shall not exceed 6 feet unless the fence is supported with 14-gauge wire in which case the maximum spacing shall not exceed 10 feet. The silt fence shall be “toed” into the ground.
- 3.1.6 Temporary loam, seed, and mulching shall be used in areas where no other erosion control measure is used, including in any areas where there has been site disturbance, but unworked areas > 7 days. Application rates for seeding are provided at the end of this report.
- 3.1.7 Stockpiles shall be stabilized within 7 days of formation unless a scheduled rain event occurs prior to the 7-day window, in which case the stockpile shall be stabilized prior to the rain event. Methods of stabilization shall be mulch, erosion control mix, or erosion control blankets/mats. Silt fence or a wood waste compost filter berm shall be placed downhill of any soil stockpile location.
- 3.1.8 For disturbance between November 1 and April 15, please refer to winter stabilization plan in this report and the Maine Erosion and Sediment Control BMP manual for further information.

3.2 Permanent Erosion Control Measures

The following permanent erosion control measures are intended for post disturbance areas of the project.

- 3.2.1 All disturbed areas during construction, not subject to other proposed conditions, shall receive a minimum 4” of loam, limed, fertilized, seeded, and mulched. Erosion control blankets or mats shall be placed over the mulch in areas noted in paragraph 3.1 of this report.
- 3.2.2 Refer to the Maine Erosion and Sediment Control BMP manual for additional information.

4.0 EROSION AND SEDIMENTATION CONTROL PLAN

The Erosion and Sedimentation Control Plan is included within the plan set.

5.0 DETAILS AND SPECIFICATIONS

Erosion Control Details and Specification are included in the plan set.



6.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

Winter Construction consists of earthwork disturbance between the dates of November 1 and April 15. If the construction site is not stabilized with pavement, a road gravel base, 75% mature vegetation cover or riprap by November 15, then the site shall be protected with overwinter stabilization. Any area not stabilized with pavement, vegetation, mulching, erosion control mix, erosion control mats, riprap or gravel base on a road shall be considered open.

The contractor shall limit the work area to areas that work will occur in during the subsequent 15 days and so that it can be mulched one day prior to a snow event. The contractor shall stabilize work areas prior to opening additional work areas to minimize areas without erosion control measures.

The following measures shall be implemented during winter construction periods:

6.1 Sediment Barriers

During frozen conditions, sediment barriers may consist of erosion control mix berms or any other recognized sediment barriers as frozen soil prevents the proper installation of hay bales or silt fences.

6.2 Mulching

All areas shall be considered to be denuded until seeded and mulched. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lbs./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix must be applied with a minimum 4-inch thickness. Mulch shall not be spread on top of snow. The snow shall be removed down to a one-inch depth or less prior to application. After each day of final grading, the area shall be properly stabilized with anchored hay or straw or erosion control matting. An area shall be considered to have been stabilized when exposed surfaces have been either mulched or adequately anchored so that ground surface is not visible through the mulch. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, tracking or wood cellulose fiber. The cover will be considered sufficient when the ground surface is not visible through the mulch. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.

6.3 Soil Stockpiling

Stockpiles of soil or subsoil shall be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix. This shall be done within 24 hours of stocking and re-established prior to any rainfall or snowfall.



6.4 Seeding

Between the dates of October 15th and April 1st, loam or seed shall not be required. During periods of above freezing temperatures finished areas shall be fine graded and either protected with mulch or temporarily seeded and mulched until such time as the final treatment can be applied. If the date is after November 1st and if the exposed area has not been loamed, final grading with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched.

Dormant seeding may be placed prior to the placement of mulch or erosion control blankets. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs/1,000 s.f. All areas seeded during the winter shall be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75% catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.

6.5 Over winter stabilization of disturbed soils

By September 15th, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter:

- Stabilize the soil with temporary vegetation – By October 1st, seed the disturbed soil with winter rye at a seeding rate of 3lbs per 1,000 s.f., lightly mulch the seeded soil with hay or straw at 75 lbs per 1,000 s.f., and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1st, then mulch the area for over-winter protection.
- Stabilize the soil with sod – Stabilize the disturbed soil with properly installed sod by October 1st. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.
- Stabilize the soil with mulch – By November 15th, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 lbs per 1,000 s.f. on the area so that no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving the mulch off the disturbed soil.



6.6 Over winter stabilization of disturbed slopes

All stone-covered slopes shall be constructed and stabilized by November 15th. All slopes to be vegetated shall be seeded and mulched by September 1st. A slope is considered a grade greater than 15%. If a slope to be vegetated is not stabilized by September 1st, then one of the following actions shall be taken to stabilize the slope for late fall and winter:

- Stabilize the soil with temporary vegetation and erosion control mats – By October 1st the disturbed slope shall be seeded with winter rye at a seeding rate of 3 lbs per 1,000 s.f. and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1st, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap.
- Stabilize the soil with sod – The disturbed slope shall be stabilized with properly installed sod by October 1st. Proper installation includes the contractor pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor shall not use late-season sod installation to stabilize slopes having a grade greater than 3H:1V or having groundwater seeps on the slope face.
- Stabilize the soil with erosion control mix – Erosion control mix shall be properly installed by November 15th. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 2H:1V or having groundwater seeps on the slope face.
- Stabilize the soil with stone riprap – Place a layer of stone riprap on the slope by November 15th. A registered professional engineer shall be hired to determine the stone size needed for stability on the slope and to design a filter layer for underneath the riprap.



7.0 INSPECTION AND MAINTENANCE

The Contractor has a responsibility for complying with the Erosion and Sedimentation Report/Plan, including control of fugitive dust. The Contractor shall be responsible for any monetary penalties resulting from failure to comply with these standards. Contractor to inspect after a rainfall event, and at least monthly and shall use the City's ESC inspection form.

8.0 IMPLEMENTATION SCHEDULE

The following implementation sequence is intended to maximize the effectiveness of the above described erosion control measures. Contractors should avoid overexposing disturbed areas and limit the amount of stabilization area.

1. Install perimeter silt fence or erosion control berm and construction entrance.
2. Install all other erosion control devices as necessary throughout the remainder of this schedule.
3. Pave any areas that were disturbed during construction.
4. Loam, lime, fertilize, seed and mulch disturbed areas and complete all landscaping.
5. Once the site is stabilized and 90% catch of vegetation has been obtained, remove all temporary erosion control measures.
6. Touch up areas without a vigorous catch of grass with loam and seed.
7. Execute proper maintenance of all temporary and permanent erosion control measures throughout the project.

The above implementation sequence should be generally followed by the site contractor. However, the contractor may construct several items simultaneously. The contractor shall submit to the owner a schedule of the completion of the work. If the contractor is to commence the construction of more than one item above, they shall limit the amount of exposed area to those areas in which work is expected to be undertaken during the following 30 days.

The contractor shall revegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within seven (7) days of final grading or before a storm event. The contractor shall incorporate planned inlets and drainage systems as early as possible into the construction phase.



9.0 CONCLUSION

The above erosion control narrative is intended to minimize the development impact by implementing temporary and permanent erosion control measures. The contractor shall also refer to the Maine Erosion and Sediment Control BMP manual for additional information.

10.0 ATTACHMENTS

- Temporary Seeding Plan
- Permanent Seeding Plan
- Housekeeping Plan



TEMPORARY SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P₂O₅-K₂O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of temporary seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.	Recommended Seeding Dates
Winter Rye	2.57	Aug-15 to Oct-1
Oats	1.84	Apr-1 to Jul-1 Aug-15 to Sep-15
Annual Ryegrass	0.92	Apr-1 to Jul-1
Sudangrass	0.92	May-15 to Aug-15
Perennial	0.92	Aug-15 to Sep-15

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to temporary seeding and mulching.



PERMANENT SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded out to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P₂O₅-K₂O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of permanent seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.
Kentucky Bluegrass	0.46
Creeping Red Fescue	0.46
Perennial Ryegrass	0.11
Total	1.03

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Recommendations

Permanent seeding is recommended to be completed in the spring. Later summer seeding is allowed if completed prior to September 1st. If seeding cannot be accomplished during the periods recommended for permanent seeding, then the contractor shall perform temporary seeding per the temporary seeding plan.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to permanent seeding and mulching.



HOUSEKEEPING PLAN

The following housekeeping plan has is developed in accordance with Maine DEP Chapter 500 Stormwater Management standards. For additional information, reference Appendix C of Chapter 500.

1. **Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.

NOTE: Any spill or release of toxic or hazardous substances must be reported to the Department. For oil spills, call 1-800-482-0777 which is available 24 hours a day. For spills of toxic or hazardous material, call 1-800-452-4664 which is available 24 hours a day. For more information, visit the Department's website at: <http://www.maine.gov/dep/spills/emergspillresp/>

2. **Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.

See Chapter 500 Appendix D for license by rule standards for infiltration of stormwater.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1).

3. **Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, should wet down unpaved access roads once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.



NOTE: Dewatering a stream without a permit from the Department may violate state water quality standards and the *Natural Resources Protection Act*.

- 4. Debris and other materials.** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

NOTE: To prevent these materials from becoming a source of pollutants, construction and post-construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

- 5. Excavation de-watering.** Excavation de-watering is the removal of water from trenches, foundations, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.

NOTE: Dewatering controls are discussed in the “Maine Erosion and Sediment Control BMPs, Maine Department of Environmental Protection.”

- 6. Authorized Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

- (a) Discharges from firefighting activity;
- (b) Fire hydrant flushings;
- (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
- (d) Dust control runoff in accordance with permit conditions and Section 3, above;
- (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;



- (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
- (g) Uncontaminated air conditioning or compressor condensate;
- (h) Uncontaminated groundwater or spring water;
- (i) Foundation or footer drain-water where flows are not contaminated;
- (j) Uncontaminated excavation dewatering (see requirements in Section 5, above);
- (k) Potable water sources including waterline flushings; and
- (l) Landscape irrigation.

7. Unauthorized non-stormwater discharges. The Department's approval under Chapter 500 does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Section 6, above. Specifically, the Department's approval does not authorize discharges of the following:

- (a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;
- (b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;
- (c) Soaps, solvents, or detergents used in vehicle and equipment washing; and
- (d) Toxic or hazardous substances from a spill or other release.

(8) Additional requirements. Additional requirements may be applied on a site-specific basis.



Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
 Survey Area Data: Version 17, Jun 5, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	A	8.5	100.0%
Totals for Area of Interest			8.5	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

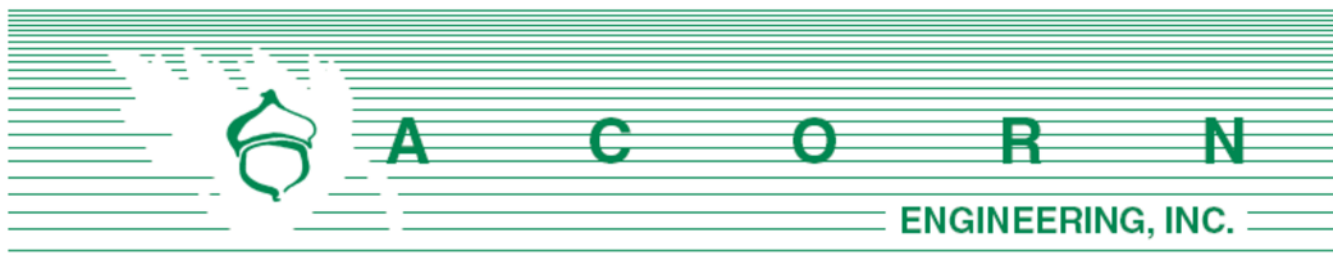
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



Chief Robert Thompson
City of Portland Fire Department
380 Congress St.
Portland, ME 04101

September 10, 2020

Subject: 120 and 148 State Street – Mercy Hospital Redevelopment
Fire Department Checklist

On behalf of NewHeight Redfern, LLC, the design team is pleased to respond to the Portland Fire Department Site Review Checklist.

1. Name, address, telephone number of Applicant:

NewHeight Redfern, LLC
erin@newheightgroup.com
(207) 720-0181

2. Name address, telephone number of Architect:

Ryan Senatore Architecture
Ryan Senatore
ryan@senatorearchitecture.com
(207) 650-6414

3. Proposed uses of any structures [NFPA and IBC classification]

Please refer to attached code review

4. Square footage of all structures

The existing parking lot, landscaping & brick patio area are to be removed to facilitate the proposed structure with the following floor areas:

Mercy Building		
Basement	29,007	sf
Ground Floor	29,313	sf
1 st Floor	27,935	sf
2 nd Floor	23,885	sf
3 rd -5 th Floors	22,300	sf
6 th Floor	12,579	sf
Total	189,619	sf

Morrison House		
1 st Floor	2,407	sf
2 nd Floor	2,434	sf
3 rd Floor	1,482	sf
Total	6,323	sf

5. Elevation of all structures

Based upon the average grade plane defined by the IBC, the existing building height is 86 feet. For additional information, please refer to the building elevations provided by the Architect.

6. Proposed fire protection of all structures

The building shall have NFPA 13 fire protection system (wet) and standpipes in the stairwells to comply with NFPA 14 and Local Authority.

7. Hydrant locations

One existing hydrant is located in front of the building on State Street, two existing hydrants are located on Spring Street and one existing hydrant is located on Winter Street, approximately 44 feet from the southwest property corner. Once received, hydrant flow data from the Portland Water District may be made available to the Fire Department upon request.

8. Water main size and location

There are existing mains located on Winter Street, Spring Street, and State Street. The redeveloped Mercy Hospital building proposes to continue to utilize the existing services currently servicing the building. No new services to the existing building are proposed at this time. The two (2) new residential buildings (Buildings A-1 and A-2) along Winter Street are proposing to tap two different 6" fire water service lines and two different 2" domestic water service lines for a total of four different connections off of the existing main on Winter Street.

9. Access to all structures [min. 2 sides]

Access to the proposed structure is provided directly on the northeast along State Street, southeast along Spring Street and southwest within the proposed parking area.

10. The Architect has provided code summaries (attached).

NFPA 1 – Chapter 18 Fire Department Access and Water Supply

18.2 Fire Department Access:

The portion of the parcel to be developed has frontage along both State Street, Spring Street and Winter Street, with the following public street widths available:

- State Street (Northeast): 99 feet
- Spring Street (Southeast): 50 feet
- Winter Street (Southwest): 40 feet

Per NFPA 1 – Chapter 18.2.3.3.1, there will be public street access within 50 feet of at least one exterior door. Per NFPA 1 – Chapter 18.2.3.2.2.1, all first story floors shall be located not more than 450 feet from a Fire Department access road.



City of Portland Technical Manual – Section 3 Public Safety

3.4.1 Every dead-end roadway more than one hundred fifty (150') feet in length shall provide a turnaround at the closed end. Turnarounds shall be designed to facilitate future street connectivity and shall always be designed to the right (refer to Figure I-5).

Response: Not applicable, the proposed parking area will have two-way access off Spring Street, with an emergency access lane accessed from Winter Street. The fire access lane shall have a minimum clear width of 16 ft without obstructions. The fire access lane has been designed to allow a ladder truck to circulate from Winter St into the interior parking drive aisle and vice versa. The curb along Winter St will be an angled mountable curb as used elsewhere throughout the City.

3.4.2 Where possible, developments shall provide access for Fire Department vehicles to at least two sides of all structures. Access may be from streets, access roads, emergency access lanes, or parking areas.

Response: As outlined in #9 above, the parcel's geometry allows for at least two sides of access along public streets (State Street and Spring Street), as well as access to the other two side of the building within the parking and loading dock areas. In addition, the building has an existing a sprinkler system.

3.4.3 Building setbacks, where required by zoning, shall be adequate to allow for emergency vehicle access and related emergency response activities and shall be evaluated based on the following factors:

- *Building Height.*
- *Building Occupancy.*
- *Construction Type.*
- *Impediments to the Structures.*
- *Safety Features Provided.*

Response: The proposed development provides for safe and efficient access along the public street for emergency vehicles.

3.4.4. Fire Dept. access roads shall extend to within 50' of an exterior door providing access to the interior of the structure.

Response: The existing buildings have exterior doors within 50' of a Fire Department access route, along both State Street and Spring Street. Access is also provided from the parking lot and loading dock areas.

3.4.5. Site access shall provide a minimum of nine (9) feet clearance height to accommodate ambulance access.

Response: There are no proposed overhead obstructions between the street and proposed building, meeting the required 9-foot clearance height minimum.

3.4.6. Elevators shall be sized to accommodate an 80 x 24-inch stretcher.

Response: See Section O: Architectural Design Narrative



3.4.7. All structures are required to display the assigned street number. Numbers shall be clearly visible from the public right of way.

Response: The applicant will work with the City's Public Works Division to assign street addresses and numbering to meet City Standards.

Thank you for your review. Please let me know if you have any additional questions or comments.

Sincerely,



William H. Savage, P.E.
Principal
Acorn Engineering, Inc.



Code Review

8/28/2020

Mixed Use Apartment Building - Mercy Hospital Renovation, Portland, Maine

IBC 2015

NFPA 101 2018

7 floors above grade

502.1

Sprinklers

NFPA 13

NFPA 13

Fire Alarm

Monitored Fire Alarm Required (include alarm device on deck)

Monitored Fire Alarm Required

Smoke and CO Detectors

Smoke and CO detectors required

Smoke and CO detectors required

Occupant Load

T 1004.1.1

7.3.1.2

Basement = 25,879 Storage (500 gsf/oc) = 52

Basement = 25,879 Storage (500 gsf/oc) = 52

Basement Circulation = 3251 Storage (500 gsf/oc) = 7

Basement Circulation = 3251 Storage (500 gsf/oc) = 7

Ground Floor = 15,330 Storage (500 gsf/oc) = 31

Ground Floor = 15,330 Storage (500 gsf/oc) = 31

Ground Floor = 3,849 Clinic (100 gsf/oc) = 39

Ground Floor = 3,849 Clinic (100 gsf/oc) = 39

Ground Floor Circulation = 3396 Storage (200 gsf/oc) = 17

Ground Floor Circulation = 3396 Storage (200 gsf/oc) = 17

Ground Floor = 6,738 Residential (200 gsf/oc) = 34

Ground Floor = 6,738 Residential (200 gsf/oc) = 34

Floor 1 = 22,861 Residential (200 gsf/oc) = 115

Floor 1 = 22,861 Residential (200 gsf/oc) = 115

Floor 1 = 5,074 Commercial (50 gsf/oc) = 102

Floor 1 = 5,074 Commercial (50 gsf/oc) = 102

Floor 2 = 23,885 Residential (200 gsf/oc) = 120

Floor 2 = 23,885 Residential (200 gsf/oc) = 120

Floor 3 = 22,300 Residential (200 gsf/oc) = 112

Floor 3 = 22,300 Residential (200 gsf/oc) = 112

Floor 4 = 22,300 Residential (200 gsf/oc) = 112

Floor 4 = 22,300 Residential (200 gsf/oc) = 112

Floor 5 = 22,300 Residential (200 gsf/oc) = 112

Floor 5 = 22,300 Residential (200 gsf/oc) = 112

Floor 6 = 12,579 Residential (200 gsf/oc) = 63

Floor 6 = 12,579 Residential (200 gsf/oc) = 63

Floor 6 = 1,653 Residential (roof deck 15 gsf/oc) = 111

Floor 6 = 1,653 Residential (roof deck 15 gsf/oc) = 111

Total Building Occupant Load = 1,027**Total Building Occupant Load = 1,027**

Use Group(s)

310.1

Apartments (R2)

30.1

Apartment Building

Assembly

Assembly Under 300 Occupants

M - Retail

Mercantile C (under 3,000 sf)

			306.1	S1 - Storage (moderate hazard)	42.1	Storage - Ordinary Hazard
Constr. Type		T 503		1B - non-combustible protected		II (222) non-combustible protected
Building Height		T 504.3		Sprinkler NFPA13 = 180' max.		
	403.1			Building is NOT a High-Rise as the highest occupied floor is NOT		
				More than 75' above the lowest level of Fire Department Access		
Number of Stories		T 504.4		R2 = 12Stories with sprinkler above podium		
				A2 = 12 Stories with sprinkler		
				M = 12 Stories with sprinkler		
				S1 = 12 Stories with sprinkler		
Building Area		T 506.2		Sprinkler 13 = Unlimited sf max per floor all uses		
Building Elements 1B		T 601		2 hr Structural Frame	30.1.6	Apartments -No Minimum Construction requirements
		T 602		2 hr Bearing Walls Exterior (sep. dist >= 10')	42.1.6	Storage - No Min requirements
		T 602		2 hr Bearing Walls Exterior (sep. dist <10')	37.1.6	Storage - No Min requirements
		T 601		2 hr Bearing Walls Interior	12.1.6	Assembly permitted for any occ. load over 5 stories
		T 601		0 hr Non-Bearing Walls Interior		
		T 602		1 hr Non-Bearing Walls Exterior (sep. dist >= 10')		
		T 602		1 hr Non-Bearing Walls Exterior (sep. dist <10')		
		705.5		Exterior Wall with >10' sep. needs rating only from inside		
		T 601		2 hr Floor Construction		
		T 601		1 hr Roof Construction		
Separations						
				A2 and R2 sprinkled = 1hr	T6.1.14.4.1	Assembly and Apartments with Sprinkler = 1 hr
				S1 and R2 sprinkled = 1 hr		Mercantile and Apartments with Sprinkler = 1hr
				A2 and S1 sprinkled = 0 hr		Assembly and Mercantile with Sprinkler = 1 hr
				A2 and M sprinkled = 1 hr		Mercantile and Storage Ordinary with Sprinkler = 1hr
				M and S2 sprinkled = 1 hr		
		708		2 hr Mechanical Shaft > 4 stories		

			1022.1	2 hr Stair Shaft > 4 stories		
			709.1	1 hr Between Dwelling Units (revised below)	30.3.7.2	1/2 hr vertical and horizontal sep. between dwellings
			1018.1	1/2 hr Corridor	30.2.4.4.7	1 hr corridor
			508.2.5	1 hr Boiler Room	T 31.3.2.1.1	0 hr Boiler Room w/sprinklers
			508.2.5	1 hr Trash Room	T 31.3.2.1.1	0 hr Trash Room w/sprinklers
			508.2.5	1 hr Storage Room	T 31.3.2.1.1	1 hr Storage Room w/sprinklers
			508.2.5	1 hr Laundry Room	T 31.3.2.1.1	0 hr Laundry Room w/sprinklers
			715.4	90 minute Stairwell Doors (2hr shaft)		
			715.4	20 minute Apartment Entry Doors (1/2 hr corridor wall)	30.3.6.2.1	20 minute Apartment Entry Doors
Distances and Exits						
			1006.2.1	M uses, sprinkled, under 49 occupants and less than 75' travel		
				Distance to exit, can have a single means of egress		
			1017.2	250' Travel Distance to exits with Sprinklers	30.2.6.2.3	200' Travel distance from apt. door to exit
			1006.2.1	125' Common Path of Travel for R use (75' for M and A)	30.2.5.3.2	50' Common Path of Travel
			1020.4	50' Dead End (20' in A use)	30.2.5.4	50' Dead End
					30.2.6.1.2	125' Travel Distance within Dwelling to Corridor
			403.6.2	Elevator as Means of Egress - required as building is over 4 stories		
				Generator required as Elevator is a MOE		
			3006.2	NOT required as building is not a High-rise and is sprinkled		
Unprotected Openings			T 705.8	15% when exterior wall sep. dist. is 3'>5'		
			T 705.8	25% when exterior wall sep. dist. is 5'>10'		
			T 705.8	45% when exterior wall sep. dist. is 10'>15'		
			T 705.8	75% when exterior wall sep. dist. is 15'>20'		
			T 705.8	Unlimited when exterior wall sep. dist. is 25'>30'		
			T 705.8	Unlimited when exterior wall sep. dist. is >30'		

Parapets		705.11 (ex 6)	Parapets are NOT required when the wall is allowed 25% or more		
			Unprotected openings		
Egress Windows		1030.1	NOT Required at the building has two means of egress		
Elevator Lobbies		3006.2	NOT required as building is not a High-rise and is sprinkled		
Elevator as a MOE			Required and needs back up generator as building is over 4 stories		
Egress Stairs		1009.1	Occ. Load >50 = 44" min width		
		1003.3	Handrails can protrude into stair 4.5" max	7.2.2.2.1.2	Handrails can protrude into stair 4.5" max
		1005.2	Door Swings may not reduce egress width by > 1/2		
		1009.2	80" min headroom	7.2.2.2.1.1(a)	6'-8" min. headroom
		1009.3	7" max. riser	7.2.2.2.1.1(a)	8" max. riser
		1009.3	11" min Tread depth	7.2.2.2.1.1(a)	9" min. tread
		1009.6	12' max. total rise between floors or landings	7.2.2.2.1.1(a)	12' max. height between landings
Ramps		1010.2	1:12 (8%) Max slope	7.2.5.2(a)	1:8 max. slope
		1010.6	60" long landings at top and bottom		
		1010.6	2% max slope of landings	7.2.5.2(a)	1:48 max. cross slope
		1010.8	>6" rise must have handrails on both sides of ramp		
Egress Corridors		1018.2	44" min. when Occ. > 50		
		1018.2	24" min. at service corridors to mechanical equipment		
Sound		1207.2	STC > 50 at walls and floors/ceilings		
		1207.3	IIC > 50 at walls and floors/ceilings		
Energy IECC 2009		T 402.1.1	0.35 Fenestration U-Factor		
Zone 6			R-49 Ceiling		
Residential			R-20 or 13+5c Framed wall		
			R-30 Floor		
			R-19 or 15c Basement wall		
			R-10 to 4ft Slab		

Accessibility			IBC 2015 Chapter 11 - 2% of units to be ANSI TYPE-A, rest are TYPE-B			
			Fair Housing Act Applies			
			Maine Human Rights Act Applies			
			ADAAG applies to Public Spaces			
Plumbing		Retail	Suites under 39 occupants have single unisex bathroom			
			TBD Based on final retail tenant layouts			

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Portland Dept. of Public Works -
Water Resources
212 Canco Road
Portland, Maine 04103



Bradley Roland, P.E.
Water Resources Division
Department of Public Works
212 Canco Road
Portland, ME 04103

Date: _____

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 120 and 148 State Street

Chart Block Lot Number: 45/C/7 and 45/C/6

Proposed Use: Mixed-Use - residential, commercial, commercial, medical clinic

Previous Use: Hospital

Existing Sanitary Flows: 18,169 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer that is to receive the proposed building sewer lateral.

State Street (24" RCP combined), Spring Street (18" Brick combined),
and Winter Street (12" Brick combined)

Site Category
Commercial (see part 4 below)
Industrial (complete part 5 below)
Governmental
Residential
Other (specify)

☒
☐
☒
☒

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: TBD Phone: 207-874-8719

Owner/Developer Name: NewHeight Redfern, LLC

Owner/Developer Address: 217 Commercial Street, Suite 205, Portland, ME 04101

Phone: 207-720-0181 Fax: _____ E-mail: erin@newheightgroup.com

Engineering Consultant Name: Acorn Engineering

Engineering Consultant Address: 65 Hanover Street, Portland, ME 04010

Phone: 207-775-2655 Fax: _____ E-mail: pheil@acorn-engineering.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: Net +21,538 gpd (39,707 proposed - 18,169 exist) GPD

Peaking Factor/ Peak Times: Diurnal

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine,"
"Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

Handbook of Subsurface Wastewater Disposal in Maine

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: N/A
Size of External Grease Interceptor: _____
Retention Time: _____
Peaking Factor/ Peak Times: _____

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

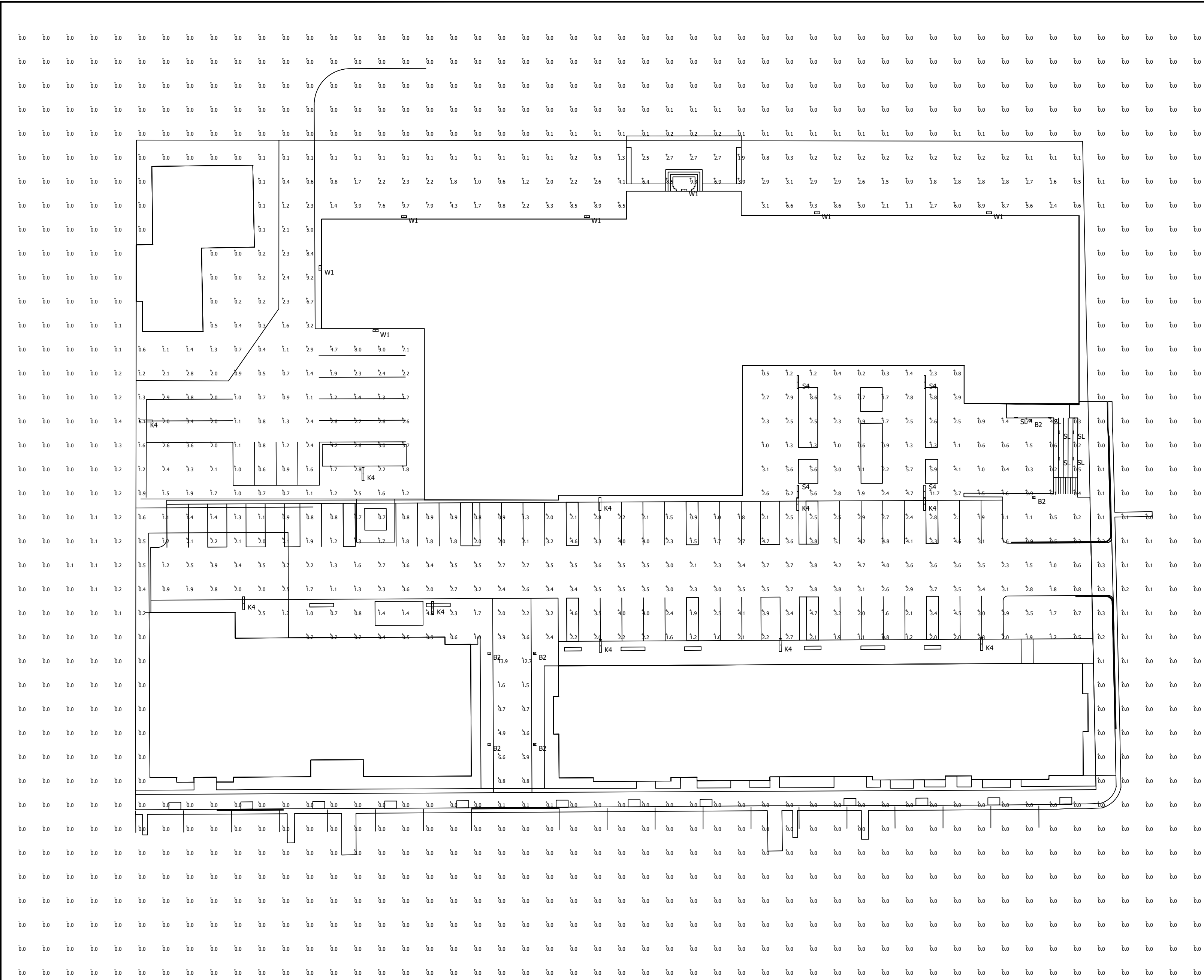
Estimated Industrial Process Wastewater Flows Generated: N/A GPD
Do you currently hold Federal or State discharge permits? Yes No
Is the process wastewater termed categorical under CFR 40? Yes No
OSHA Standard Industrial Code (SIC): _____
(<http://www.osha.gov/oshstats/sicser.html>)
Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.

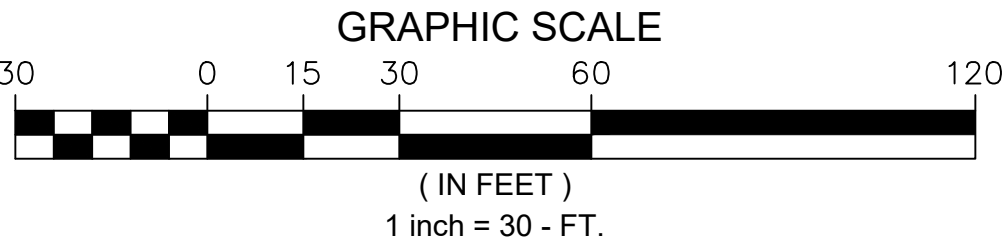
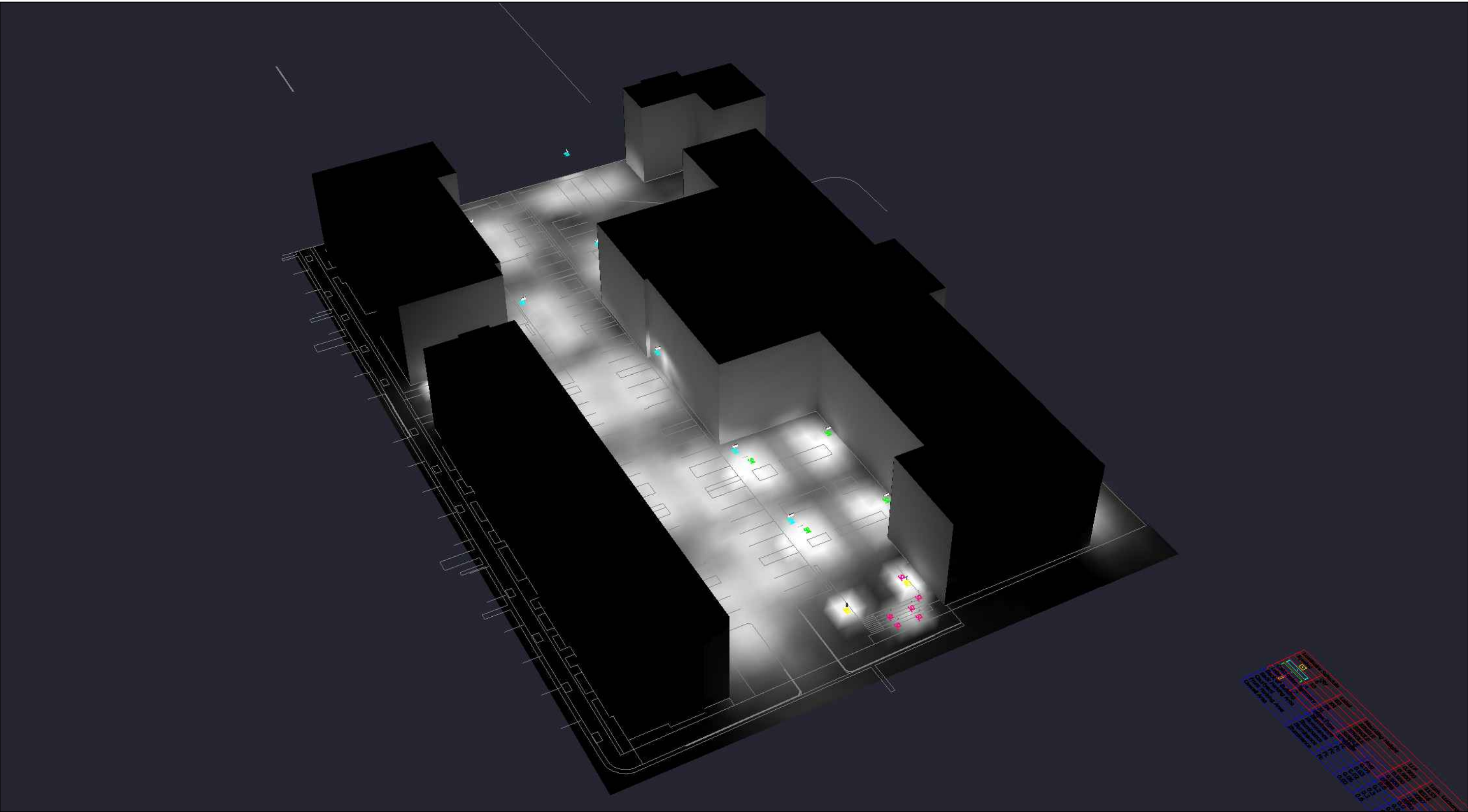
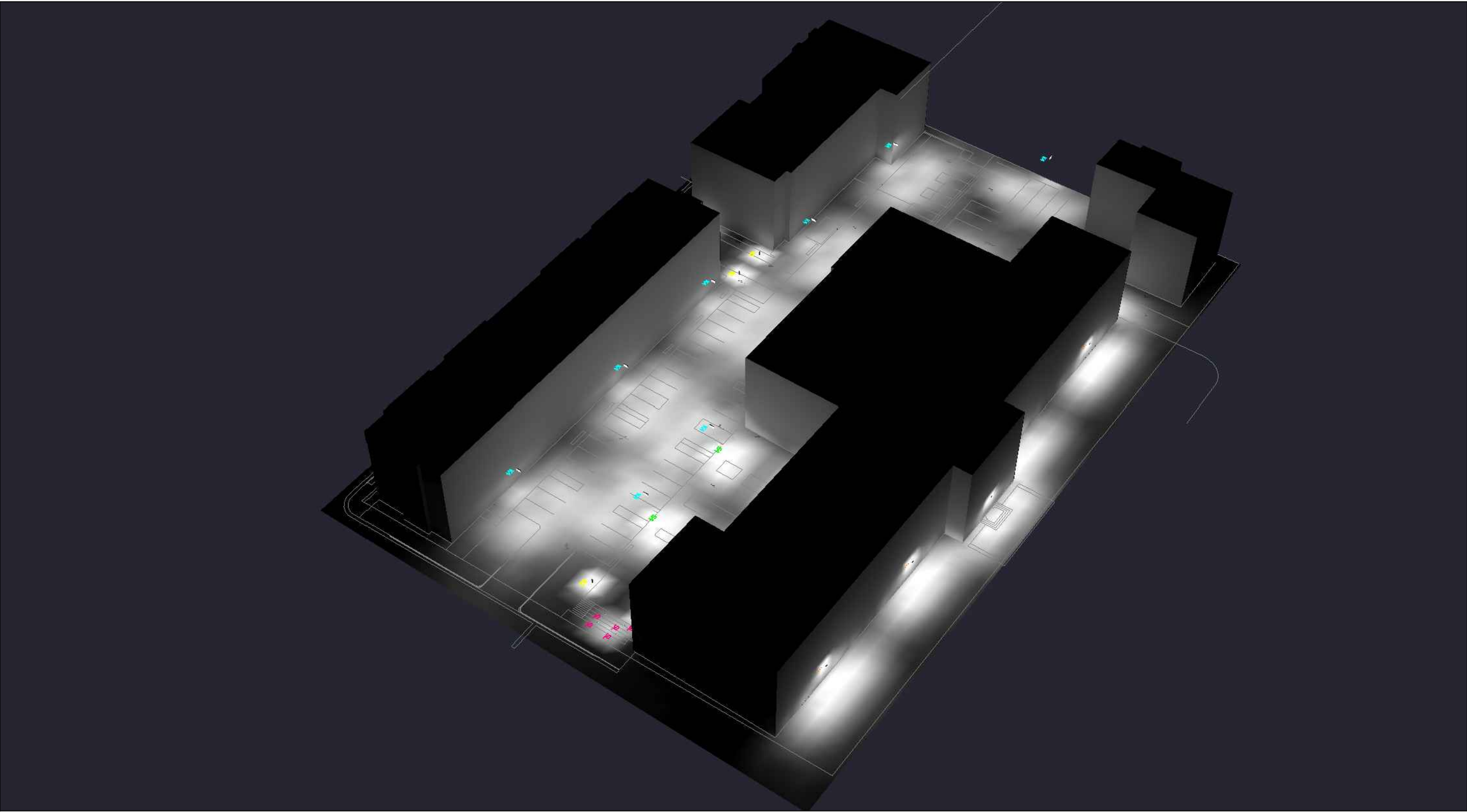
Lighting

Please find attached the photometric plan and cut sheets.



Luminaire Schedule							
Symbol	Qty	Label	Mounting Height	LLF	Lum. Lumens	Lum. Watts	Description
	6	B2	2' - 6" AFG	0.900	2153	30	KB6-Y3-2030
	10	K4	20' - 0" AFG	0.900	8516	90	K5X-T4-MO-9030
	4	S4	10' - 0" AFG	0.900	4297	45	K4X-T4-MO-5030
	6	SL	0' - 9" AFG	0.900	195	10.4	EL807_9L4K_KIT
	7	W1	12' - 0" AFG	0.900	6782	55	WDM-D-48L-55-3K7-2-UNV-WH

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Back of Building	Illuminance	Fc	2.74	9.7	0.1	27.40	97.00
Back Parking Area	Illuminance	Fc	2.46	9.2	0.1	24.60	92.00
Courtyard	Illuminance	Fc	2.91	11.7	0.2	14.55	58.50
Front Parking Area	Illuminance	Fc	2.57	5.1	0.6	4.28	8.50
Overall Area	Illuminance	Fc	0.73	13.9	0.0	N.A.	N.A.



1. THIS LIGHTING DESIGN IS BASED ON LIMITED INFORMATION SUPPLIED BY OTHERS TO HUBBELL LIGHTING. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT. 2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LAMP, BALLAST, AND LUMINAIRE MAY AFFECT FIELD RESULTS. 3. CONFORMANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.					
TITLE:		REVISED FROM DRAWING NUMBER(S):		DN BY:	CHK BY:
MERCY PORTLAND, ME SITE PHOTOMETRIC PLAN		R1: 09/21/20		DN BY: DHK	DATE: 09/18/20
		R2: 09/28/20		REV BY: DHK	DATE: 09/21/20
				QUOTE: N/A	SCALE: AS NOTED
				DRAWING / DESIGN NO.: 2026981R2	





Date: Sep 30, 2020

Swaney Lighting
PO Box 1597
Scarborough ME 04070
Phone: (207) 883-7100
Fax: (207) 885-9606

Job Name
MERCY SITE DESIGN/BUILD
SLA20-46553
ME

Bid Date
Sep 29, 2020

Submittal Date
Sep 30, 2020



Transmittal

Swaney Lighting

PO Box 1597

Scarborough ME 04070

Phone: (207) 883-7100

From: Therese "TC" Freeman X-103

Project **MERCY SITE DESIGN/BUILD**

Quote# SLA20-46553

Location ME

Contact:

ATTACHED WE ARE SENDING YOU 1 COPY OF THE FOLLOWING ITEM:

- | | | |
|-----------------------------------|--|--------|
| ☐ Drawings | ☐ Specifications | Other: |
| ☐ Prints | ☐ Information | |
| ☐ Plans | ☒ Submittals | |

THESE ARE TRANSMITTED FOR:

- | | | |
|--|---|---------------------------------|
| ☐ Prior Approval | ☐ Resubmittal for Approval | ☐ Record |
| ☒ Approval | ☐ Corrections | Bids due on: |
| ☐ Approval as Submitted | ☐ Your Use | Other: |
| ☐ Approval as Noted | ☐ Review and Comment | |

Type	MFG	Part
B2	Architectural Area Lighting	KB6-Y3-2030-**-STND_MNT-BOLTS AHEAD-WIRED120-277V
	Item Note: SPECIFY FINISH	
K4	Architectural Area Lighting	K51-T4-MO-9030-WIRED120-277V- PS520-188-**-
	Item Note: SPECIFY FINISH	
S4	Architectural Area Lighting	K41-T4-MO-5030-WIRED120-277V- PS410-125-**-
	Item Note: SPECIFY FINISH	
SL	KIM	EL807/9L4KUV/**
	Item Note: SPECIFY FINISH	
W1	KIM	WDM/D/48L-55/3K7/2/UNV/**
	Item Note: SPECIFY FINISH	



Kick™ – KB6 Bollard

TYPE

FEATURES

- Sensor and wireless operation
- Field rotatable optics and housing
- Customizable side panels
- 120-277, 347 and 480VAC input
- IDA Dark Sky Approved with clear lenses and 3000K
- True IES distributions
- 3000K, 4000K, 5000K CCT
- Uniformly diffused lens
- 20kV/10kA surge protection
- Integral thermal protection
- IP66



3000K and warmer CCTs only

DIMENSIONS

MODEL	KB6
OVERALL HEIGHT	42" / 1067mm
OVERALL LENGTH	6" / 152mm
OVERALL WIDTH	6" / 152mm
WINDOW HEIGHT	19.9" / 51cm
WINDOW WIDTH	4" / 10cm
WEIGHT	30 lbs./13.6kg

* Housing and optical distribution are independently field rotate-able in 90° increments. Default factory orientations shown above.



FRONT



LEFT



BACK



RIGHT

DISTRIBUTION OUTPUT*

Street Side

House Side

SHIELDING SIDE

A

B

C

D

ORDERING INFORMATION

1	2	3	4	5	6	7
Model	Distribution	Shielding	Light Engine	Controls	Voltage	Fixture Finish

1. MODEL

KB6 6" Square x 42 OAH bollard

2. DISTRIBUTION

Y2 IES Type II, clear lens
Y3 IES Type III, clear lens
 Y4 IES Type IV, clear lens
 Y5 IES Type V, clear lens
 YD Symmetric distribution, diffused lens

3. SHIELDING

Optional, may choose from 1 to 3 sides closed from options A, B, C, D or you may choose HSS option.

A Short side closed
 B Side 90° counterclockwise from short side closed
 C Side 180° counterclockwise from short side closed
 D Side 270° counterclockwise from short side closed
 HSS House side shield²

4. LIGHT ENGINE

2050 5000K CCT, 29 watts
 2040 4000K CCT, 29 watts
2030 3000K CCT, 29 watts

1050 5000K CCT, 14 watts
 1040 4000K CCT, 14 watts
 1030 3000K CCT, 14 watts

560nm monochromatic amber and or custom lumen package available by request. ¹

5. CONTROL

May choose one

SC-MW Motion Sensor
 WIR wiScape Connectivity
 BPC Button Type Photocell

6. VOLTAGE

120-277VAC input or may choose one.

347 347VAC input
 480 480VAC input

7. FIXTURE FINISH

Specify Std. finish

AGN Antique Green
 BL Black
 BLT Matte Black
 CRT Corten
 DB Dark Bronze
 DGN Dark Green
 GT Graphite
 LG Light Grey
 MAL Matte Aluminum
 MDB Bronze Metallic
 MG Medium Grey
 TT Titanium
 WH Arctic White
 WDB Weathered Bronze
 VBU Verde Blue

Premium Color

SHK Shamrock
 SPP Salt and Pepper
 SFM Seafoam
 WCP Weathered Copper
 RAL RAL 4 digit Color
 CUSTOM Custom Color

¹ Contact factory

² House side shield assembles to optical lens and is independent of outer housing.



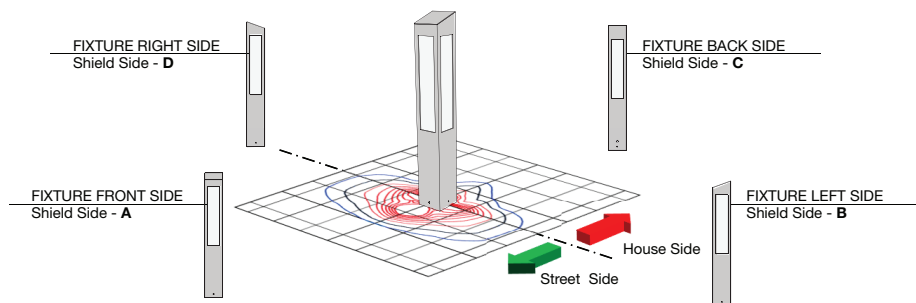
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JOB _____
 TYPE _____
 NOTES _____

| 1 |

Kick™ – KB6 Bollard

TYPE



LUMINAIRE PERFORMANCE

Configuration				Distribution	Optional Shielding		Ordering Code														
Watts	Output	Closed Sides	IES Type				Shielding	Equivalent*	Bright White (5000K)				Neutral White (4000K)				Warm White (3000K)				
					Delivered Lumens	Efficacy (Lm/W)			BUG Rating		Delivered Lumens	Efficacy (Lm/W)	BUG Rating		Delivered Lumens	Efficacy (Lm/W)	BUG Rating				
									B	U			G	B			U	G	B	U	G
							2050				2040				2030						
30	Asymmetric	(none)	Type II	Y2	(none)	-	2451	82	1	0	2	2302	77	1	0	1	2289	76	1	0	1
			TYPE III	Y3	(none)	-	2305	77	1	0	1	2165	72	1	0	1	2153	72	1	0	1
			TYPE IV	Y4	(none)	-	2257	75	1	0	2	2120	71	1	0	2	2108	70	1	0	2
			Type II	Y2	C	HSS	2271	76	1	0	2	2221	74	1	0	1	2199	73	1	0	2
		1 Side	TYPE III	Y3	C	HSS	2107	70	1	0	1	2066	69	1	0	1	2041	68	1	0	1
			TYPE IV	Y4	C	HSS	2107	70	1	0	2	2061	69	1	0	2	2041	68	1	0	2
			-	Y5	C	A / B / D	1699	57	1	0	1	1662	55	1	0	1	1645	55	1	0	1
				YD	C	A / B / D	679	23	0	3	1	685	23	0	3	1	634	21	0	3	1
		2 Sides (adjacent)	Y5	BC	AB / CD / AD	1175	39	1	0	1	1149	38	1	0	1	1138	38	1	0	1	
			YD	BC	AB / CD / AD	457	15	0	3	1	461	15	0	3	1	427	14	0	3	1	
		3 Sides (adjacent)	Y5	BCD	ABC / ABD / ACD	581	19	0	0	1	568	19	0	0	1	581	19	0	0	1	
			YD	BCD	ABC / ABD / ACD	111	4	0	0	1	112	4	0	0	1	104	3	0	0	1	
	Symmetric	(none)	TYPE V	Y5	(none)	-	2163	72	2	0	1	2188	73	2	0	1	1978	66	2	0	1
				YD	(none)	-	927	31	0	3	1	935	31	0	3	1	866	29	0	3	4
		2 Sides (op-posing)	-	Y5	AC	BD	1110	37	1	0	1	1085	36	1	0	1	1075	36	1	0	1
				YD	AC	BD	456	15.2	0	3	1	460	15	0	3	1	426	14	0	3	1
							1050				1040				1030						
15	Asymmetric	(none)	Type II	Y2	(none)	-	1323	95	1	0	1	1294	92	1	0	1	1281	92	1	0	1
			TYPE III	Y3	(none)	-	1233	88	1	0	1	1204	86	1	0	1	1192	85	1	0	1
			TYPE IV	Y4	(none)	-	1222	87	0	0	1	1195	85	0	0	1	1183	85	0	0	1
			Type II	Y2	C	HSS	1226	88	1	0	1	1199	86	1	0	1	1187	85	1	0	1
		1 Side	TYPE III	Y3	C	HSS	1128	81	0	0	1	1103	79	0	0	1	1092	78	0	0	1
			TYPE IV	Y4	C	HSS	1141	82	0	0	1	1116	80	0	0	1	1105	79	0	0	1
			-	Y5	C	A / B / D	926	66	1	0	1	906	65	1	0	1	897	64	1	0	1
				YD	C	A / B / D	373	27	0	3	1	373	27	0	3	1	350	25	0	3	1
		2 Sides (adjacent)	Y5	BC	AB / CD / AD	640	46	0	0	1	626	45	0	0	1	620	44	0	0	1	
			YD	BC	AB / CD / AD	251	18	0	3	1	251	18	0	3	1	236	17	0	3	1	
		3 Sides (adjacent)	Y5	BCD	ABC / ABD / ACD	317	23	0	0	1	310	22	0	0	1	307	22	0	0	1	
			YD	BCD	ABC / ABD / ACD	61	4	0	0	1	61	4	0	0	1	57	4	0	0	1	
	Symmetric	(none)	TYPE V	Y5	(none)	-	1179	84	1	0	1	1189	85	1	0	1	1098	78	1	0	1
				YD	(none)	-	509	36	0	3	1	509	36	0	3	1	478	34	0	3	1
		2 Sides (op-posina)	-	Y5	AC	BD	612	44	1	0	1	599	43	1	0	1	593	42	1	0	1
				YD	AC	BD	248	18	0	3	1	248	18	0	3	1	233	17	0	3	1

* - Values are representative of the Distribution + Shielding Ordering Code combination, IES file may need to be rotated to match an equivalent shielding configuration.

ELECTRICAL CHARACTERISTICS

Ordering Code	LED Current (mA)	System Wattage (W)	Input				Min. Power Factor	Max THD (%)	Dimming Range (V)	Source/Sink Current (mA)	Inrush Current Peak			
			Amps AC								HZ	(A)		T@50% (μs)
			120	277	347	480						120	277	120
10XX	350mA	15	0.12	0.05	0.04	0.03	50/60	0.9	20	0-10	1	15		N/A
20XX	700mA	30	0.25	0.11	0.09	0.06	50/60	0.9	20	0-10	1	21	49	160



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JOB _____
TYPE _____
NOTES _____

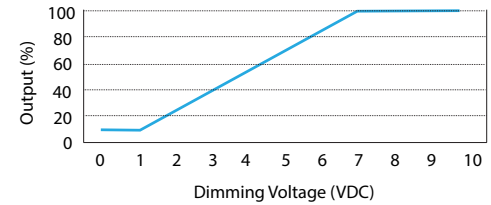
| 2 |

**Kick™ – KB6 Bollard**

TYPE

TM-21 LIFETIME CALCULATION

Ambient Environment °C	Projected Lumen Maintenance (Khrs)					Reported L70
	25	50	60	75	100	
25	98%	95%	94%	93%	90%	70Khrs.
40	96%	95%	94%	93%	90%	

DIMMING CURVE

Note: Fixture does not dim to off, fixture dims to 10% minimum output.

ISOLINE TEMPLATES 5' grid spacing.

Equivalent (rotated) configurations are shown in italics.

Shielding	Asymmetric Distribution					Symmetric Distribution	
	Type II	Type III	Type IV	Type V	Diffused Lens	Type V	Diffused Lens
(none)							
1 Side C or HSS							
2 Sides adjacent CD, AB, BC or AD							
2 Sides opposing AC or BD							
3 Sides BCC, ABC, or ACD							

- 0.5 FC
- 1 FC
- 2 FC
- 3 FC
- 4 FC
- 5 FC
- 6 FC
- 7 FC
- 8 FC


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 JOB _____
 TYPE _____
 NOTES _____

| 3 |

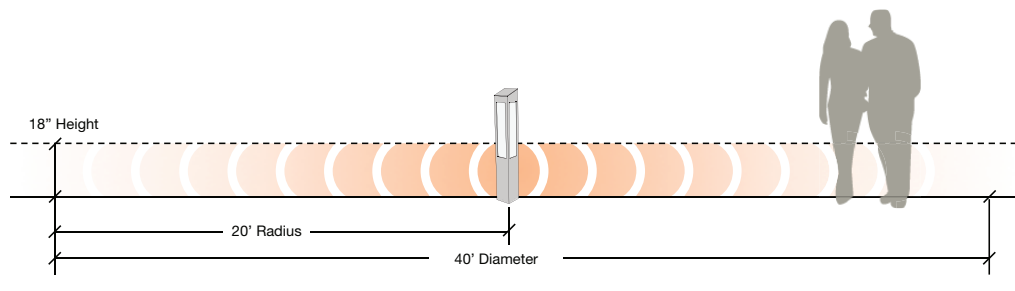


Kick™ – KB6 Bollard

TYPE

SENSOR COVERAGE

Motion Sensor uses microwave sensing technology that reacts to physical changes in within the coverage area. Careful consideration must be given to objects or activity that may trigger the sensor unintentionally.

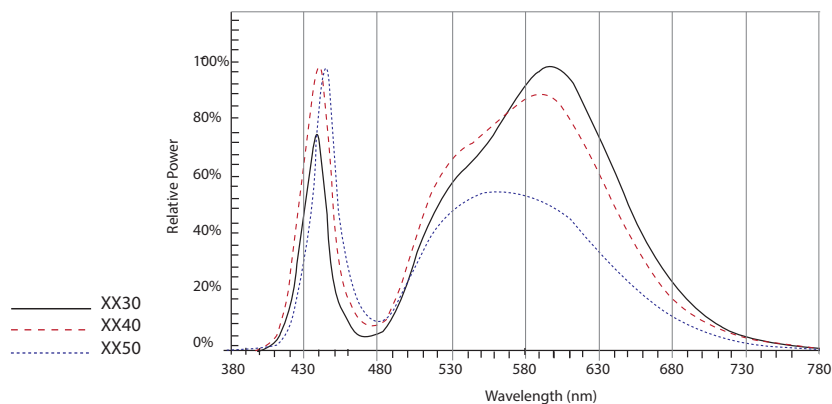


COLOR CHARACTERISTICS

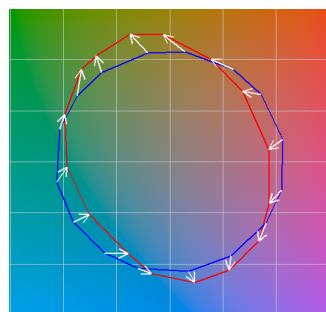
Value	Ordering Code		
	XX30	XX40	XX50
Rf	69	69	71
Rg	99	99	98
CCT(K)	3122	3852	5020
Duv	0.001	0.0004	0.0005
CIE Ra	74	73	74

Note: TM-30 reported at the discrete LED level, not fixture level.

SPECTRAL POWER DISTRIBUTION COMPARISON

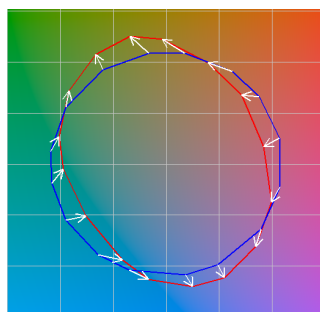


COLOR VECTOR GRAPHIC



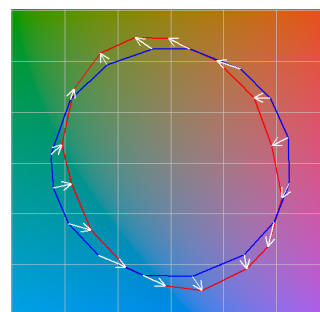
— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX30



— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX40



— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX50



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JOB _____
 TYPE _____
 NOTES _____

| 4 |



Kick™ – KB6 Bollard

TYPE

SPECIFICATIONS

HOUSING

- Housing shroud shall be extruded 6061-T6 aluminum alloy with a welded top cap that shall be free of any visible weld or grind marks
- Luminaire housing shall be free of any visible heat fins, hardware or fasteners.
- Bracketry shall be aluminum and hardware shall be stainless steel.
- Housing shall be independently field rotate-able of the optical distribution.
- Default factory orientations of shielding location relative to the optical system shall be:
 - A - Street Side
 - C - House Side

OPTICAL ARRAY

- LEDs shall be mounted to a metal printed circuit board assembly (MCPCB).
- Optical lenses shall be clear injection molded PMMA acrylic.
- House side shield shall be field installable on any face of the housing.
- Light engine and optical distributions shall be field rotat-able.

ELECTRICAL

- Luminaires shall have integral surge protection that shall be U.L. recognized and have a surge current rating of 10,000 Amps using the industry standard 8/20uSec wave and surge rating of 372J.
- Drivers shall be U.L. recognized.
- Drivers shall not be compatible with current sourcing dimmers, consult factory for current list of known compatible dimming systems. Approved dimmers include Lutron Diva AVTV, Lutron Nova NFTV and NTFTV.
- Luminaire shall be capable of operating at 100% power in a 40° ambient environment. Both driver and optical array shall have integral thermal protection that shall dim the luminaire upon detection of fixture temperatures in excess of 85°C.
- Luminaires not configured with an optional control system shall be provided with 0-10 purple and gray dimming leads.

- Sensor enabled fixture settings shall come to full brightness upon detecting motion and go to 50% output after 5 minutes of detecting no motion.
- Motion Sensor shall use microwave sensing technology that reacts to physical changes in within the coverage area. Careful consideration must be given to objects or activity that may trigger the sensor unintentionally.

MOUNTING AND INSTALLATION

- Anchor bolts and anchor bolt template shall be included.

SERVICING

- Service access to the driver assembly shall require a 3/16" hex driver (information provided by engineering) to loosen (4) stainless steel set screws to allow the housing to be removed for access to the gear compartment. Gear compartment shall require a Phillips driver (information provided by engineering) to open service panel.
- Driver assembly shall be mounted to a prewired internal tray with quick disconnects for removal.

FINISH

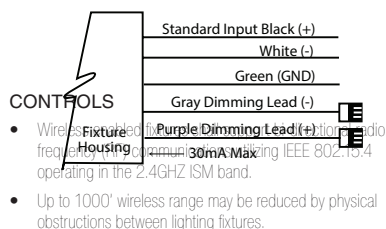
- Luminaire finish shall consist of a five stage pretreatment regimen with a polymer primer sealer, oven dry off, and top coated with a thermoset super TGIC polyester powder coat finish.
- Luminaire finish shall meet the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance.

CERTIFICATION

- Luminaire shall be listed with UL for outdoor, wet location use, UL1598, UL 8750 and Canadian CSA Std. C22.2 no.250.
- IDA approved, 3000K and warmer CCTs only.

WARRANTY / TERMS AND CONDITIONS OF SALE

Download:

<http://www.hubbellighting.com/resources/warranty/>

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JOB

TYPE

NOTES

| 5 |

Submitted by Swaney Lighting		Catalog Number:	Type:
	Job Name: MERCY SITE DESIGN/BUILD	KB6-Y3-2030-**-STND_MNT-BOLTS AHEAD-WIRED120-277V Notes: SPECIFY FINISH	B2 SLA20-46553

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Kick™ – K5 Medium Scale

TYPE

FEATURES

- Integral Motion Sensor
- wiScape enabled
- IDA approved
- 20kV/10kA surge protection
- ANSI C136.41 receptacle
- IES Type II, III and IV distributions
- 3000K , 4000K, 5000K CCT
- Integral thermal protection
- 0-10V dimming ready
- IP66 optical system
- 120-277, 347 and 480VAC input
- Staggered twin mounting
- ANSI C136.31-2010 4G Rated



3000K and warmer CCTs only
MO-XX30 configurations only

See Certification Specifications

ORDERING CODE

1	2	3	4	5	6	7	8	9	10
Model	Optics	Optical Finish	Light Engine	Controls	Fuse	Voltage	Mounting	Mounting Options	Fixture Finish

1. MODEL

5" wide luminaire

K51	Single fixture
K52	Two fixtures 180° apart
K53	Three fixtures 90° apart
K54	Four fixtures 90° apart

2. OPTICS

Distribution Type, see "Luminaire Performance" on page 3

T2 IES Type II

T3 IES Type III

T4 IES Type IV

3. OPTICAL FINISH

Standard white or may choose one. See

'Luminaire Performance' on page 3 for detail.

MO Optics in Matte Black finish^{OS}

FO Optics in fixture finish

4. LIGHT ENGINE

See 'Luminaire Performance' on page 3 for detail, 70 CRI

18050	18,000 nominal lumens, 5000K CCT, 174 watts
18040	18,000 nominal lumens, 4000K CCT, 174 watts
18030	18,000 nominal lumens, 3000K CCT, 174 watts
12050	12,000 nominal lumens, 5000K CCT, 122 watts
12040	12,000 nominal lumens, 4000K CCT, 122 watts
12030	12,000 nominal lumens, 3000K CCT, 122 watts
9050	9,000 nominal lumens, 5000K CCT, 87 watts
9040	9,000 nominal lumens, 4000K CCT, 87 watts
9030	9,000 nominal lumens, 3000K CCT, 87 watts

560nm monochromatic amber and or custom lumen package available by request. ¹

5. CONTROL

May choose one

MCPCR	7-Position Receptacle
WIR	wiScape connectivity
WIRSC	wiScape + motion sensor
SCP	Motion sensor + Photocell ⁴
SWP	SiteSync Pre-commissioned ⁵
SWPM	SiteSync Pre-commissioned + Motion Sensor ⁶

SCPREMOTE Handheld commissioning tool ⁴

SWUSB SiteSync loaded on USB flash drive (Windows® operating system only) ⁶

SWTAB SiteSync Windows® based Tablet ⁶

SWBRG SiteSync Wireless Bridge Node ⁶

SW7PR SiteSync 7 Pin on fixture module On/ Off/ Dim, Daylight Sensor 120-480VAC

6. FUSE

May choose one

SF	120, 277, 347 Volt input
DF	208, 240, 480 Volt input

7. VOLTAGE

120-277VAC input standard or may choose one

347	347VAC input
480	480VAC input

8. MOUNTING

Integral Aluminum Pole

PS510-188 10'	luminaire height
PS512-188 12'	luminaire height
PS514-188 14'	luminaire height
PS516-188 16'	luminaire height
PS518-188 18'	luminaire height
PS520-188 20'	luminaire height

Integral Steel Pole

PS525-250 25'	luminaire height
PS530-250 30'	luminaire height

Tenon Mount

TA23	Slips over a 2 3/8" / 60mm Ø x 4" / 102mm tall tenon
------	---

Side Mount

SMK	Mounts to the side of a square pole, K51 only
-----	--

Wall Mount

WMK	K51 only
-----	----------

9. MOUNTING OPTIONS

Twin mount at staggered heights

Mounting holes for a fixture at 180°, K51...PS5... only, may choose one

TS8	8' from bottom
TS10	10' from bottom
TS12	12' from bottom
TS14	14' from bottom
TS16	16' from bottom
TS18	18' from bottom

Pole Accessories

May choose one

GFI	GFCI receptacle, 24" from top of pole
RBC	Duplex receptacle box with clear cover, wiring device(s) not included

10. FIXTURE FINISH

Specify Std. finish

AGN	Antique Green
BL	Black
BLT	Matte Black
CRT	Corten
DB	Dark Bronze
DGN	Dark Green
GT	Graphite
LG	Light Grey
MAL	Matte Aluminum
MDB	Bronze Metallic
MG	Medium Grey
TT	Titanium
WH	Arctic White
WDB	Weathered Bronze
VBU	Verde Blue

Premium Color

SHK	Shamrock
SPP	Salt and Pepper
SFM	Seafoam
WCP	Weathered Copper
RAL	RAL 4 digit Color
CUSTOM	Custom Color

¹ Contact factory

⁴ Handheld commissioning tool is required to separately configure or adjust any number of SCP sensors

⁵ Specify group and zone at time of order. See www.hubbellighting.com/sitesync for more details. Order at least one SiteSync interface accessory SWUSB or SWTAB. Each option contains SiteSync License, GUI, and Bridge Node.

⁶ When ordering with SiteSync, one of the following interface options must be chosen and ordered separately. Each option contains the SiteSync License, GUI and Bridge Node.



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JOB	_____
TYPE	_____
NOTES	_____

| 1 |



Job Name:
MERCY SITE DESIGN/BUILD

Catalog Number:
K51-T4-MO-9030-WIRED120-277V-
PS520-188-**

Notes: SPECIFY FINISH

Type:

K4

SLA20-46553

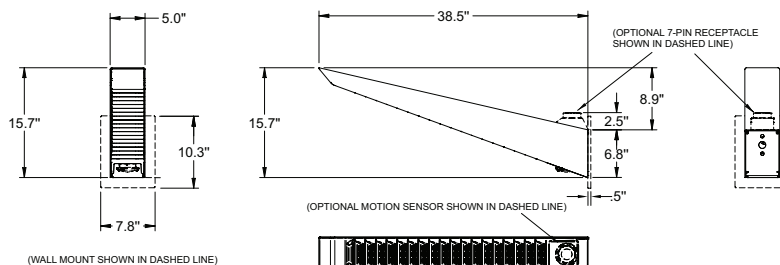
Kick™ – K5 Medium Scale

TYPE

Side Mounted Luminaire

Mounts to the side of 5"/127mm square pole.

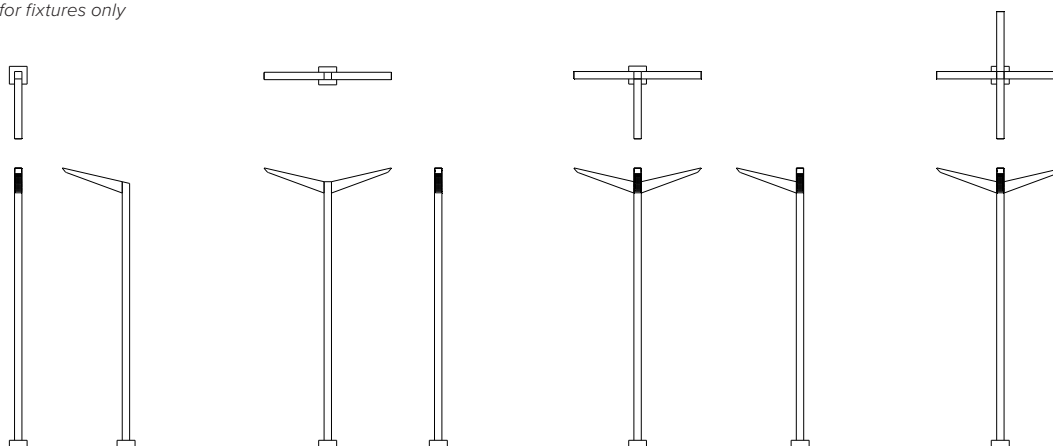
MODEL	K51-...-SMK
OVERALL HEIGHT	15.7" / 399mm
OVERALL LENGTH	38.6" / 980mm
OVERALL WIDTH	5" / 127mm
WEIGHT	20 lbs.
EPA	1.4



Integral Pole Luminaire

See page 6 for height and mounting detail

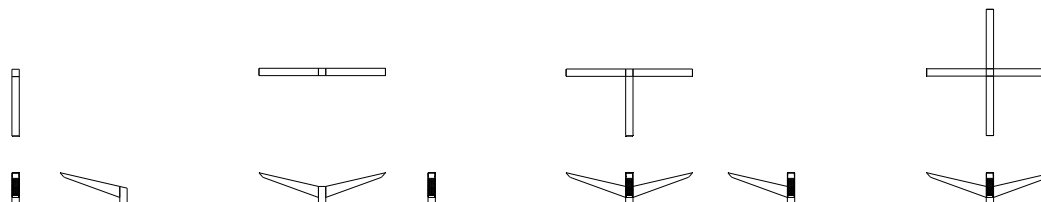
* Weight and EPA for fixtures only



MODEL	K51-...-PS5XX-188	K52-...-PS5XX-188	K53-...-PS5XX-188	K54-...-PS5XX-188
OVERALL LENGTH	43.5" / 1106mm	15.5" / 390mm	49" / 1238mm	82" / 2083mm
OVERALL WIDTH	15.5" / 390mm	82" / 2083mm	82" / 2083mm	82" / 2083mm
WEIGHT	20 lbs.	40 lbs.	60 lbs.	80 lbs.
EPA*	1.4	2.7	3.1	3.1

Tenon Mount Luminaire

Slips over a 2 3/8"/60mm diameter by 4"/102mm tall tenon



MODEL	K51-...-TA23	K52-...-TA23	K53-...-TA23	K54-...-TA23
OVERALL HEIGHT	19" / 483mm	19" / 483mm	19" / 483mm	19" / 483mm
OVERALL LENGTH	43.5" / 1106mm	5" / 127mm	43.5" / 1106mm	82" / 2083mm
OVERALL WIDTH	5" / 127mm	82" / 2083mm	82" / 2083mm	82" / 2083mm
WEIGHT	25 lbs.	40 lbs.	55 lbs.	70 lbs.
EPA	1.8	3.2	3.5	3.5



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JOB _____
TYPE _____
NOTES _____

| 2 |

Kick™ – K5 Medium Scale

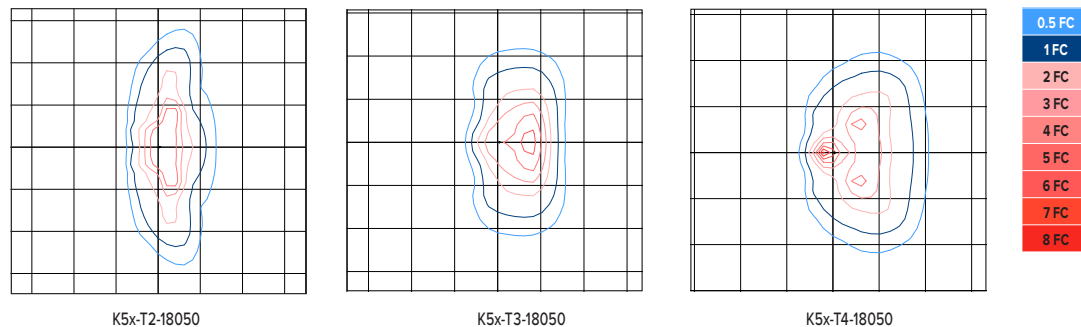
TYPE

LUMINAIRE PERFORMANCE

Configuration				Ordering Code														Average System Watts	
Light Engine	Optical Finish	Distribution	Ordering Code	Bright White (5000K)					Neutral White (4000K)					Warm White (3000K)					
				Delivered Lumens	Efficacy (Lm/W)	B	U	G	Delivered Lumens	Efficacy (Lm/W)	B	U	G	Delivered Lumens	Efficacy (Lm/W)	B	U		G
				18050					18040					18030					174
18000 series	Standard White	Type 2	T2	17910	103	3	3	3	17532	101	3	3	3	17006	98	3	3	3	
		Type 3	T3	17721	102	3	3	3	17347	100	3	3	3	16826	97	3	3	3	
		Type 4	T4	18763	108	3	3	2	18080	104	3	3	2	17537	101	3	3	2	
		Fixture Matched	Type 2	T2-FO	14593	84	3	3	3	14286	82	3	3	3	13856	80	3	3	
	Type 3		T3-FO	14497	84	2	3	2	14191	82	2	3	2	13765	79	2	3	2	
	Type 4		T4-FO	15794	91	3	3	2	15460	89	2	3	2	14996	86	2	3	2	
	Matte Black		Type 2	T2-MO	15315	88	3	0	2	14787	85	3	0	2	14343	83	3	0	
		Type 3	T3-MO	15153	87	2	0	2	14631	84	2	0	2	14192	82	2	0	2	
		Type 4	T4-MO	15794	91	3	0	2	15249	88	3	0	2	14791	85	3	0	2	
						12050					12040					12030			
12000 series	Standard White	Type 2	T2	13369	109	3	3	3	13087	107	3	3	3	12694	104	3	3	3	
		Type 3	T3	13228	108	2	3	2	12949	106	2	3	2	12560	103	2	3	2	
		Type 4	T4	13787	112	3	3	2	13496	110	2	3	2	13091	107	2	3	2	
		Fixture Matched	Type 2	T2-FO	10893	90	3	3	3	10664	88	3	3	3	10344	85	3	3	3
	Type 3		T3-FO	10821	89	2	3	2	10593	87	2	3	2	10275	84	2	3	2	
	Type 4		T4-FO	11789	97	3	3	2	11541	95	2	3	2	11194	92	2	3	2	
	Matte Black		Type 2	T2-MO	10893	90	3	0	2	10664	88	3	0	2	10343	85	3	0	2
		Type 3	T3-MO	10821	89	2	0	2	10593	87	2	0	2	10275	84	2	0	2	
		Type 4	T4-MO	11789	97	2	0	2	11541	95	2	0	2	11194	92	2	0	2	
						9050					9040					9030			
9000 series	Standard White	Type 2	T2	10103	117	2	3	2	9895	114	2	3	2	9692	111	2	3	2	
		Type 3	T3	9920	115	2	2	2	9715	112	2	2	2	9462	109	2	2	2	
		Type 4	T4	10437	119	2	3	2	10223	117	2	3	2	9957	114	2	3	2	
		Fixture Matched	Type 2	T2-FO	8171	94	2	3	2	8003	92	2	3	2	7794	90	2	3	2
	Type 3		T3-FO	8118	94	2	2	2	7951	92	2	2	2	7744	89	2	2	2	
	Type 4		T4-FO	8927	103	2	3	2	8744	100	2	3	2	8516	98	2	3	2	
	Matte Black		Type 2	T2-MO	8171	94	2	0	1	8003	92	2	0	1	7794	90	2	0	1
		Type 3	T3-MO	8118	94	1	0	1	7951	92	1	0	1	7744	89	1	0	1	
		Type 4	T4-MO	8927	103	2	0	2	8744	101	2	0	2	8516	98	2	0	2	

-MO.ies files should be used for -FO configurations in application layouts.

ISOLINE TEMPLATES 30' Mounting Height



ELECTRICAL CHARACTERISTICS

Ordering Code	LED Current (mA)	System Wattage (W)	Input				Min. Power Factor	Max THD (%)	Dimming Range (V)	Source/Sink Current (mA)	Inrush Current Peak											
			Amps AC								HZ	(A)				T@50% (μs)						
												120	277	347	480	120	277	347	480			
180XX	1000	173	1.4	0.6	0.5	0.4	50/60	>0.9	20	0-10	1	44	131	48	127	190		400	140			
120XX	700	122	1.0	0.4	0.4	0.3																
90XX	500	87	0.7	0.3	0.3	0.2																

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JOB _____
 TYPE _____
 NOTES _____

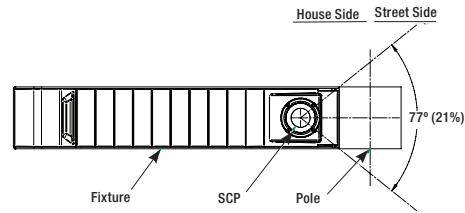


Kick™ – K5 Medium Scale

TYPE

SENSOR DETECTION RANGE

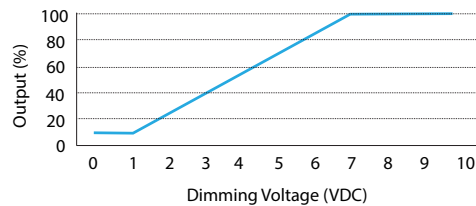
		SENSOR MOUNTING HEIGHT							RATIO
		8'	10'	12'	14'	16'	18'	20'	
COVERAGE	SCP	20'	25'	30'	35'	40'	45'	50'	1:2.5
DIAMETER	WIRSC	16'	20'	24'	28'	32'	36'	40'	1:2



TM-21 LIFETIME CALCULATION

Ambient Environment °C	Projected Lumen Maintenance (Khrs)					Reported L70
	25	50	60 (TM-21)	75	100	
25	98%	97%	96%	95%	94%	>60Khrs.
40	97%	96%	95%	94%	93%	

DIMMING CURVE



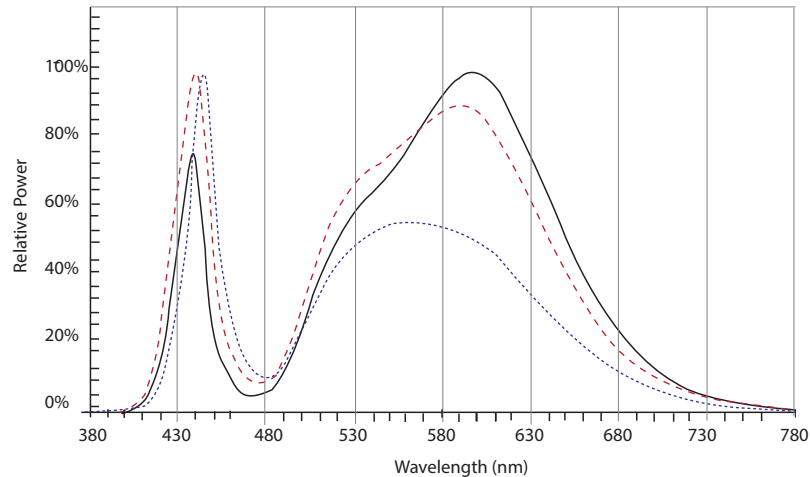
Note: Fixture does not dim to off, fixture dims to 10% minimum output.

COLOR CHARACTERISTICS

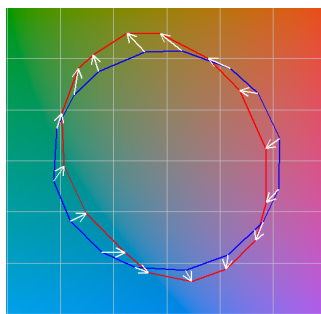
Value	Ordering Code		
	XX30	XX40	XX50
Rf	69	69	71
Rg	99	99	98
CCT(K)	3122	3852	5020
Duv	0.001	0.0004	0.0005
CIE Ra	74	73	74

Note: TM-30 reported at the discrete LED level, not fixture level.

SPECTRAL POWER DISTRIBUTION COMPARISON

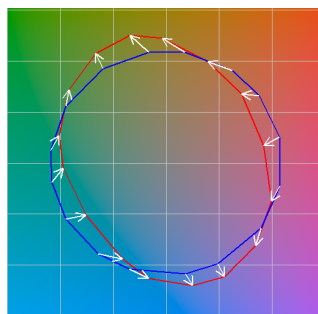


COLOR VECTOR GRAPHIC



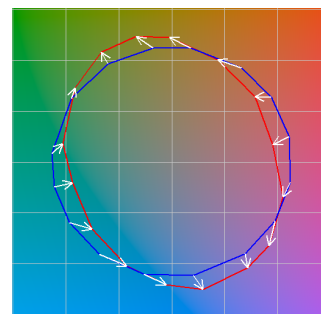
— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX30



— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX40



— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX50



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JOB

TYPE

NOTES

| 4 |

Submitted by Swaney Lighting	Job Name: MERCY SITE DESIGN/BUILD	Catalog Number: K51-T4-MO-9030-WIRED120-277V- PS520-188-** Notes: SPECIFY FINISH	Type: K4 SLA20-46553
------------------------------	---	--	--

Kick™ – K5 Medium Scale

TYPE

SPECIFICATIONS

HOUSING

- Housing shroud shall be of fabricated 5052-H32 aluminum alloy with a rear mounting interface that shall be of fabricated 304 stainless steel.
- Housing mounting interface shall have a stamped silicone gasket.
- Luminaire housing shall be free of any visible heat fins, hardware or fasteners.
- Bracketry and hardware shall be stainless steel.

OPTICAL ARRAY

- LEDs shall be mounted to a metal printed circuit board assembly (MCPCB) with a uniform conformal coating over the panel surface and electrical features.
- Optical lenses shall be clear injection molded PMMA acrylic.
- Each MCPCB and optic shall be sealed to an extruded 6063-T6 aluminum alloy heat spreader and sealed with a continuous one piece injection molded silicone rubber gasket. IP66.
- Patent Pending design of optical array shall independently shield each LED optic across the length of the aperture.
- Optical surfaces shall be painted white unless the optional fixture finish (FO) or matte black finish (MO) is selected.
- Optional matte black finish optics (MO) are required to meet UO classification with zero percent uplight.
- Optional fixture finish optical surfaces (FO) shall not exceed BUG ratings of the standard white finish and shall be greater than or equal to the delivered lumens of the optional matte black optical surface finish (MO).

ELECTRICAL

- Drivers shall be in direct contact with the aluminum housing across the entire surface area of the widest face for maximum thermal transfer.
- Luminaires shall have integral surge protection that shall be U.L. recognized and have a surge current rating of 10,000 Amps using the industry standard 8/20uSec wave and surge rating of 372J. Surge protection device shall be wired in series.
- Drivers shall be U.L. recognized.
- Drivers shall not be compatible with current sourcing dimmers, consult factory for current list of known compatible dimming systems approved dimmers include Lutron Diva AVTV, Lutron Nova NDTV and NTFV.
- Luminaire shall be capable of operating at

100% brightness in a 40°C environment. Both driver and optical array shall have integral thermal protection that will dim the luminaire upon detection of temperatures in excess of 85°C.

- Luminaires not configured with a control system or ANSI C136 receptacle option shall be provided with 0-10 purple and gray dimming leads.



CONTROLS

- Wireless enabled fixtures shall support bi-directional radio frequency (RF) communications utilizing IEEE 802.15.4 operating in the 2.4GHz ISM band.
- Up to 1000' wireless range may be reduced by physical obstructions between lighting fixtures.
- Motion Sensor shall use passive infrared (PIR) sensing technology that reacts to changes in infrared energy (moving body heat) within the coverage area. Careful consideration must be given to obstructions that may block the sensor's line of sight.
- Factory default settings for SCP option shall be:
 - High mode: 10V
 - Low mode: 1V
 - Ramp-up rate: disabled
 - Fade-down rate: disabled
 - Photocell: Off
 - Sensitivity: Full
 - Time Delay: Fade to low: 5 minutes
 - Time Delay: Fade to off: 1 hour

MOUNTING AND INSTALLATION

- Integral pole mount luminaires shall require assembly of fixture(s) to the pole, mounting hardware, anchor bolts and anchor bolt template shall be included. *See page 6 for additional considerations specific to the integral pole.*
- Tenon mount luminaires shall require assembly of fixture(s) to the tenon adapter, mounting hardware shall be included. Tenon adapter shall be secured to the tenon with eight 5/16-18 stainless steel set screws.
- Side mount luminaires shall be supplied

with hardware compatible with AAL mountings.

- Twin mounted staggered height fixtures shall be configured separately.

SERVICING

- Service access to the optical array and driver assembly shall be via a tool-less internal latch and have an audible click.
- Optical array shall be able to hang freely in an open service position for inspection of internal wire connections. Once in service position, the optical array shall be able to be removed for service by lifting the assembly up off the rear hinge and disconnecting the wiring plugs.
- Driver assembly shall be mounted to a prewired internal tray with quick disconnects for removal.

FINISH

- Luminaire finish shall consist of a five stage pretreatment regimen with a polymer primer sealer, oven dry off, and top coated with a thermoset super TGIC polyester powder coat finish.
- Luminaire finish shall meet the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance.

CERTIFICATION

- Luminaire shall be listed with UL for outdoor, wet location use, UL1598, UL 8750 and Canadian CSA Std. C22.2 no.250.
- ANSI C136.31-2010 4G Vibration tested and compliant.
- IEC 66262 Mechanical Impact Code IK10
- IDA approved, 3000K and warmer CCTs only.
- This product qualifies as a "designated country construction material" per FAR 52.225-11 Buy American-Construction Materials under Trade Agreements effective 6/06/2020. [See Buy American Solutions.](#)

WARRANTY / TERMS AND CONDITIONS OF SALE

Download:
<http://www.hubbellighting.com/resources/warranty/>



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JOB	_____
TYPE	_____
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| 5 |



Kick™ – K5 Medium Scale

TYPE

SPECIFICATIONS

Integral Pole

MODEL	HEIGHT		SHAFT		WT	MAXIMUM ALLOWABLE EPA (MPH)									
	OVERALL	POLE	SECTION	MATERIAL		85	90	100	105	110	120	130	140	145	150
K5X-PS510-188	10'9" / 3.28m	10'	5"SQ x .188"	ALUMINUM	61	25	25	23	20.5	18.5	15	12.3	10.1	9.1	8.3
K5X-PS512-188	12'9"/3.89m	12'	5"SQ x .188"	ALUMINUM	69	25	22.5	17.8	15.7	14	11	8.7	6.9	6.1	5.4
K5X-PS514-188	14'9"/4.50m	14'	5"SQ x .188"	ALUMINUM	78	20.6	17.9	13.7	11.9	10.4	7.9	6	4.4	3.7	3.1
K5X-PS516-188	16'9"/5.10m	16'	5"SQ x .188"	ALUMINUM	86	16.5	14.1	10.4	8.9	7.6	5.4	3.7	2.3	1.7	1.1
K5X-PS518-188	18'9"/5.71m	18'	5"SQ x .188"	ALUMINUM	95	12.9	10.9	7.6	6.3	5.1	3.2	1.7	0.5	-	-
K5X-PS520-188	20'9"/6.32m	20'	5"SQ x .188"	ALUMINUM	103	9.8	8.1	5.2	4	3	1.3	-	-	-	-
K5X-PS525-250	25'9"/7.85m	25'	5"SQ x .25"	STEEL	427	25	25	19.4	17.1	15.1	11.7	9	6.9	6	5.1
K5X-PS530-250	30'9"/9.38m	30'	5"SQ x .25"	STEEL	507	20.1	17.3	12.7	10.9	9.3	6.6	4.5	2.8	2.1	1.4

CONSTRUCTION

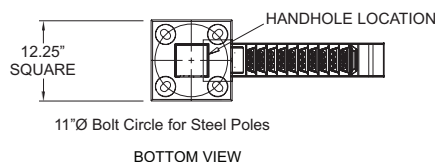
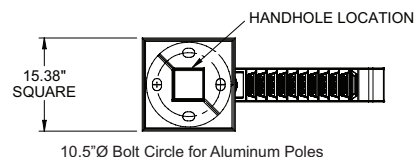
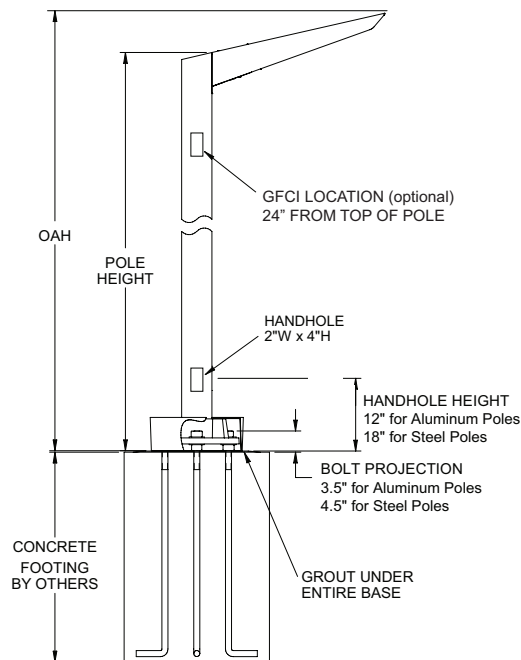
- Aluminum pole bases shall be cast aluminum #356 alloy and be heat treated to a T-6 condition.
- Aluminum pole shafts shall be extruded aluminum 6061 alloy and heat treated to a T-6 condition.
- Aluminum poles shall have a one-piece base cover included standard.
- Steel poles shall be one-piece straight steel with square cross section, flat sides and minimum 0.238" radius on all corners; Minimum yield of 46,000 psi (ASTM-A500, Grade B); Longitudinal weld seam to appear flush with shaft side wall; Steel base plate with axial bolt circle slots welded flush to pole shaft having minimum yield of 36,000 psi (ASTM A36).
- Steel poles shall have a two-piece square aluminum base cover included standard.
- All poles shall be supplied with removable top cap.
- All poles shall have a hand hole with mounting provisions for grounding lug located behind a gasket lined cover.
- Anchor bolts shall be 1" x 36" x 4" hot dip galvanized steel, with two galvanized washers and two galvanized nuts per bolt.
- Bolt circle template shall be provided.

WARNINGS

- Caution must be exercised in the selection of a design wind speed when the pole is to be installed in a special wind region (as indicated by the wind map) or in an area where wind speed is unpredictable.
- AAL recommends consulting a local engineer when the pole is to be installed in an area that may be subject to vibration, oscillations, and other fatigue effects which are not covered by the AAL warranty.
- The use of banners or other appendages can severely affect the loading of a pole. No banner or other appendage may be attached to an AAL pole unless approved by AAL.
- If the products are to be used on an existing foundation or on other structures, the customer assumes all responsibility for the structural integrity of the existing foundation, anchorage or structures and all the consequences arising there from.

CAUTION

- Poles should never be erected without the luminaire installed. Warranty is voided if the pole is erected without the luminaire.



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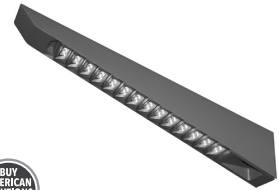
| 6 |

Kick™ – K4 Small Scale

TYPE

FEATURES

- Integral Motion Sensor
- wiScape enabled
- IDA approved
- 20kV/10kA surge protection
- ANSI C136.41 receptacle
- IES Type II, III and IV distributions
- 3000K, 4000K, 5000K CCT
- Integral thermal protection
- 0-10V dimming ready
- IP66 optical system
- 120-277, 347 and 480VAC input
- Staggered twin mounting
- ANSI C136.31-2010 4G Rated



3000K and warmer CCTs only
See QPLMO-XX30 configurations only

See Certification Specifications

ORDERING CODE

1	2	3	4	5	6	7	8	9	10
Model	Optics	Optical Finish	Light Engine	Controls	Fuse	Voltage	Mounting	Mounting Options	Fixture Finish

1. MODEL

4" wide luminaire

- K41 Single fixture
- K42 Two fixtures 180° apart
- K43 Three fixtures 90° apart
- K44 Four fixtures 90° apart

2. OPTICS

Distribution Type, see "Luminaire Performance" on page 3

- T2 IES Type II
- T3 IES Type III
- T4 IES Type IV

3. OPTICAL FINISH

Standard white or may choose one. See 'Luminaire Performance' on page 3 for detail.

- MO Optics in Matte Black finish
- FO Optics in fixture finish

4. LIGHT ENGINE

Lumen package, see 'Luminaire Performance' on page 3 for detail

- 7050 5000K CCT, CRI 70, 64 watts
- 7040 4000K CCT, CRI 70, 64 watts
- 7030 3000K CCT, CRI 70, 64 watts
- 5050 5000K CCT, CRI 70, 46 watts
- 5040 4000K CCT, CRI 70, 46 watts
- 5030 3000K CCT, CRI 70, 46 watts

560nm monochromatic amber and or custom lumen package available by request. ¹

5. CONTROL

May choose one

- MCPCR 7-Position Receptacle
- WIR wiScape connectivity
- WIRSC wiScape + motion sensor
- SCP Motion sensor + Photocell ⁴
- SWP SiteSync Pre-commissioned ⁵
- SWPM SiteSync Pre-commissioned + Motion Sensor ⁶

- SCPREMOTE Handheld commissioning tool ⁴
- SWUSB SiteSync loaded on USB flash drive (Windows® operating system only) ⁶
- SWTAB SiteSync Windows® based Tablet ⁶
- SWBRG SiteSync Wireless Bridge Node ⁶
- SW7PR SiteSync 7 Pin on fixture module On/Off/Dim, Daylight Sensor 120-480VAC

6. FUSE

(may choose one)

- SF 120, 277, 347 Volt input
- DF 208, 240, 480 Volt input

7. VOLTAGE

120-277VAC input standard or may choose one

- 347 347VAC input
- 480 480VAC input

8. MOUNTING

Integral Pole

- PS410-125 10' luminaire height.
- PS412-125 12' luminaire height.
- PS414-125 14' luminaire height.
- PS416-125 16' luminaire height.
- PS418-125 18' luminaire height.
- PS420-125 20' luminaire height.

Tenon Mount

- TA23 Slips over a 2 3/8" / 60mm Ø x 4" / 102mm tall tenon

Side Mount

- SMK Mounts to the side of a square pole, K41 only

Wall Mount

- WMK K41 only

9. MOUNTING OPTIONS

Twin mount at staggered heights

Mounting holes for a fixture at 180°, K41...PS4... only, may choose one

- TS8 8' from bottom
- TS10 10' from bottom
- TS12 12' from bottom
- TS14 14' from bottom
- TS16 16' from bottom
- TS18 18' from bottom

Pole Accessories

May choose one

- GFI GFCI receptacle, 24" from top of pole
- RBC Duplex receptacle box with clear cover, wiring device(s) not included

10. FIXTURE FINISH

Specify Std. finish

- AGN Antique Green
- BL Black
- BLT Matte Black
- CRT Corten
- DB Dark Bronze
- DGN Dark Green
- GT Graphite
- LG Light Grey
- MAL Matte Aluminum
- MDB Bronze Metallic
- MG Medium Grey
- TT Titanium
- WH Arctic White
- WDB Weathered Bronze
- VBU Verde Blue

Premium Color

- SHK Shamrock
- SPP Salt and Pepper
- SFM Seafoam
- WCP Weathered Copper
- RAL RAL 4 digit Color
- CUSTOM Custom Color

¹ Contact factory

⁴ Handheld commissioning tool is required to separately configure or adjust any number of SCP sensors

⁵ Specify group and zone at time of order. See www.hubbellighting.com/sitesync for more details. Order at least one SiteSync interface accessory SWUSB or SWTAB. Each option contains SiteSync License, GUI, and Bridge Node.

⁶ When ordering with SiteSync, one of the following interface options must be chosen and ordered separately. Each option contains the SiteSync License, GUI and Bridge Node.



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JOB	
TYPE	
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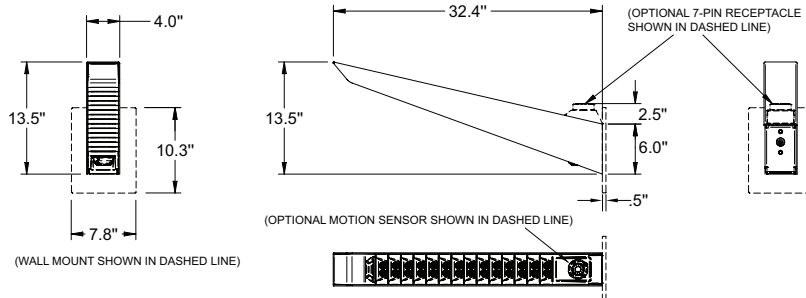
Kick™ – K4 Small Scale

TYPE

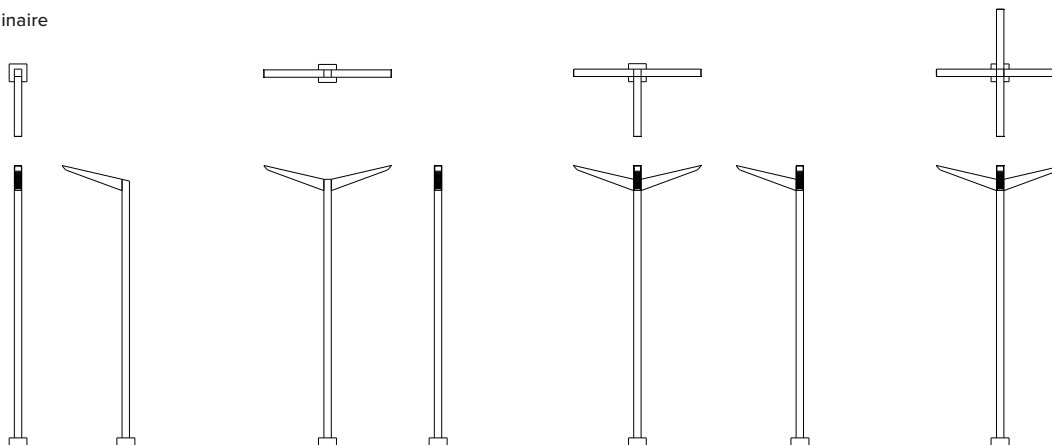
Side Mounted Luminaire

Mounts to the side of 4"/102mm square pole.

MODEL	K41-...-SMK
OVERALL HEIGHT	13.5" / 343mm
OVERALL LENGTH	32.4" / 823mm
OVERALL WIDTH	4" / 102mm
WEIGHT	15 lbs.
EPA	1.03



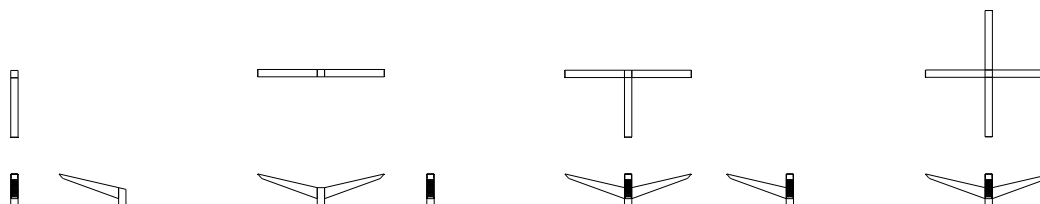
Integral Pole Luminaire

See page 6
for height and
mounting detail* Weight and
EPA for fixtures
only

MODEL	K41-...-PS4XX-125	K42-...-PS4XX-125	K43-...-PS4XX-125	K44-...-PS4XX-125
Overall Length	36.4" / 925mm	10" / 254mm	36.4" / 925mm	68.9" / 1750mm
Overall Width	10" / 254mm	68.9" / 1750mm	68.9" / 1750mm	68.9" / 1750mm
WEIGHT	15 lbs.	30 lbs.	45 lbs.	60 lbs.
EPA*	1.03	2.06	2.61	2.61

Tenon Mount Luminaire

Slips over a 2 3/8"/60mm diameter by 4"/102mm tall tenon



MODEL	K41-...-TA23	K42-...-TA23	K43-...-TA23	K44-...-TA23
Overall Height	17.5" / 445mm	17.5" / 445mm	17.5" / 445mm	17.5" / 445mm
Overall Length	36.4" / 925mm	10" / 254mm	36.4" / 925mm	68.9" / 1750mm
Overall Width	4" / 102mm	68.9" / 1750mm	68.9" / 1750mm	68.9" / 1750mm
WEIGHT	18.5 lbs.	33.5 lbs.	48.5 lbs.	63.5 lbs.
EPA*	1.33	2.42	2.61	2.61


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| 2 |

Kick™ – K4 Small Scale

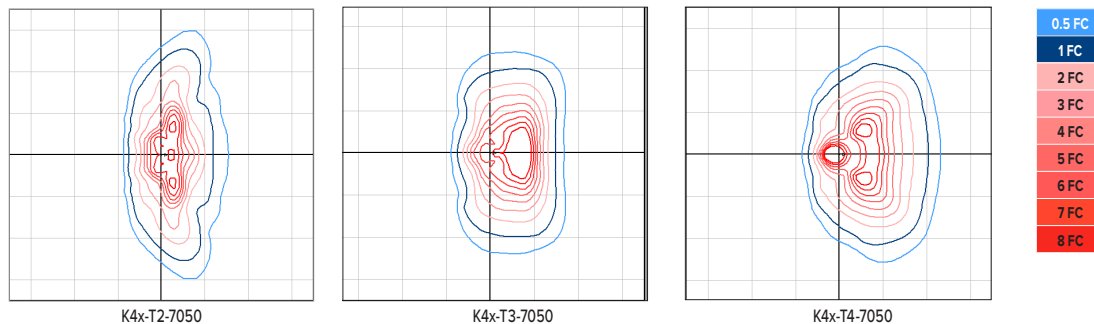
TYPE

LUMINAIRE PERFORMANCE

Configuration				Ordering Code															Average System Watts
Light Engine	Optical Finish	Distribution	Ordering Code	Bright White (5000K)					Neutral White (4000K)					Warm White (3000K)					
				Delivered Lumens	Efficacy (Lm/W)	BUG Rating			Delivered Lumens	Efficacy (Lm/W)	BUG Rating			Delivered Lumens	Efficacy (Lm/W)	BUG Rating			
						B	U	G			B	U	G			B	U	G	
				7050					7040					7030					
7000 series	Standard White	Type 2	T2	6932	108	2	2	2	6775	106	2	2	2	6536	102	2	2	2	64
		Type 3	T3	6952	108	1	2	1	6795	106	1	2	1	6554	102	1	2	1	
		Type 4	T4	7691	120	2	2	2	7516	117	2	2	2	7250	113	2	2	1	
		Type 2	T2-FO	5614	87	2	2	2	5486	85	2	2	2	5292	83	2	2	2	
	Fixture Matched	Type 3	T3-FO	5788	84	1	2	1	5646	82	1	2	1	5456	79	1	2	1	
		Type 4	T4-FO	6131	96	2	2	2	5992	94	2	2	2	5780	90	2	2	1	
		Type 2	T2-MO	5602	88	2	0	1	5475	86	2	0	1	5281	83	1	0	1	
		Type 3	T3-MO	5773	90	1	0	1	5656	88	1	0	1	5442	85	1	0	1	
	Matte Black	Type 4	T4-MO	6117	96	2	0	1	5979	93	2	0	1	5767	90	2	0	1	
5000 series	Standard White	Type 2	T2	5239	113	1	2	1	5234	114	2	2	1	4999	108	1	2	1	46
		Type 3	T3	5130	111	1	2	1	5125	112	1	2	1	4895	106	1	2	1	
		Type 4	T4	5456	118	1	2	1	5451	118	1	2	1	5207	113	1	2	1	
		Type 2	T2-FO	4003	87	1	2	1	4010	87	2	2	1	3820	83	1	2	1	
	Fixture Matched	Type 3	T3-FO	4048	88	1	2	1	4044	88	1	2	1	3863	84	1	2	1	
		Type 4	T4-FO	4503	98	1	2	1	4524	98	1	2	1	4297	93	1	2	1	
		Type 2	T2-MO	4003	87	1	0	1	4000	87	1	0	1	3820	83	1	0	1	
		Type 3	T3-MO	4048	88	1	0	1	4045	88	1	0	1	3863	84	1	0	1	
	Matte Black	Type 4	T4-MO	4503	98	1	0	1	4499	98	1	0	1	4297	93	1	0	1	

-MO.ies files should be used for -FO configurations in application layouts.

ISOLINE TEMPLATES 14' Mounting Height

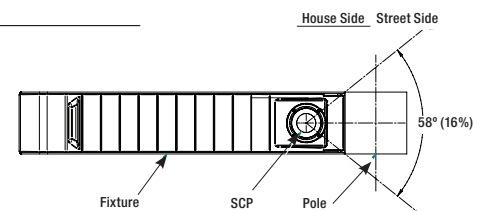


ELECTRICAL CHARACTERISTICS

Ordering Code	LED Current (mA)	System Wattage (W)	Input				Min. Power Factor	Max THD (%)	Dimming Range (V)	Source/ Sink Current (mA)	Inrush Current Peak								
			Amps AC								Hz	(A)				T@50% (µs)			
			120	277	347	480						120	277	347	480	120	277	347	480
70XX	700	64	0.5	0.23	0.2	0.13	50/60	>0.9	20	0-10	1	15	32	41	63	50	155		
50XX	500	46	0.4	0.17	0.1	0.10													

SENSOR DETECTION RANGE

		SENSOR MOUNTING HEIGHT							RATIO
		8'	10'	12'	14'	16'	18'	20'	
COVERAGE	SCP	20'	25'	30'	35'	40'	45'	50'	1:2.5
DIAMETER	WIRSC	16'	20'	24'	28'	32'	36'	40'	1:2



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JOB _____
TYPE _____
NOTES _____



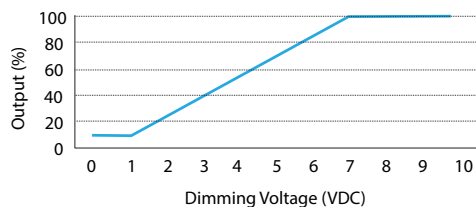
Kick™ – K4 Small Scale

TYPE

TM-21 LIFETIME CALCULATION

Ambient Environment °C	Projected Lumen Maintenance (Khrs)					Reported L70
	25	50	60 (TM-21)	75	100	
25	98%	95%	94%	92%	90%	>60Khrs.
40	98%	96%	95%	93%	91%	

DIMMING CURVE



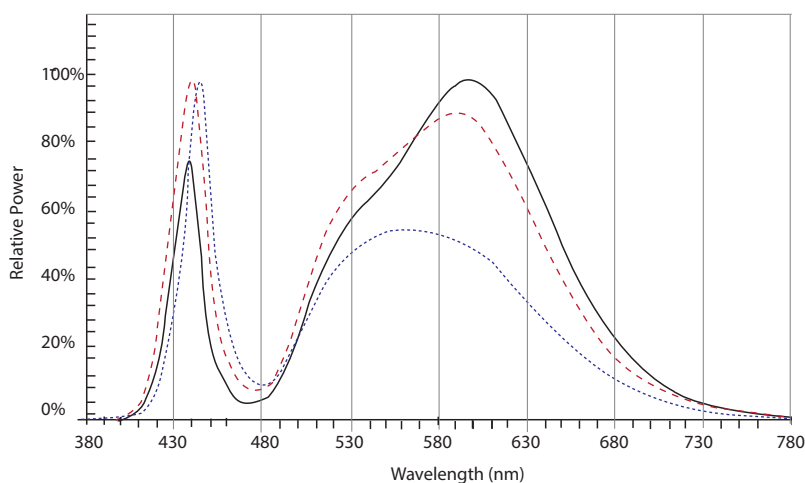
Note: Fixture does not dim to off, fixture dims to 10% minimum output.

COLOR CHARACTERISTICS

Value	Ordering Code		
	XX30	XX40	XX50
Rf	69	69	71
Rg	99	99	98
CCT(K)	3122	3852	5020
Duv	0.001	0.0004	0.0005
CIE Ra	74	73	74

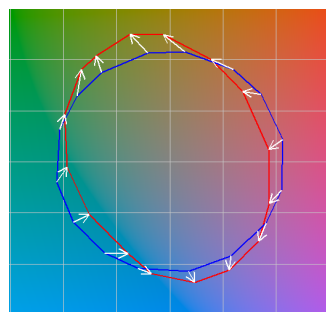
Note: TM-30 reported at the discrete LED level, not fixture level.

SPECTRAL POWER DISTRIBUTION COMPARISON



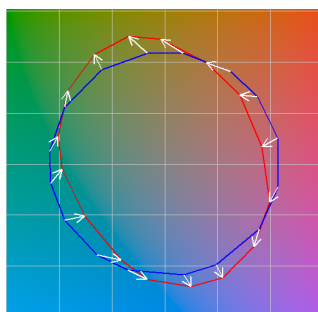
— XX30
 - - XX40
 . . XX50

COLOR VECTOR GRAPHIC



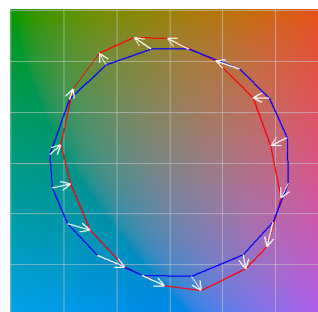
— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX30



— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX40



— Reference Illuminant — Test Source — Series1 — Series2
 — Series3 — Series4 — Series5 — Series6
 — Series7 — Series8 — Series9 — Series10

XX50



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JOB
 TYPE
 NOTES

| 4 |

Submitted by Swaney Lighting	Job Name: MERCY SITE DESIGN/BUILD	Catalog Number: K41-T4-MO-5030-WIRED120-277V-PS410-125-** Notes: SPECIFY FINISH	Type: S4 SLA20-46553
------------------------------	--	--	--

Kick™ – K4 Small Scale

TYPE

SPECIFICATIONS

HOUSING

- Housing shroud shall be of fabricated 5052-H32 aluminum alloy with a rear mounting interface that shall be of fabricated 304 stainless steel.
- Housing mounting interface shall have a stamped silicone gasket.
- Luminaire housing shall be free of any visible heat fins, hardware or fasteners.
- Bracketry and hardware shall be stainless steel.

OPTICAL ARRAY

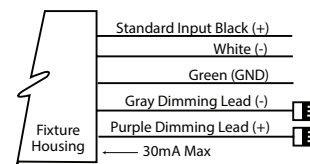
- LEDs shall be mounted to a metal printed circuit board assembly (MCPCB) with a uniform conformal coating over the panel surface and electrical features.
- Optical lenses shall be clear injection molded PMMA acrylic.
- Each MCPCB and optic shall be sealed to an extruded 6063-T6 aluminum alloy heat spreader and sealed with a continuous one piece injection molded silicone rubber gasket. IP66.
- Patent Pending design of optical array shall independently shield each LED optic across the length of the aperture.
- Optical surfaces shall be painted white unless the optional fixture finish (FO) or matte black finish (MO) is selected.
- Optional matte black finish optics (MO) are required to meet UO classification with zero percent uplight.
- Optional fixture finish optical surfaces (FO) shall not exceed BUG ratings of the standard white finish and shall be greater than or equal to the delivered lumens of the optional matte black optical surface finish (MO).

ELECTRICAL

- Drivers shall be in direct contact with the aluminum housing across the entire surface area of the widest face for maximum thermal transfer.
- Luminaires shall have integral surge protection that shall be U.L. recognized and have a surge current rating of 10,000 Amps using the industry standard 8/20uSec wave and surge rating of 372J. Surge protection device shall be wired in series.
- Drivers shall be U.L. recognized.
- Drivers shall not be compatible with current sourcing dimmers, consult factory for current list of known compatible dimming systems approved dimmers include Lutron Diva AVTV, Lutron Nova NFTV and NTFTV.
- Luminaire shall be capable of operating at

100% brightness in a 40°C environment. Both driver and optical array shall have integral thermal protection that will dim the luminaire upon detection of temperatures in excess of 85°C.

- Luminaires not configured with a control system or ANSI C136 receptacle option shall be provided with 0-10 purple and gray dimming leads.



CONTROLS

- Wireless enabled fixtures shall support bi-directional radio frequency (RF) communications utilizing IEEE 802.15.4 operating in the 2.4GHz ISM band.
- Up to 1000' wireless range may be reduced by physical obstructions between lighting fixtures.
- Motion Sensor shall use passive infrared (PIR) sensing technology that reacts to changes in infrared energy (moving body heat) within the coverage area. Careful consideration must be given to obstructions that may block the sensor's line of sight.
- Factory default settings for SCP option shall be:
 - High mode: 10V
 - Low mode: 1V
 - Ramp-up rate: disabled
 - Fade-down rate: disabled
 - Photocell: Off
 - Sensitivity: Full
 - Time Delay: Fade to low: 5 minutes
 - Time Delay: Fade to off: 1 hour

MOUNTING AND INSTALLATION

- Integral pole mount luminaires shall require assembly of fixture(s) to the pole, mounting hardware, anchor bolts and anchor bolt template shall be included. See page 6 for additional considerations specific to the integral pole.
- Tenon mount luminaires shall require assembly of fixture(s) to the tenon adapter, mounting hardware shall be included. Tenon adapter shall be secured to the tenon with eight 5/16-18 stainless steel set screws.
- Side mount luminaires shall be supplied

with hardware compatible with AAL mountings.

- Twin mounted staggered height fixtures shall be configured separately.

SERVICING

- Service access to the optical array and driver assembly shall be via a tool-less internal latch and have an audible click.
- Optical array shall be able to hang freely in an open service position for inspection of internal wire connections. Once in service position, the optical array shall be able to be removed for service by lifting the assembly up off the rear hinge and disconnecting the wiring plugs.
- Driver assembly shall be mounted to a prewired internal tray with quick disconnects for removal.

FINISH

- Luminaire finish shall consist of a five stage pretreatment regimen with a polymer primer sealer, oven dry off, and top coated with a thermoset super TGIC polyester powder coat finish.
- Luminaire finish shall meet the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance.

CERTIFICATION

- Luminaire shall be listed with UL for outdoor, wet location use, UL1598, UL 8750 and Canadian CSA Std. C22.2 no.250.
- ANSI C136.31-2010 4G Vibration tested and compliant.
- IEC 66262 Mechanical Impact Code IK10
- IDA approved, 3000K and warmer CCTs only.
- This product qualifies as a "designated country construction material" per FAR 52.225-11 Buy American-Construction Materials under Trade Agreements effective 6/06/2020. [See Buy American Solutions.](#)

Warranty / Terms and Conditions of Sale
 Download:
<http://www.hubbelling.com/resources/warranty/>



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JOB _____
 TYPE _____
 NOTES _____

| 5 |



Kick™ – K4 Small Scale

TYPE

SPECIFICATIONS

Integral Pole

MODEL	HEIGHT		SHAFT		MAXIMUM ALLOWABLE EPA (MPH)								
	OVERALL	POLE	SECTION	WT	85	90	100	110	120	130	140	150	
K4X-PS410-125	10' 7.5" / 3.24m	10'	4" SQ x .125"	28 lbs	15.4	13.5	10.4	8.1	6.4	5.0	4.0	3.1	
K4X-PS412-125	12' 7.5" / 3.85m	12'	4" SQ x .125"	32 lbs	11.8	10.2	7.6	5.7	4.3	3.2	2.3	1.6	
K4X-PS414-125	14' 7.5" / 4.46m	14'	4" SQ x .125"	37 lbs	9.1	7.7	5.5	3.9	2.6	1.7	0.95	0.33	
K4X-PS416-125	16' 7.5" / 5.07m	16'	4" SQ x .125"	42 lbs	6.9	5.7	3.8	2.3	1.3	0.46	-	-	
K4X-PS418-125	18' 7.5" / 5.68m	18'	4" SQ x .125"	48 lbs	4.9	3.9	2.2	0.95	0.01	-	-	-	
K4X-PS420-125	20' 7.5" / 6.29m	20'	4" SQ x .125"	53 lbs	3.2	2.2	0.75	-	-	-	-	-	

* - Consult factory for thicker shaft profiles and or custom heights not shown above.

CONSTRUCTION

- Base shall be cast aluminum #356 alloy and be heat treated to a T-6 condition.
- Shaft shall be extruded aluminum 6061 alloy and heat treated to a T-6 condition.
- Anchor bolts shall be hot dip galvanized steel. Eight galvanized hex nuts and flat washers, and a bolt circle template shall be provided. Anchor bolt for poles are 3/4" x 24" x 3".

WARNINGS

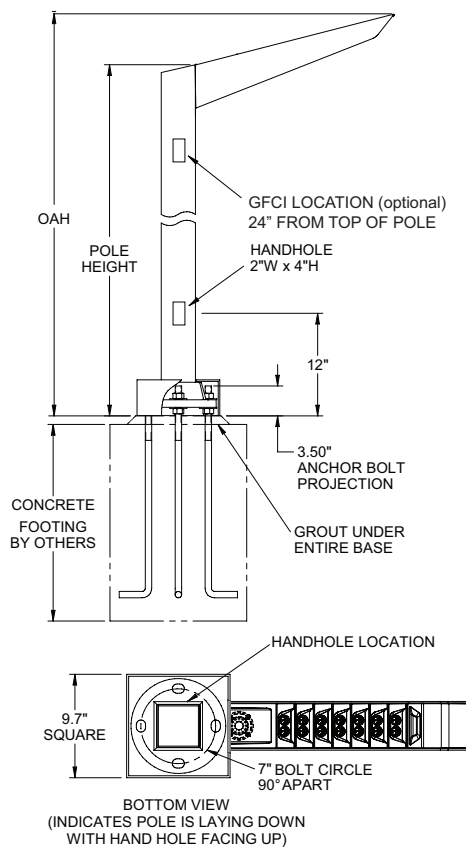
- Caution must be exercised in the selection of a design wind speed when the pole is to be installed in a special wind region (as indicated by the wind map) or in an area where wind speed is unpredictable.
- AAL recommends consulting a local engineer when the pole is to be installed in an area that may be subject to vibration, oscillations, and other fatigue effects which are not covered by the AAL warranty.
- The use of banners or other appendages can severely affect the loading of a pole. No banner or other appendage may be attached to an AAL pole unless approved by AAL.
- If the products are to be used on an existing foundation or on other structures, the customer assumes all responsibility for the structural integrity of the existing foundation, anchorage or structures and all the consequences arising there from.

CAUTION

- Poles should never be erected without the luminaire installed. Warranty is voided if the pole is erected without the luminaire.

Warranty / Terms and Conditions of Sale

Download:

<http://www.hubbelling.com/resources/warranty/>


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JOB _____
 TYPE _____
 NOTES _____

| 6 |

**KIM LIGHTING****Wall, Step, Path Light EL807**

120 / 277 Volt Die-Cast Aluminum LED

revision 5/21/14 • kl_el807_spec.pdf

Type:**Job:****Fixture Catalog number:**

 Fixture Mode Finish
Approvals:**Date:****Page: 1 of 1****Specifications**

Housing: Die-cast low copper alloy (<0.6% Cu) aluminum with clear anodized finish. Two 1/2" NPT in sides. Housing mounts into concrete, brick, or masonry (non-combustible materials). Internal splice area provided behind lamp plate.

Lens Frame: Die-cast aluminum, with silicone gasket, attaches to housing with two captive 10-32 stainless steel, hex socket cap screws.

Lens: Tempered prismatic glass with silicone gasket, concealed above lens frame opening.

Finish: On lens frame only, Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; 2500 hour salt spray test endurance rating. Standard colors are Black (BL), Dark Bronze (DB), and Verde Green (GR).

Optical System: A total of 3 or 9 LED emitters are configured together as a module. Available in 3000K, 4200K, 5100K and 580nm (amber).

Driver: Universal Voltage from 120 to 277V with a ±10% tolerance. -40° F. starting temperature. All drivers are Underwriters Laboratories recognized.

ORDERING INFORMATION

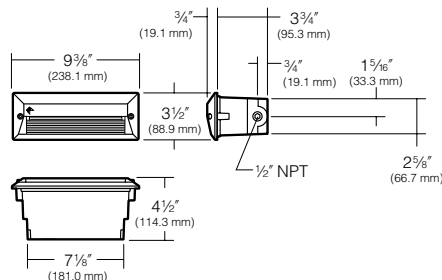
Fixture	Source
☐ EL807 / 3L2KUV ¹	3.6W, 3 LED's, 580nm
☐ EL807 / 3L3KUV ¹	3.6W, 3 LED's, 3000K
☐ EL807 / 3L4KUV ¹	3.6W, 3 LED's, 4200K
☐ EL807 / 3L5KUV ¹	3.6W, 3 LED's, 5100K

Fixture	Source
☐ EL807 / 9L2KUV ¹	10.8W, 9 LED's, 580nm
☐ EL807 / 9L3KUV ¹	10.8W, 9 LED's, 3000K
☒ EL807 / 9L4KUV ¹	10.8W, 9 LED's, 4200K
☐ EL807 / 9L5KUV ¹	10.8W, 9 LED's, 5100K

¹ Universal Voltage from 120 to 277V with a ±10% tolerance.
 For 3.6W, Max Amps. are .030 for 120V, .020 for 208V, .015 for 240V, .013 for 277V. For 10.8W, Max Amps. are .090 for 120V, .050 for 208V, .045 for 240V, .040 for 277V..

Specify Std. finish

- ☐ BL - Black
☐ DB - Dark Bronze
☐ GR - Verde Green


 Hubbell
 Lighting, Inc.
**Listings and Ratings**

UL cUL 1598 ¹	IP66 Rated	25C Ambient
--------------------------	------------	-------------

¹Suitable for wet locations

KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.

Submitted by Swaney Lighting		Catalog Number: EL807/9L4KUV/**	Type: SL
	Job Name: MERCY SITE DESIGN/BUILD	Notes: SPECIFY FINISH	SLA20-46553

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KIM LIGHTING
WDM
Wall Director® Medium kl_wdm_spec.pdf

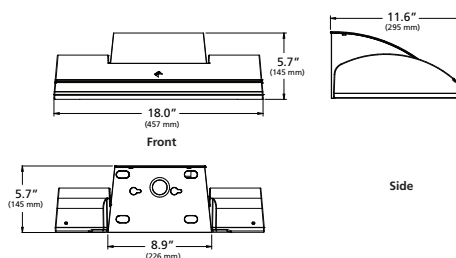
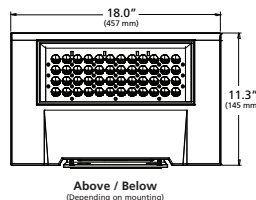
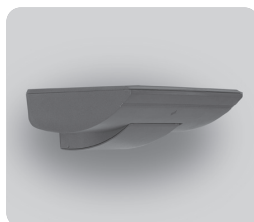
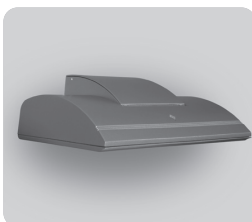
JOB _____ TYPE _____

NOTES _____ APPROVALS _____

FEATURES

- -5° to +10° tilt adjustment
- High performance optics deliver up to 15,000 lumens
- up or down mountable without modification
- Diffused lens option
- Programmable occupancy sensor (dimming)
- NX and SiteSync wireless controls
- 130+ lumens per watt

Certifications

SPECIFICATIONS


Weight: 35 lbs

ORDERING CODE

Fixture	Mounting	Source	Wattage	Light Engine	Distribution	Voltage
WDM Wall Director Medium	D Down U ¹ Up	48L 48 LEDs	55 55 Watts 65 65 Watts 85 85 Watts 105 105 Watts 130 130 Watts	3K7 3000K/70CRI 3K8 3000K/80CRI 4K7 4000K/70CRI 4K8 4000K/80CRI 5K7 5000K/70CRI	1 Type I 2 Type II 3 Type III 4W Type IV Wide 4F Type IV Forward WG ² Wall Graze SP Spot/Column FTD ² Forward Throw Diffuse WTD ² Wide Throw Diffuse	UNV 120-277V 347 347V 480 480V
Fixture Finish	Control Options	Options	Accessories			
BL Black DB Dark Bronze LG Light Gray GT Graphite PS Platinum Silver TT Titanium WH White CC Custom Color [†] Specify Std. finish	PC Button Photocell SCP-8F Programmable Occ. Sensor (<9' height) SCP-20F Programmable Occ. Sensor (<9' - 20' height) SWP ³ SiteSync Wireless Pre-Commission SWPM ³ SiteSync Wireless w/ Occupancy Sensor Pre-Commission NXSPW14F ⁴ NX Wireless, PIR Occupancy Sensor, Dimming Daylight Harvesting, 14' NXSP14F ⁴ NX PIR Occupancy Sensor, Dimming Daylight Harvesting, 14' NXWE ⁴ NX Wireless Enabled	EM ³ Internal Emergency Battery Backup SF Single Fuse & Fuse holder DF Double Fuse & Fuse holder 2DR Dual Drivers 2PF Dual Power Feeds	SCPREMOTE SCP configuration tool SWUSB SiteSync Software on USB SWTAB SiteSync Windows® Tablet SWBRG SiteSync Software Bridge Node			

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| 1 |

Submitted by Swaney Lighting		Catalog Number: WDM/D/48L-55/3K7/2/UNV/** Notes: SPECIFY FINISH	Type: W1 SLA20-46553
	Job Name: MERCY SITE DESIGN/BUILD		



WDM
Wall Director® Medium kl_wdm_spec.pdf

LUMINAIRE PERFORMANCE

LED #	Nominal Lumen Package	Nominal Wattage	Lens Options	Distribution	3000K					4000K					5000K				
					Lumen	BUG Rating			lm/w	Lumen	BUG Rating			lm/w	Lumen	BUG Rating			lm/w
						B	U	G			B	U	G			B	U	G	
48L	6,000	54	Clear Lens	1	7162	1	0	1	132	7342	1	0	1	135	7426	1	0	1	137
				2	6782	1	0	1	125	6953	1	0	1	128	7032	1	0	1	130
				3	6896	1	0	2	127	7070	1	0	2	130	7151	1	0	2	132
				4F	6766	1	0	2	125	6937	1	0	2	128	7016	1	0	2	129
				4W	6580	1	0	2	121	6746	1	0	2	124	6823	1	0	2	126
				SP	7594	4	0	1	140	7785	4	0	1	143	7874	4	0	1	145
			Diffuse Lens	WG	6842	3	0	1	126	7015	3	0	1	129	7095	3	0	1	131
				FTD	5950	2	0	1	110	6100	2	0	1	112	6170	2	0	1	114
				WTD	6439	2	0	1	119	6601	2	0	1	122	6677	2	0	1	123
	8,000	68	Clear Lens	1	8775	1	0	1	129	8996	1	0	1	132	9099	1	0	1	134
				2	8309	1	0	2	122	8518	1	0	2	125	8616	1	0	2	127
				3	8450	1	0	2	124	8662	1	0	2	127	8761	1	0	2	129
				4F	8290	1	0	2	122	8499	1	0	2	125	8596	1	0	2	126
				4W	8062	1	0	2	119	8265	1	0	2	122	8360	1	0	2	123
				SP	9304	4	0	1	137	9538	4	0	1	140	9647	4	0	1	142
			Diffuse Lens	WG	8384	3	0	1	123	8594	3	0	1	126	8693	3	0	1	128
				FTD	7290	2	0	2	107	7474	2	0	2	110	7559	2	0	2	111
				WTD	7890	2	0	1	116	8088	2	0	1	119	8181	2	0	1	120
	10,000	88	Clear Lens	1	11194	1	0	1	127	11476	1	0	1	130	11607	1	0	1	132
				2	10601	2	0	2	120	10867	2	0	2	123	10991	2	0	2	125
				3	10779	1	0	2	122	11050	1	0	2	126	11177	1	0	2	127
				4F	10576	1	0	2	120	10842	1	0	2	123	10966	1	0	2	125
				4W	10285	2	0	2	117	10544	2	0	2	120	10665	2	0	2	121
				SP	11870	5	0	1	135	12168	5	0	1	138	12308	5	0	1	140
			Diffuse Lens	WG	10695	3	0	1	122	10964	3	0	1	125	11090	3	0	1	126
				FTD	9300	2	0	2	106	9534	2	0	2	108	9643	2	0	2	110
				WTD	10065	2	0	2	114	10318	2	0	2	117	10436	2	0	2	119
	12,000	104	Clear Lens	1	12808	1	0	1	124	13130	1	0	1	127	13280	1	0	1	128
				2	12128	2	0	2	117	12433	2	0	2	120	12575	2	0	2	121
				3	12333	1	0	2	119	12643	2	0	2	122	12787	2	0	2	123
				4F	12100	2	0	2	117	12405	2	0	2	120	12547	2	0	2	121
				4W	11768	2	0	2	113	12064	2	0	2	116	12201	2	0	2	118
				SP	13580	5	0	1	131	13922	5	0	1	134	14081	5	0	1	136
			Diffuse Lens	WG	12236	3	0	1	118	12544	3	0	1	121	12687	3	0	1	122
				FTD	10641	2	0	2	103	10908	2	0	2	105	11033	3	0	2	106
				WTD	11515	2	0	2	111	11805	2	0	2	114	11940	2	0	2	115
	14,000	131	Clear Lens	1	15227	2	0	1	117	15610	2	0	1	120	15789	2	0	1	121
				2	14419	2	0	2	110	14782	2	0	2	113	14951	2	0	2	114
				3	14662	2	0	3	112	15031	2	0	3	115	15203	2	0	3	116
				4F	14386	2	0	2	110	14748	2	0	3	113	14917	2	0	3	114
				4W	13991	2	0	2	107	14343	2	0	2	110	14506	2	0	3	111
				SP	16146	5	0	1	124	16552	5	0	1	127	16741	5	0	1	128
			Diffuse Lens	WG	14548	4	0	1	111	14914	4	0	1	114	15084	4	0	1	116
				FTD	12651	3	0	2	97	12969	3	0	2	99	13117	3	0	2	100
				WTD	13691	3	0	2	105	14035	3	0	2	107	14196	3	0	2	109

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| 2 |

Submitted by Swaney Lighting		Catalog Number: WDM/D/48L-55/3K7/2/UNV/** Notes: SPECIFY FINISH	Type: W1 SLA20-46553
	Job Name: MERCY SITE DESIGN/BUILD		



WDM
Wall Director® Medium kl_wdm_spec.pdf

LUMINAIRE PERFORMANCE

Electrical Characteristics											Dimming					
System Watts	Current	Line Voltage		Amps AC						Min. Power Factor	Max THD (%)	Dimming Range	Source current out		Absolute voltage	
		VAC	Hz	120	208	240	277	347	480				Min	Max	Min	Max
54	350mA	120-480	50/60	0.45	0.26	0.23	0.19	0.16	0.11	>0.9	20	10% to 100%	0mA	1mA	0V	10V
68	425mA			0.53	0.31	0.27	0.23	0.18	0.13							
88	550mA			0.70	0.40	0.35	0.30	0.24	0.18							
104	650mA			0.84	0.49	0.42	0.36	0.29	0.21							
131	800mA			1.09	0.63	0.55	0.47	0.38	0.27							

TM-21 LIFETIME CALCULATION

Projected Lumen Maintenance (25°C / 77°F)						
HOURS	0	25,000	36,000	50,000	100,000	Reported L70
Projected Lumen Maintenance	100%	97%	96%	94%	88%	> 60,000 hrs

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SPECIFICATIONS

Housing

- Optical housing is a one-piece, die-cast low copper (<0.6%) aluminum alloy with integral heat sink. The housing rotates against mounting arm housing to provide -5° to 10° of adjustment with degree markers cast into the housing. At 0° adjustment, lens is totally concealed from view above horizontal with fixture mounted in the downward position.
- Mounting arm housing is one-piece die-cast, low copper (<0.6%) aluminum alloy with provisions for tilt mechanism. Mounting arm fastens to the mounting plate with keyhole slots freeing both hands for securing and wiring. One stainless steel socket-head screw on the tilt mechanism frees the optical housing to rotate for aiming. Tightening the screws locks the housing and lens frame together with sealing provided by a silicone gasket. For visual aiming, adjustment may be accomplished with the fixture on.
- Lens Frame is a one-piece, die-cast low copper (<0.6%) aluminum alloy with integral cooling fins to dissipate driver thermal.
- Luminaire housing shall be free of any visible heat fins, hardware or fasteners.
- Bracketry and hardware shall be stainless steel.

Optical Array

- LEDs shall be mounted to a metal printed circuit board assembly (MCPCB).
- Optical lenses shall be clear injection molded PMMA acrylic.
- Secondary lens is impact resistant 1/8" tempered glass with anti-reflective coating.

Electronic Module

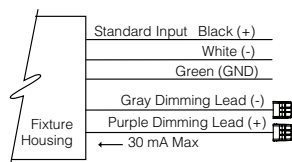
- Drivers shall be in direct contact with the die-cast aluminum lens frame across the entire surface area of the widest face for maximum thermal transfer.
- "Thermal Shield", secondary side, thermistor provides protection for the sustainable life of LED module and electronic components.
- Drivers shall have greater than a 0.9 power factor, less than 20% harmonic distortion, and be suitable for operation in -40°C to 40°C ambient environments
- luminaires shall have integral surge protection that shall be U.L. recognized and have a surge current rating of 10,000 Amps using the industry standard 8/20uSec wave and surge rating of

372J. Surge protection device shall be wired in series.

- Drivers shall be U.L. recognized.
- Drivers shall not be compatible with current sourcing dimmers, consult factory for current list of known compatible dimming systems approved dimmers include Lutron Diva AVTV, Lutron Nova NFTV and NTFTV.

Dimming

- 10% to 100% dimming by the use of standard 0-10V interface driver.
- The thermal shield works in conjunction with the control system to assure that overheating will not harm the LEDs.
- The wiring harness is connected with the use of the Purple lead as the positive (+) and the Grey lead as the negative (-) to an available control signal (by others).



Specifications

- Luminaire shall be capable of operating at 100% brightness in a 40°C environment. Both driver and optical array shall have integral thermal protection that will dim the luminaire upon detection of temperatures in excess of 85°C.
- luminaires not configured with a control system shall be provided with 0-10 purple and gray dimming leads.

Controls

- Optional universal voltage (120-277V) button photocontrol for dusk to dawn energy savings. Photocontrol is factory installed inside the housing with a fully gasketed sensor on the side wall. For multiple fixture mountings, one fixture is supplied with a photocell to operate the others.
- Occupancy Sensor shall be programmable and use passive infrared (PIR) sensing technology that reacts to changes in infrared energy (moving body heat) within the coverage area. Careful consideration must be given to obstructions that may block the sensor's line of sight.
- Factory default settings for SCP option shall be:
- High mode: 10V - Low mode: 1V - Ramp-up

rate: disabled - Fade-down rate: disabled - Photocell: Off - Sensitivity: Full - Time Delay: Fade to low: 5 minutes - Time Delay: Fade to off: 1 hour

- The SCP enables any wall mounted luminaire, in excess of 30 watts, to meet California Title 24 requirements with integral 10KA surge protection for added reliability and serviceability. For more detail: http://www.aal.net/products/sensor_control_programmable
- SiteSync™ wireless control system for reduction in energy and maintenance cost while optimizing light quality 24/7. See ordering information or visit www.hubbellighting.com/products/sitesync for more details.
- Hubbell Control Solutions' NX Distributed Intelligence™ lighting control platform utilizes a Distributed Network Architecture (DNA) that connects intelligent devices including luminaires, controllers, panels, occupancy sensors, photocells, wall switches and dimmers, creating a system with an unmatched level of reliability, scalability and simplicity

Options

- Integral battery backup provides emergency path of egress lighting for the required 90 minutes for 0°C ambient environments or -20°C with thermal jacket.

Fusing:

SF for 120, 277 and 347 Line Volts
DF for 208, 240 and 480 Line Volts

High temperature fuse holders factory installed inside the fixture housing. Fuse is included.

Mounting and Installation

- JUNCTION BOX (By Others): Standard with steel, quick-mount junction box plate that mounts directly to 4" J-Box
- Mounting plate is stainless steel and features a one-piece EPDM gasket on back side of plate to firmly seal fixture to wall surface, forbidding entry of moisture and particulates.

Servicing

- Housing shall be able to hang freely in an open service position for inspection of primary wire connections. Once in service position, the housing shall be able to be removed for service by sliding the assembly to the left (for down mounting) or to the right (for up mounting) and disconnecting the wiring plugs.

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Submitted by Swaney Lighting		Catalog Number:	Type:
	Job Name: MERCY SITE DESIGN/BUILD	WDM/D/48L-55/3K7/2/UNV/** Notes: SPECIFY FINISH	W1 SLA20-46553



WDM
Wall Director® Medium kl_wdm_spec.pdf

SPECIFICATIONS

- Driver assembly shall be mounted to a prewired internal tray with quick disconnects for removal. Fusing SF for 120, 277, and 347 line volts DF for 208, 240, and 480 line volts high temperature fuse holders factory installed inside the fixture housing. Fuse is included.

Finish:

- Luminaire finish shall consist of a five stage pretreatment regimen with a polymer primer sealer, oven dry off, and top coated with a thermoset super TGIC polyester powder coat finish.
- Luminaire finish shall meet the AAMA 605.2 performance specification which includes passing a 3000 hour salt spray test for corrosion resistance.
- Standard colors include (BL) Black, (DB) Dark Bronze, (GT) Graphite, (LG) Light Gray, (PS) Platinum Silver, (TT) Titanium, (WH) White, and (CC) Custom Color (Include RAL#).

Certifications and Listings

- UL1598, UL 8750 and Canadian CSA Std. C22.2 no.250.
- IDA approved, down light only, 3000K and warmer CCTs only.
- 1.5G rated
- IP66 Certified
- IK08 Certified

CAUTION:

- Fixtures must be grounded in accordance with national, state and/or local electrical codes, Failure to do so may result in serious personal injury.

WARRANTY:

- For full warranty see <http://www.hubbellighting.com/resources/warranty>

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Submitted by Swaney Lighting		Catalog Number:	Type:
	Job Name: MERCY SITE DESIGN/BUILD	WDM/D/48L-55/3K7/2/UNV/** Notes: SPECIFY FINISH	W1 SLA20-46553

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October 13, 2020

Caitlin Cameron
Urban Designer
City of Portland Maine
389 Congress Street
Portland, Maine 04101

Re: Mercy Hospital Renovation - Design Narrative

The proposed renovation of Mercy Hospital and the adjacent Morrison House is a mixed use project that will add 175 residential apartments to the City of Portland. Eighteen of those units will be affordable housing units located within the main Hospital building. The project also includes an outpatient clinic for Mercy as well as commercial tenant spaces and a self storage facility.

The project is located within the West End Historic District and the project will be renovated in accordance with the National Park Service's Historic Preservation Standards and Guidelines.

The modifications to the existing structure include removal of most of the 1980's addition that faces the Winter Street and Spring Street. The projects exterior scope of work includes replacement of existing windows, rebuilding the exterior walls where the addition will be removed and a new constriction addition to the building.

The addition is a new entry to the apartment uses that faces the new Woonerf on the Southwest elevation of the building. The addition is a contemporary design that differentiates itself from the historic building but is inspired by design elements that exist on the historic structure. The addition has a crisp and clean design with glass and metal siding, with a base of precast concrete to recall the cast stone detailing of the historic building. The roof of the addition has a thin in profile with overhang and clad in metal to relate to the existing entry canopy on Spring Street. We have also created surrounds of the new entries utilizing cast stone in contemporary geometry but are inspired by the cast stone surround language at the historic entries. The glass facades have a rhythm of vertical joints that reflect the historic masonry opening rhythm that existing

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Portland, Maine 04101

in their place as well as the historic windows that are above them beyond.

We look forward to discussing the project at the upcoming Planning Board workshop.

Sincerely,



Ryan Senatore, AIA LEED AP

Principal

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500 Congress Street, Suite 2
Portland, Maine 04101

Utilities

The proposed project will include installation of multiple utility services to the new building.

Water:

Existing domestic and fire suppression water services are anticipated to be continued to be utilized for the redevelopment of the hospital building and Morrison House. MEP to coordinate which existing fire suppression and domestic water services will continue to be utilized. Any unused services will need to be retired per PWD standards. The project proposes to tap two different 6" fire water service lines and two different 2" domestic water service lines for a total of four different connections off of the existing main on Winter Street to serve the future residential buildings along Winter Street.

Sewer:

Existing sanitary sewer services are anticipated to be continued to be utilized for the redevelopment of the hospital building and Morrison House. No additional sewer service upgrades to the existing building are proposed at this time. Two 6-inch sanitary sewer services are proposed, one for each of the future residential buildings along Winter Street. The new sewer services will connect into a combined sewer main within Winter Street.

Stormwater:

There are currently catch basins and stormwater sewer lines on site that are to be removed. The proposed measures to handle runoff include roof drain connections, catch basins, new stormwater sewer lines and a modular wetland system proprietary water quality treatment unit. These systems will connect to a combined sewer main within Spring Street. Please see the Stormwater Management Report for more information.

UGE/T/C:

The existing building on site is currently serviced by underground electric. An additional service is proposed to be routed from the existing electric service in Winter Street. The plans show both an above ground transformer and a potential subsurface electrical vault. Final configuration dependent on final MEP design.

Gas:

The existing gas service lines to the existing buildings are anticipated to be continued to be utilized for the redevelopment. The proposed two new residential buildings will have new gas services installed via a tap off the existing main in Winter Street as seen on the Utility Plan, Sheet C-20.

Ability to serve letters were sent out to the respective utility companies on August 28, 2020 in accordance with the City of Portland Code of Ordinances Chapter 14 Land Use, Section 14-527(g)(7). Responses from the utility companies will be forwarded upon receipt.



Construction Management Plan

Project Address: 120 and 148 State Street

Project Description:

Acorn Engineering, Inc. has been retained by NewHeight Redfern, LLC. to provide civil engineering services for the proposed redevelopment of 120 and 148 State Street. The proposed project site is comprised of a two parcels, Chart 45, Block C, Lot 7 (120 State Street) and Chart 45, Block C, Lot 6 (148 State Street), encompassed by State, Spring, and Winter Streets. The site is currently comprised of the existing Mercy Hospital complex, including the Morrison House, with surface parking, landscaping, and a loading dock area. The project proposes to redevelop the existing lot into a mixed-use development, consisting of redevelopment of the existing hospital building and proposes two (2) new residential buildings with exterior parking. The two (2) new residential buildings will be submitted under a separate Site Plan application. The existing hospital building will be redeveloped to include 167 residential units within the redeveloped hospital building and 8 residential units within the Morrison House with associated common areas, office, and fitness area, as well as self-storage, commercial/retail space, and a medical clinic.

Project Team Summary:

Owner:	NewHeight Redfern, LLC
Owner's Representative:	NewHeight Redfern, LLC
General Contractor (GC):	TBD
Civil Engineer:	Acorn Engineering, Inc.
Structural Engineer:	TBD
Architect:	Ryan Senatore Architecture

The Owner, GC and all subcontractors will work with the City of Portland and adjacent landowners to minimize any project impacts.

The GC will remain responsible for enforcement of all compliance with 1) all contract plans and specifications in their scope of work and 2) all site working conditions and safety requirements, day and night, for both persons and property, in each case for the duration of their work. These include OSHA, NIOSH, U.S. EPA, local ordinance and any other applicable governmental regulations. Both the Owner/GC and any subcontractors will remain responsible for safeguarding the general public.

The GC shall review all permits and conditions associated with the project. Refer to the Civil/Site Plan Set, Sheet C-03 Construction Management Plan for visual representation of measures to be taken during construction.

The following outline has been developed in accordance with the City of Portland Construction Management Plan General Template and shall be referenced by the GC during construction.



A. Construction Management Principles

The control of noise, vibrations, ground movement, truck traffic, and other construction related factors will be of utmost importance. Care shall be taken to minimize these effects in the best interest of neighbors and the general public. GC to ensure that work hours conform to the City of Portland's Ordinance.

B. Development Review of Construction Management Plan

Logistics and safety program shall be submitted at or prior to the preconstruction meeting by the GC with all pertinent information required by the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.

C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

Guarantees and fees will be paid at the time of the respective application. All necessary permits will be obtained prior to work and compliance with Sections 14-530 and 14-532 is required.

1. Street Opening and Street Occupancy Permits:

Required permits regarding street opening and occupancy will be obtained from the Department of Public Works. The requests shall conform to the approved Construction Management Plan.

2. Blasting:

Although not anticipated, if blasting occurs, it shall conform with all measures of Article VIII. In Chapter 14 of the City Code and Section 3.7 in the City's Technical Manual.

3. Building Code:

Employ the best practices, as applicable, of Chapter 33 Safeguards During Construction, from the 2009 International Building Code.

D. Construction Administration and Communication

The Contractor will work closely with adjacent abutters, businesses, and all parties informed, as far in advance as possible, of scheduled work, particularly work anticipated to cause significant noise, vibrations, or dust. Communication in order to comply with all agreements, ordinances, and special permits will be of the utmost importance. Contractor contact information shall be posted on a sign on the construction fence along the Federal Street frontage. Additional signage necessary for communication shall be provided but will be temporary and removed upon completion of the project. The contract information for the project personnel is:

Erin Cooperrider
NewHeight Redfern, LLC
(207) 720-0181



A C O R N Engineering, Inc. • www.acorn-engineering.com
207-775-2655 • PO Box 3372 • Portland • Maine • 04104

GC and Subcontractor information will be posted along the State Street, Spring Street & Winter Street frontages once contracted.

E. Construction Schedule

The GC shall submit a construction timeline at or prior to the preconstruction meeting. Construction may occur during the daytime hours as defined in Section 17-18. Construction Activities for Building permit and City Code Section 25-129, Noise, dust and debris. Between September 1 and May 31, the following year, no person shall engage in construction activities generating noise exceeding 50 decibels, between the hours of 7 pm and 7 am of the following day within 500 feet of any buildings. From June 1 to August 31, construction activity may continue until 8 pm. No construction activity shall begin before 8 am on a Saturday, Sunday, or legal holiday. Extended hours or night work may be requested for special circumstances and street utility work if needed. These requests will be subject to approval by the Public Works Authority.

Due to the limited space within the project parcel, deliveries will need to be stored in an alternate location or deliveries must be small enough to fit within the property. Deliveries will be scheduled between 7 am and 5 pm.

The estimated timeframe of the proposed project is outlined below:

<u>Project Start Date:</u>	Fall 2021
<u>Project End Date:</u>	Fall 2023

A more detailed work schedule shall be provided by the GC at or before the pre-construction meeting with the City.

F. Security

1. The Construction Management Plan, Sheet C-03, depicts all proposed fencing and other barriers, with the intent of separating pedestrian and vehicle circulation from the construction site. Construction entrances per detail shall be installed.
2. Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 1 Chapter 16. *Safeguarding Construction, Alteration, and Demolition Operations*.
3. Fire Safety Program: Prior to construction, an overall construction and demolition fire safety program shall be developed. Essential items to be emphasized include the following:
 - o Good Housekeeping
 - o On-site security
 - o Installation of new fire protection systems as construction progresses
 - o Preservation of existing systems during demolition
 - o Organization and training of an on-site fire brigade
 - o Development of a pre-fire plan with the local fire department
 - o Rapid communication
 - o Consideration of special hazards resulting from previous occupancies



- o Protection of existing structures and equipment from exposure fires resulting from construction, alteration, and demolition operations.
- 4. Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.
- 5. Temporary security lighting shall be shown on the Construction Management Plan, and all fixtures shall be full cutoffs.

G. Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets

Construction activity in the public right-of-way shall be compliant with Chapter 25 Article VII of the City Code. At no time will it be permissible for construction activity including delivery vehicle to close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.

2. Sewer and Stormwater

Sewer and stormwater system connections are controlled by Chapters 24 and 32 of the City Code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual. This will apply to the new connections within Winter & Spring Streets.

3. Traffic Control Plans

Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. The contractor shall submit a satisfactory "Maintenance of Traffic" (MOT) plan prior to any street opening permit approval. This document shall contain all pertinent information from the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.

The MOT will address the work required for utility connections in Federal Street. Traffic will be channelized utilizing drums and cones. Proper signage will be installed prior to the through work zone. Alternating traffic will be controlled with flaggers. Trenches will be patched with pavement daily.

The MOT plan shall provide for the safe passage of the public through or along the construction work zone. It may be permissible to close a portion of Winter and Spring Streets during utility connections and/or detour a mode of traffic when absolutely necessary for safety. All requests shall be subject to City approval. MOT plans shall employ the appropriate techniques and devices as called for in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:



- Construction speed signing may be used as needed to slow traffic.
- Traffic Control signs shall not be placed where they would create any obstructions to bicycles or pedestrians.
- Flaggers will be utilized when necessary.

All existing modes of travel in the work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers, and motorists are of equal importance when planning and laying out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Works. The MOT should also address on-street parking impacts, including deliveries and parking for adjoining businesses and property owners, analysis of roadway capacity or diversion capacity if street closure or change to roadway capacity is required, and coordination with other on-going or future construction or utility projects in the vicinity.

- Traffic control for bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycle and pedestrians.
- Barrier systems utilized to separate the construction activity from the public street and /or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.
- ADA compliance in all capacities shall be maintained.

Use of public parking spaces or the blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

H. Site Management and Controls

1. Regular trash and debris shall be managed appropriately and removal of such shall comply with all local, state, and federal regulations.
2. Street cleaning and sweeping shall be followed as outlined in the erosion and sedimentation control notes and report. Damage to the street shall be avoided and shall be the responsibility of the contractor.
3. Dust shall be controlled and shall comply with Section 25-129 and the erosion and sedimentation control notes, plan, and details.
4. Noise shall be controlled and shall comply with Section 17-18 and Section 25-129.
5. Rodent Control shall be provided, if applicable, by a professional exterminator and shall be consistent with Chapter 22 of the City Code.
6. Snow and Ice Removal shall be provided. Pursuant to Section 25-173, the Contractor shall ensure a safe means of travel within the work zone by the following steps:
 - a. Snow/ice removal or commence automatically from 1" or greater of snow or ice
 - b. Remove snow as needed within the work zone, including parking spaces.
Driveways and site lines shall not be blocked by piles of snow.



- c. Clear all walks and ramps within the work zone
- d. Sand or salt as needed
- e. Clear all basin or drainage to help snow melt
- f. The above steps shall be carried out Sunday-Saturday including holidays.

I. Erosion & Sedimentation Control

1. The Contractor shall install all erosion and sedimentation controls as depicted on the approved Construction Management Plan, C-03, and the approved erosion and sedimentation control report, prior to the pre-construction meeting for inspection by the City. The Contractor shall regularly inspect the control measures, no less than weekly and after storm events (0.5" or more in 24 hours). Additionally, temporary or permanent stormwater management systems shall be inspected and maintained to ensure working order. The Contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection (MDEP) or the U.S. Environmental Protection Agency (EPA) upon request.
2. Due to the existing, sparse landscaping on site, no protection during construction will be necessary.
3. Stored materials shall be identified and avoid being located under/near trees.

J. Construction Staging Area

1. The Contractor shall submit a plan with locations depicted for material staging areas, on-site temporary construction trailers, on-site truck delivery holding areas, on-site truck washing stations, masonry mixing stations, the general location of the construction security fence and the general location of temporary construction dumpsters. This plan shall be submitted at or prior to the pre-construction meeting. Any open storage areas shall be shown on the plan.
2. Delivery Truck Holding Areas On-Site: The majority of materials delivered to the site will be scheduled such that they are able to be off-loaded immediately. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of trucks until they can be unloaded. Upon arrival to site, all vehicles will be brought within the fence line and will make every attempt to avoid queuing on public streets. If, for any reason, on-site holding of trucks is not feasible, an off-site location must be designated and shown on the submitted plan referenced above in J.1.
3. All deliveries for materials shall comply with the City's noise requirements.

K. Parking During Construction

1. Adequate parking for construction workers shall be provided along Federal Street or arrangements for off-street parking at an off-site location shall be provided.
2. Truck Routes: Trucks will access the site via State Street, Spring Street and Winter Street.



L. Special Measures as Necessary

The abutting buildings will be subject to a pre and post construction survey to monitor any effects from construction. The surveys shall consist of photographs of the foundation as viewed from outside and inside if granted permission.



Solid Waste Disposal

Solid waste disposal is currently located within the interior of the building's basement, with two existing trash compactors and dumpster within the loading dock area. One (1) of the existing trash compactors will be relocated along the existing retaining wall within the loading dock area that will continue to be utilized. The other trash compactor and dumpster will be removed. See architectural drawings and Sheet C-10, Site Plan for additional information.





Traffic Solutions
William J. Bray, P.E.
17 Mountview Drive
Gorham, ME 04038
(207) 400-6890
trafficsolutions@maine.rr.com

November 9, 2020

Parking Assessment

Proposed

“Mercy Hospital Redevelopment”

INTRODUCTION

NEWHEIGHT REDFERN, LLC are proposing redevelopment of the existing Mercy Hospital building creating a total of 167 residential apartment units and eight additional residential units in the adjoining Morrison building for a total of 175 residential units. The proposed mixed-use redevelopment project also provides; a self-storage facility, commercial/retail space, and a medical clinic.

The proposed 175 residential housing units include 157 market rate units and 18 affordable workforce units. Thirty-seven (37) of the proposed units are studios, 136 units are one-bedroom, and the remaining two units are two-bedroom.

The proposed redevelopment project provides a total of 68 parking spaces within the Mercy Hospital campus with 52 of the spaces designated as full-size (9'x18') spaces and the remaining 16 spaces are “tandem” spaces.

This document provides a determination of the “average” peak parking demand for the proposed Mercy Hospital Redevelopment project, appropriately applying both national parking trends and local parking data. The analytical determination of “average” peak parking demand for a mixed-use development must also account for the time-of-day distribution of the actual parking demand. For example, the peak parking demand requirements of one proposed use could likely occur at 7:00 p.m.; whereas the peak parking demand of a second building use may occur at 1:00 p.m. The net result is that the parking demand of multiple land-uses may be able to use the same parking space at different times of the day; thereby, reducing the actual peak parking demand of the site. Further, the analytical process followed in forecasting the peak parking demand of the proposed Mercy site also accounts for internally captured trips; oftentimes referred to as “shared-use” trips. It is reasonable to expect a resident in one of the proposed housing units purchasing coffee in the proposed neighborhood coffee shop and/or perhaps groceries in the proposed variety store. As a result, unless these internal trips are accounted for the projection of trips and, ultimately parking demand requirements of the proposed project, are overstated.

The parking demand requirements of the proposed Mercy Hospital Redevelopment project is fully met with the construction of the proposed 68 on-site parking spaces.

PARKING DEMAND

National parking demand data presented in the 5th Edition of the Institute of Transportation Engineers (ITE) “**PARKING GENERATION**” publication is typically the instrument used in estimating the actual parking demand of a development site. The 5th edition, which was published in January 2019, represents the most current copy of the noted ITE document. The ITE manual provides “*average*” peak parking demand rates for more than 100 land-use categories including: residential, lodging, recreational, institutional, medical, retail, office, services, etc. Occasionally, proposed development uses are more locally specific and/or are not presently accounted for in the national parking publication. In those instances, average peak parking demand is typically determined based upon local studies conducted at similar development uses. Parking rates are provided for a weekday condition.

The “*average*” peak parking demand requirements of the proposed Mercy Hospital Redevelopment mixed-use project is estimated based upon the following projected site uses:

Mercy Hospital Redevelopment Mixed-Use Project

Market Rate Residential Apartment Units

- (33) studio units
- (122) one-bedroom units
- (2) two-bedroom units

Affordable Workforce Units

- (4) studio units
- (14) one-bedroom units

Self-Storage Facility – 41,209sf

Medical Clinic – 3,849sf

Commercial Retail Units ⁽¹⁾

- Neighborhood Variety Store – 1,635sf
- Neighborhood Coffee Shop – 1,059sf
- Small Professional Office – 787sf
- Hair Salon – 648sf

NOTE: ⁽¹⁾ The identified commercial retail uses applied in determining the peak parking demand requirements of the proposed project are speculative at this time. The actual tenant for each or all of the four proposed commercial spaces could potentially be different than the uses presented above. Individual parking assessments will be provided for each tenant in support of their respective City issued occupancy permit; defining their peak parking demand requirements and parking supply options.

Parking Demand Requirement Procedures

The peak parking demand requirements of the proposed market rate apartment units is based upon Land-Use #221- Multi-Family Housing (Mid-Rise) presented in the noted ITE “**PARKING GENERATION**” publication. This land-use category is generally used for buildings between three and 10 floors in height. A peak parking rate of 0.48 spaces per bedroom was applied in calculating the parking demand requirements of the proposed market rate units.

Similarly, the peak parking demand requirements of the proposed affordable workforce apartment units is based upon Land-Use #223 - Affordable Housing – Income Limits in the national parking document. The parking rate used in determining the peak parking demand of the 18 workforce apartment units for a weekday is 0.30 spaces per bedroom.

Peak parking demand for the proposed self-storage facility was determined based upon Land-Use #151 - Mini-Warehouse in the 5th edition of the parking publication. The parking rate applied is 0.10 spaces per 1,000sf of total buildings(s) area.

The peak parking demand for the proposed medical clinic facility is based upon Land-Use #630 - Clinic in the noted publication. The parking demand rate applied is 3.89 spaces per 1,000sf of building area.

Parking demand for the proposed variety store was based upon Land-Use #814 - Variety Store in the ITE parking document. The parking rate applied is 1.13 spaces per 1,000sf.

Parking demand for the proposed neighborhood coffee shop is based upon a traffic study conducted at an existing neighborhood coffee shop located on Munjoy Hill at Congress and Atlantic Streets. The results of the field survey, as presented below in Table A, demonstrates the majority of the customers (approximately 92%) of the total recorded trips are pedestrian trips generated within the local neighborhood. It is expected that any customer arriving via automobile to the proposed neighborhood coffee shop will park on-street and, as a result, off-street parking is not required. To conservatively project the parking demand of the proposed coffee shop a total of three parking spaces are provided.

Table A
Trip Generation Summary
Neighborhood Coffee Shop
(Congress Street @ Atlantic Street)

<u>Survey Time</u>	<u>Entering Trips</u>		<u>Exiting Trips</u>		<u>Total Trips</u>	
	<u>Pedestrian Trips</u>	<u>Vehicle Trips</u>	<u>Pedestrian Trips</u>	<u>Vehicle Trips</u>	<u>Pedestrian Trips</u>	<u>Vehicle Trips</u>
8:00 to 8:15 AM	7	1	7	1	14	2
8:15 to 8:30 AM	5	2	3	2	8	4
8:30 to 8:45 AM	9	2	7	2	16	4
8:45 to 9:00 AM	12	3	8	2	20	5
9:00 to 9:15 AM	8	1	10	2	18	3
9:15 to 9:30 AM	4	1	6	1	10	2
Total Trips	45	10	41	10	86	20

Parking demand for the proposed small professional office space is based upon Land-Use #712 - Small Office Building. The parking demand rate applied is 2.56 spaces per 1,000sf GFA.

A total of one (1) parking space is allocated to the proposed hair salon shop, which assumes the majority of the customer base will walk and/or share a ride to the proposed local hair salon shop.

Table 1, as follows, presents the “average” peak parking demand requirement for the proposed Mercy Hospital project for a typical weekday:

Table 1
“Peak” Parking Demand Summary
For
“Mercy Hospital Development”
(Weekday Condition)

Proposed Use	Unit Size	Land-Use Code	Peak Parking Demand Rate	Parking Space Requirements
Market Rate Apartments	157 bedrooms	LUC 221	0.48 spaces/bedroom	75 spaces
Affordable Workforce Apartments	18 bedrooms	LUC 223	0.30 spaces/bedroom	5 spaces
Medical Clinic	3,849 sf	LUC 630	3.89 spaces/1,000 GFA	15 spaces
Self-storage Facility	41,209sf	LUC 151	0.10 spaces/1,000 GFA	4 spaces
Variety Store	1,635sf	LUC 814	1.13 spaces/1,000 GFA	2 spaces
Neighborhood Coffee Shop	1,059sf	n/a	Parking is provided for 3 employees	3 spaces
Small Office Space	787sf	LUC 712	2.56 spaces/1,000 GFA	2 spaces
Hair Salon	648sf	n/a	Parking is provided for owner only	1 space
			TOTAL Spaces	107 spaces

The “average” unadjusted peak parking demand of the combined Mercy Hospital project is estimated at **107** spaces for a typical weekday condition.

Parking Demand Adjustments: Due to the diversity of proposed uses within the proposed Mercy Hospital project site, an adjustment is applied to refine the actual parking demand of the proposed development. The adjustment accounts for multi-purpose trips that occur between one or more tenant spaces within the development site; often referred to as “*shared or internally captured*” trips. These trips must be accounted for or the projection of peak parking demand overstates the actual peak parking demand of a specific development site. The National Cooperative Highway Research Program’s (NCHRP) 684 Internal Trip Capture Estimation Tool was utilized in calculating the number of shared or captured trips generated by the proposed sites. Separate analyses were conducted for both the weekday morning and evening peak hour time periods and the trip rates calculated for each time period (18% AM Peak Hour and 6% PM Peak Hour) were then averaged to provide a conservative estimate of 12% percent. Copies of the NCHRP worksheets for both the weekday AM and PM peak hours are attached for reference.

Tables 2, below, summarizes the adjusted “average” peak parking demand for the proposed site for a typical weekday condition:

Table 2
Adjusted Parking Demand Summary
For
“Mercy Hospital Development Site”
(Weekday Condition)

Proposed Use	Peak Parking Demand (Spaces)	Shared Trip Adjustment ⁽¹⁾	Adjusted Parking Demand
Market Rate Apartments	75 spaces	-9	66 spaces
Affordable Workforce Apartments	5 spaces	-1	4 spaces
Medical Clinic	15 spaces	-2	13 spaces
Self-storage Facility	4 spaces	0	4 spaces
Variety Store	2 spaces	0	2 spaces
Neighborhood Coffee Shop	3 spaces	0	3 spaces
Small Office Space	2 spaces	0	2 spaces
Hair Salon	1 space	0	1 space
TOTAL	107 spaces	-12 spaces	95 spaces

NOTE: ⁽¹⁾ Percentage of “shared trips” is based upon an average of values determined through the NCHRP 684 tool for the weekday AM and PM peak hours.

Hourly Parking Demand: The noted ITE “**PARKING GENERATION**” publication provides further guidance in estimating the actual parking demand of a mixed-use or multi-use project. They state the following: *“the hourly variation in parking demand for the individual land uses can result in conditions where the parking demand for one land use is high while the demand for a different land use is low. In this situation, parking demand for both land uses may be able to use the same parking space at different times of the day. The end result can be a reduction in overall peak parking demand.”*

The ITE “**PARKING GENERATION**” manual provides time-of-day percent peak parking demand values for each land-use category for completing this determination. The actual percent values applied in completing these calculations are presented in Table 3, as follows:

Table 3
Hourly Peak Parking Demand (percent value) Summary
For
“Mercy Hospital Development Site”
(Weekday Condition)

<u>Time of Day</u>	<u>Market Rate Apartments</u>	<u>Affordable Workforce Apartments</u>	<u>Medical Clinic</u>	<u>Self-storage Facility</u>	<u>Variety Store</u>	<u>Neighborhood Coffee Shop ⁽¹⁾</u>	<u>Small Office Space</u>	<u>Hair Salon ⁽²⁾</u>
7:00 AM	71	71	0	0	4	100	8	0
8:00 AM	61	61	63	14	20	100	17	0
9:00 AM	55	55	93	71	53	100	17	100
10:00 AM	54	54	96	50	55	100	75	100
11:00 AM	53	53	100	79	56	100	67	100
12:00 PM	50	50	80	57	67	100	75	100
1:00 PM	49	49	75	64	69	100	75	100
2:00 PM	49	49	90	64	80	100	92	100
3:00 PM	50	50	89	79	67	0	100	100
4:00 PM	58	58	74	71	68	0	67	100
5:00 PM	64	64	41	100	100	0	83	100
6:00 PM	67	67	15	14	87	0	50	0
7:00 PM	70	70	0	0	48	0	0	0
8:00 PM	76	76	0	0	37	0	0	0

NOTES:

- (1) A total of three parking spaces are allocated to the proposed coffee shop for employees during the noted time period only. Both determinations are based upon the consultant's projections.
- (2) One parking space is provided to the owner of the proposed hair salon; it is assumed that the majority of customers will either walk or share a trip with another driver.

Finally, Table 4 estimates the “average” adjusted hourly peak parking demand requirements of the proposed project based upon the procedures described in the ITE “**PARKING GENERATION**” publication.

Table 4
Hourly Peak Parking Demand Summary
For
“Mercy Hospital Development”
(Weekday Condition)

	Market Rate Apartments	Affordable Workforce Apartments	Medical Clinic	Self- Storage Facility	Variety Store	Neighborhood Coffee Shop	Small Office Space	Hair Salon	Total
Adjusted Peak Parking Demand	66 spaces	4 spaces	13 spaces	4 spaces	2 spaces	3 spaces	2 spaces	1 space	95 spaces

Time of Day

7:00 AM	47 spaces	3 spaces	0	0	0	3 spaces	0	0	53 spaces
8:00 AM	40 spaces	2 spaces	8 spaces	1 space	0	3 spaces	0	0	54 spaces
9:00 AM	36 spaces	2 spaces	12 spaces	3 spaces	1 space	3 spaces	0	1 space	58 spaces
10:00 AM	36 spaces	2 spaces	12 spaces	2 spaces	1 space	3 spaces	2 spaces	1 space	59 spaces
11:00 AM	35 spaces	2 spaces	13 spaces	3 spaces	1 space	3 spaces	1 space	1 space	59 spaces
12:00 PM	33 spaces	2 spaces	10 spaces	2 spaces	1 space	3 spaces	2 spaces	1 space	54 spaces
1:00 PM	32 spaces	2 spaces	10 spaces	3 spaces	1 space	3 spaces	2 spaces	1 space	54 spaces
2:00 PM	32 spaces	2 spaces	12 spaces	3 spaces	2 spaces	3 spaces	2 spaces	1 space	57 spaces
3:00 PM	33 spaces	2 spaces	12 spaces	3 spaces	1 space	0	2 spaces	1 space	54 spaces
4:00 PM	38 spaces	2 spaces	10 spaces	3 spaces	1 space	0	1 space	1 space	56 spaces
5:00 PM	42 spaces	3 spaces	5 spaces	3 spaces	2 spaces	0	2 spaces	1 space	58 spaces
6:00 PM	44 spaces	3 spaces	2 spaces	1 space	2 spaces	0	1 space	0	53 spaces
7:00 PM	46 spaces	3 spaces	0 spaces	0 spaces	1 space	0	0	0	50 spaces
8:00 PM	50 spaces	3 spaces	0 spaces	0 spaces	1 space	0	0	0	54 spaces

Accordingly, the average adjusted peak hourly parking demand of the site for a typical weekday occurs mid-morning between 10:00 a.m. and 12:00 p.m. with a peak parking demand of **59** spaces.

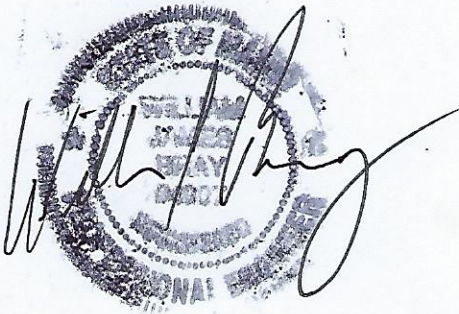
PARKING SUPPLY

The Applicant proposes to satisfy the peak parking demand requirements of the combined Mercy Hospital Redevelopment mixed-use project with construction of the proposed **68** on-site parking spaces.

SUMMARY

- The proposed Mercy Hospital Redevelopment mixed-use project is projected to generate an “average” peak parking demand of approximately **107** spaces on a typical weekday. The estimate of peak parking demand was developed based upon national parking demand rates presented in the 5th edition of the Institute of Transportation’s “**PARKING GENERATION**” publication and parking data collected locally within the City of Portland.
- The determination of “average” peak parking demand for the proposed project includes an adjustment for “shared-use” trips, which account for the occurrence of multi-purpose trips between one or more tenant spaces. The noted parking adjustments reduce the “average” peak parking demand of the site to **95** weekday spaces.

- The final step in forecasting the “average” peak parking demand requirements of the proposed Mercy Hospital Redevelopment mixed-use site considers the “shared parking space” benefits of a mixed-use or multi-use project. The previously referenced “**PARKING GENERATION**” publication provides the following guidance: “*the hourly variation in parking demand for the individual land uses can result in conditions where the parking demand for one land use is high while the demand for a different land use is low. In this situation, parking demand for both land uses may be able to use the same parking space at different times of the day. The end result can be a reduction in overall peak parking demand.*” The parking manual provides time-of-day percent of peak parking demand values for each land-use category; whereby, the actual hourly parking demand of the project site can be calculated. The results of this final process show the “average” peak parking demand of the combined Mercy Hospital site project occurs mid-morning between 10:00 a.m. and 12:00 p.m. during a typical weekday. The peak hourly parking demand for the weekday, accounting for shared use of the available on-site parking spaces, is estimated at **59** spaces.
- The Applicant will meet the parking demand requirements of the Mercy Hospital redevelopment project with construction of the proposed **68** on-site parking spaces.



NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Mercy Hospital Re-Development			Organization:	Traffic Solutions
Project Location:	Portland, ME			Performed By:	MMI
Scenario Description:	AM Peak Hour			Date:	11/5/2020
Analysis Year:	2020			Checked By:	
Analysis Period:	AM Peak Hour			Date:	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office	712, 630	4,636	SF	16	13	3
Retail	814	1,635	SF	5	3	2
Restaurant	936 (*local)	1,059	SF	16	8	8
Cinema/Entertainment				0		
Residential	221	175	DU	35	4	31
Hotel				0		
All Other Land Uses ²	918, 151	41,857	SF	6	4	2
Total				78	32	46

Table 2-A: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	1	0	0	0
Retail	1		0	0	0	0
Restaurant	2	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	2	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	78	32	46
Internal Capture Percentage	18%	22%	15%
External Vehicle-Trips ³	64	25	39
External Transit-Trips ⁴	0	0	0
External Non-Motorized Trips ⁴	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	23%	67%
Retail	33%	50%
Restaurant	38%	25%
Cinema/Entertainment	N/A	N/A
Residential	0%	6%
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

⁴Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Project Name:	Mercy Hospital Re-Development
Analysis Period:	AM Street Peak Hour

Table 7-A: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	13	13	1.00	3	3
Retail	1.00	3	3	1.00	2	2
Restaurant	1.00	8	8	1.00	8	8
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	4	4	1.00	31	31
Hotel	1.00	0	0	1.00	0	0

Table 8-A (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	2	0	0	0
Retail	1		0	0	0	0
Restaurant	2	1		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	0	6	0		0
Hotel	0	0	0	0	0	

Table 8-A (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	2	0	0	0
Retail	1		4	0	0	0
Restaurant	2	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	1	2	0		0
Hotel	0	0	0	0	0	

Table 9-A (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	3	10	13	10	0	0
Retail	1	2	3	2	0	0
Restaurant	3	5	8	5	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	4	4	4	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	4	4	4	0	0

Table 9-A (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	2	1	3	1	0	0
Retail	1	1	2	1	0	0
Restaurant	2	6	8	6	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	2	29	31	29	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	2	2	2	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A

²Person-Trips

³Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Mercy Hospital Re-Development			Organization:	Traffic Solutions
Project Location:	Portland, ME			Performed By:	MMI
Scenario Description:	PM Peak Hour			Date:	8/31/2020
Analysis Year:	2020			Checked By:	
Analysis Period:	PM Peak Hour			Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office	712, 630	4,636	SF	15	5	10
Retail	814	1,635	SF	11	6	5
Restaurant	936 (*local)	1,059	SF	0		
Cinema/Entertainment				0		
Residential	221	175	DU	32	23	9
Hotel				0		
All Other Land Uses ²	918, 151	41,857	SF	9	3	6
Total				67	37	30

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	1	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	67	37	30
Internal Capture Percentage	6%	5%	7%
External Vehicle-Trips ³	63	35	28
External Transit-Trips ⁴	0	0	0
External Non-Motorized Trips ⁴	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	0%	0%
Retail	17%	20%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	4%	11%
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

⁴Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Project Name:	Mercy Hospital Re-Development
Analysis Period:	PM Street Peak Hour

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	5	5	1.00	10	10
Retail	1.00	6	6	1.00	5	5
Restaurant	1.00	0	0	1.00	0	0
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	23	23	1.00	9	9
Hotel	1.00	0	0	1.00	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		2	0	0	0	0
Retail	0		1	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	4	2	0		0
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	1	0
Retail	2		0	0	11	0
Restaurant	2	3		0	4	0
Cinema/Entertainment	0	0	0		1	0
Residential	3	1	0	0		0
Hotel	0	0	0	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	5	5	5	0	0
Retail	1	5	6	5	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	22	23	22	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	3	3	3	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	10	10	10	0	0
Retail	1	4	5	4	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	8	9	8	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	6	6	6	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

²Person-Trips

³Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.



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November 9, 2020

Traffic Assessment

For Proposed

“Mercy Hospital Redevelopment”

Portland, Maine

INTRODUCTION

NEWHEIGHT REDFERN, LLC are proposing redevelopment of the existing 242,000 square foot Mercy Hospital creating a total of 167 residential apartment units and eight (8) additional residential units in the adjoining Morrison building for a total of 175 residential units. The proposed mixed-use redevelopment project also provides; a self-storage facility, commercial/retail space, and a medical clinic.

The proposed redevelopment project provides a total of 68 parking spaces within the Mercy Hospital campus with 52 of the spaces designated as full-size (9'x18') spaces and the remaining 16 spaces are “*tandem*” spaces.

Primary access to the Mercy Hospital site is provided with construction of a 22-foot wide driveway entrance intersecting Spring Street just north of the Winter Street intersection. The proposed redevelopment project also retains the existing State Street driveway entrance as a secondary means of ingress/egress to the project site. A 16-foot wide emergency access lane is also proposed off Winter Street connecting to the internal parking area.

Traffic projections are developed for the existing Mercy Hospital facility and the proposed multi-use redevelopment project applying a combination of both national trip generation data published in the 10th edition of the Institute of Transportation Engineers “**TRIP GENERATION**” publication and local traffic surveys conducted on the Portland peninsular. For analysis purposes, traffic projections for the proposed multi-use Mercy Hospital Redevelopment project is based upon the following site details:

Mercy Hospital Redevelopment Mixed-Use Site

- 157 Market Rate Residential Apartment Units
- 18 Affordable Workforce Residential Apartment Units
- Self-Storage Facility – 41,209sf
- Medical Clinic – 3,849sf
- Neighborhood Variety Store – 1,635sf
- Neighborhood Coffee Shop – 1,059sf
- Small Professional Office Space – 787sf

- Hair Salon – 648sf

Existing road safety conditions in the immediate area of the project site are also reviewed based upon MaineDOT's highway safety reports for the time period of 2017 through 2019.

SITE TRAFFIC GENERATION

Peak hour trip forecasts for the Mercy Hospital Redevelopment project are prepared applying trip rate information detailed in the 10th edition of the noted ITE **"TRIP GENERATION"** publication and traffic data gathered at a local City of Portland establishment. The following specific site uses are defined as follows:

- 157 Market Rate Residential Apartment Units
- 18 Affordable Workforce Residential Apartment Units
- Self-Storage Facility – 41,209sf
- Medical Clinic – 3,849sf
- Commercial Retail Development ⁽¹⁾
 1. Neighborhood Variety Store – 1,635sf
 2. Neighborhood Coffee Shop – 1,059sf
 3. Small Professional Office Space – 787sf
 4. Hair Salon – 648sf

NOTE: ⁽¹⁾ The identified commercial retail uses are speculative at this time. Separate peak hour trip assignments will be developed individually for each pad site upon application for a City construction permit.

The following procedures were applied:

1. **Site Trip Generation – Self-Storage Facility (41,209sf):** Trip generation is based upon tables presented in the 10th edition of the Institute of Transportation's Engineers **"TRIP GENERATION"** manual. The following trip rates were applied in that effort:

Land-Use #151: Mini-Warehouse

Weekday AM Peak Hour (Street)	= 0.10 trips/1,000sf GFA
Weekday PM Peak Hour (Street)	= 0.17 trips/1,000sf GFA
Weekday AM Peak Hour (Generator)	= 0.20 trips/1,000sf GFA
Weekday PM Peak Hour (Generator)	= 0.20 trips/1,000sf GFA

Table 1, below provides a summary of the trip generation for the proposed self-storage facility:

Table 1
Peak Hour Trip Generation Summary
(Self-Storage Facility)

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	4
PM Peak Hour (Street)	7
AM Peak Hour (Generator)	8
PM Peak Hour (Generator)	8

2. **Site Trip Generation – Proposed Market Rate and Affordable Workforce Residential Apartments (175 Units):** Trip generation is based upon tables presented in the 10th edition of the Institute of

Transportation's Engineers "TRIP GENERATION" manual. The following trip rates were applied in that effort:

Land-Use #221: Multi-family Housing (Mid-Rise)

Weekday AM Peak Hour (Street)	= 0.20 trips/unit
Weekday PM Peak Hour (Street)	= 0.18 trips/unit
Weekday AM Peak Hour (Generator)	= 0.15 trips/unit
Weekday PM Peak Hour (Generator)	= 0.18 trips/unit

Table 2, below provides a summary of the trip generation for the proposed 175 market rate and affordable workforce residential apartments units:

Table 2
Peak Hour Trip Generation Summary
(175 Residential Apartments)

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	35 trips
PM Peak Hour (Street)	32 trips
AM Peak Hour (Generator)	26 trips
PM Peak Hour (Generator)	32 trips

3. **Site Trip Generation – Medical Clinic (3,849sf):** Trip generation is based upon tables presented in the 10th edition of the Institute of Transportation's Engineers "TRIP GENERATION" manual. The following trip rates were applied in that effort:

Land-Use #630: Clinic

Weekday AM Peak Hour (Street)	= 3.69 trips/1,000sf GFA
Weekday PM Peak Hour (Street)	= 3.28 trips/1,000sf GFA
Weekday AM Peak Hour (Generator)	= 5.22 trips/1,000sf GFA
Weekday PM Peak Hour (Generator)	= 4.64 trips/1,000sf GFA

Table 3, below provides a summary of the trip generation for the proposed medical clinic:

Table 3
Peak Hour Trip Generation Summary
(Medical Clinic)

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	14
PM Peak Hour (Street)	13
AM Peak Hour (Generator)	20
PM Peak Hour (Generator)	18

4. **Site Trip Generation – Small Professional Office Building (787sf):** Trip generation is based upon tables presented in the 10th edition of the Institute of Transportation's Engineers "TRIP GENERATION" manual. The following trip rates were applied in that effort:

Land-Use #712: Small Office Building

Weekday AM Peak Hour (Street)	= 1.92 trips/1,000sf GFA
-------------------------------	--------------------------

Weekday PM Peak Hour (Street)	= 2.45 trips/1,000sf GFA
Weekday AM Peak Hour (Generator)	= 3.26 trips/1,000sf GFA
Weekday PM Peak Hour (Generator)	= 3.73 trips/1,000sf GFA

Table 4, below provides a summary of the trip generation for the proposed small professional office building:

Table 4
Peak Hour Trip Generation Summary
(Small Office Building)

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	2
PM Peak Hour (Street)	2
AM Peak Hour (Generator)	3
PM Peak Hour (Generator)	3

5. **Site Trip Generation – Small Variety Store (1,635sf):** Trip generation is based upon tables presented in the 10th edition of the Institute of Transportation's Engineers "TRIP GENERATION" manual. The following trip rates were applied in that effort:

Land-Use #814: Variety Store

Weekday AM Peak Hour (Street)	= 3.18 trips/1,000sf GFA
Weekday PM Peak Hour (Street)	= 6.84 trips/1,000sf GFA
Weekday AM Peak Hour (Generator)	= 4.52 trips/1,000sf GFA
Weekday PM Peak Hour (Generator)	= 7.42 trips/1,000sf GFA

Table 5, below provides a summary of the trip generation for the proposed variety store:

Table 5
Peak Hour Trip Generation Summary
(Variety Store)

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	5
PM Peak Hour (Street)	11
AM Peak Hour (Generator)	7
PM Peak Hour (Generator)	12

6. **Site Trip Generation – Hair Salon (648sf):** Trip generation is based upon tables presented in the 10th edition of the Institute of Transportation's Engineers "TRIP GENERATION" manual. The following trip rates were applied in that effort:

Land-Use #918: Hair Salon ⁽¹⁾

Weekday AM Peak Hour (Street)	= 1.21 trips/1,000sf GFA
Weekday PM Peak Hour (Street)	= 1.45 trips/1,000sf GFA
Weekday AM Peak Hour (Generator)	= 1.21 trips/1,000sf GFA
Weekday PM Peak Hour (Generator)	= 1.94 trips/1,000sf GFA

NOTE: ⁽¹⁾ Trip rate information published for LUC #918 is based upon a single field survey; trip projections presented for each peak hour time period doubles the volume of trips generated by the ITE trip rates.

Table 6, below provides a summary of the trip generation for the proposed hair salon:

Table 6
Peak Hour Trip Generation Summary
(Hair Salon)

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	2
PM Peak Hour (Street)	2
AM Peak Hour (Generator)	2
PM Peak Hour (Generator)	2

7. **Site Trip Generation – Proposed Neighborhood Coffee Shop (1,059sf):** Site trip generation is developed based upon a local traffic study conducted at an existing neighborhood coffee shop located at the intersection of Congress and Atlantic Streets on Munjoy Hill. The following, Table A, provides a summary of the results of that traffic survey:

Table A
Trip Generation Summary
Neighborhood Coffee Shop
(Congress Street @ Atlantic Street)

<u>Survey Time</u>	<u>Entering Trips</u>		<u>Exiting Trips</u>		<u>Total Trips</u>	
	<u>Pedestrian Trips</u>	<u>Vehicle Trips</u>	<u>Pedestrian Trips</u>	<u>Vehicle Trips</u>	<u>Pedestrian Trips</u>	<u>Vehicle Trips</u>
8:00 to 8:15 AM	7	1	7	1	14	2
8:15 to 8:30 AM	5	2	3	2	8	4
8:30 to 8:45 AM	9	2	7	2	16	4
8:45 to 9:00 AM	12	3	8	2	20	5
9:00 to 9:15 AM	8	1	10	2	18	3
9:15 to 9:30 AM	4	1	6	1	10	2
AM Peak Hour Total	33	7	31	7	64	14

As presented in the body of Table A, the existing neighborhood coffee shop located on Munjoy Hill generates very few vehicle trips during the AM peak hours, with a total of 14 vehicle trips recorded during the morning peak hour. A similar trip generation value is projected for the proposed neighborhood coffee shop. Vehicular trips generated by the proposed coffee shop; albeit, a very small number, are fully expected to use available on-street parking spaces to patronize the proposed coffee shop. In the opinion of this report, the actual number of vehicular trips generated will be far less than the estimated values presented in Table 7 below:

Table 7
Peak Hour Trip Generation Summary
Neighborhood Coffee Shop

<u>Peak Hour Time Period</u>	<u>Peak Hour Trip Generation</u>
AM Peak Hour (Street)	14 trips
PM Peak Hour (Street)	closed
AM Peak Hour (Generator)	14 trips ⁽¹⁾
PM Peak Hour (Generator)	closed

NOTES: ⁽¹⁾ Trip estimates, as noted, are based upon existing AM peak hour data collected at existing Munjoy Hill coffee shop.

Mercy Hospital Redevelopment – Total Trip Generation: The proposed Mercy Hospital Redevelopment Project is projected to generate approximately 76 vehicle trips in the AM peak hour of the street, an additional 67 trips during the evening peak hour of the street and similar trip volumes of 80 and 75 vehicles, respectively, in the morning and evening peak hours of the site.

SITE TRIP ADJUSTMENT

A finite number of residents, employees of the proposed commercial spaces and/or customers of those same spaces, are classified as internal or shared trips; trips that do not leave the confines of the proposed Mercy Hospital Redevelopment site. These multi-purpose trips, if not accounted for, overestimate the actual vehicular traffic impacts of the combined project site (*For example, an apartment resident purchasing their morning coffee at the proposed neighborhood coffee shop doing so by simply walking from their apartment to the proposed coffee shop.*). Numerous other likely internal trip patterns will be generated by the proposed site and their impact must be accounted for.

The National Cooperative Highway Research Program's (NCHRP) 684 Internal Trip Capture Estimation Tool provides a process for estimating the number of shared or captured trips generated by a development project. Copies of the spreadsheets used in the analysis are attached as an appendix to the report. The summarized internal capture rates, as determined from the NCHRP 684 Worksheet Section 5-A, provide the following internal capture rates (percentages) applicable to the Mercy Hospital Redevelopment site uses:

<u>Trip Capture Percent</u>	<u>Total</u>	<u>Entering Trips</u>	<u>Exiting Trips</u>
AM Peak Hour	18%	22%	15%
PM Peak Hour	6%	5%	7%

Traffic Solutions, to conservatively forecast the number of internally captured or shared trips generated by the proposed Mercy Hospital Redevelopment project, has applied a 12% captured trip rate; which, is the average of the estimated percentage calculated for the AM and PM peak hours.

Based upon the described methodology presented above, a total of nine (9) internal captured or shared trips are generated in the AM peak hour and a slightly lower volume of eight (8) trips are generated in the evening peak hour of the street.

Accounting for these shared use trips; which do not travel to or from the public street system, the Mercy Hospital site is expected to generate **67** trips in the morning peak hour and **59** trips in the evening peak hour of the street that travel to/from the public street system.

EXISTING MERCY HOSPITAL TRIP GENERATION

Existing Mercy Hospital Site Trip Generation: Peak hour trip generation for the existing 242,000 square foot hospital is estimated based upon trip rates presented in the 10th edition of the Institute of Transportation Engineers (ITE) "TRIP GENERATION" publication. The following trip rates were used in that effort:

Land-Use Code #610 – Hospital

AM Peak Hour of Street	= 0.89 trips/1,000sf GFA
PM Peak Hour of Street	= 0.97 trips/1,000sf GFA
AM Peak Hour of Generator	= 0.85 trips/1,000sf GFA
PM Peak Hour of Generator	= 0.97 trips/1,000sf GFA

The existing Mercy Hospital campus, at full capacity; based upon the national published trip rates, generates approximately **215** trips in the weekday morning of the street and **235** trips in the weekday evening peak hour of

the street; **206** trips in the weekday AM peak hour of the site and **235** trips during the same weekday PM peak hour of the site.

EXISTING SAFETY CONDITIONS

The Maine Department of Transportation's (MaineDOT) Accident Records Section provided the latest three-year (2017 through 2019) crash data for the following street segments adjacent to the Mercy Hospital campus: State Street between Pine and Gray Streets; Winter Street between Pine and Gray Streets; Spring Street between State and Brackett Streets and Gray Street between State and Brackett Streets, combined a total distance of 0.75 miles.

Their report is presented as follows:

2017 -2019 Traffic Accident Summary

<u>Location</u>	<u>Total Crashes</u>	<u>Critical Rate Factor</u>
1. State Street @ Pine Street	9	1.66
2. State Street @ Spring Street	6	0.28
3. State Street @ Gray Street	6	1.27
4. Brackett Street @ Gray Street	2	1.46
5. Brackett Street @ Winter Street	4	22.71
6. Brackett Street @ Spring Street	2	0.66
7. Spring Street @ Winter Street	2	0.75
8. State Street btw. Pine Street and Spring Street	6	0.69
9. State Street btw. Spring Street and Gray Street	8	1.48
10. Gray Street btw. State Street and Winter Street	3	10.98
11. Gray Street btw. Winter Street and Brackett Street	1	59.05
12. Spring Street btw. State Street and Winter Street	2	0.48
13. Spring Street btw. Winter Street and Brackett Street	5	1.66
14. Winter Street btw. Gray Street and Spring Street	1	2.48
15. Winter Street btw. Spring Street and Pine Street	2	0.80

The MaineDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- ***8 or more accidents***
- ***A Critical Rate Factor greater than 1.00***

As highlighted in red, the State Street/Pine Street intersection meets both MaineDOT's criteria as a high crash location with a reported total of nine vehicle crashes and a corresponding critical rate factor of 1.66. Additionally, the street section of State Street located between Spring Street and Gray Street meets both criteria as a high crash location with a total of eight reported crashes and a critical rate factor of 1.48.

MaineDOT's Safety Bureau prepared vehicle collision diagrams for both identified locations that illustratively present the details of each reported vehicle crash. A copy of MaineDOT's reports are attached for reference.

A summary of the accident reconstruction details is provided, as follows, for both locations:

Location #1: State Street @ Pine Street Five (5) of the nine reported crashes occurring within the intersection involve a pedestrian being struck while crossing the State Street approach of the

intersection. Push-button activated rapid flashing beacons are present at the intersection aiding pedestrians crossing the State Street approach. The remaining four crashes reported at the intersection included: “*following too close*”, “*hit and run*” and “*failure to yield*” crashes.

Location #9: State Street between Spring Street and Gray Street MaineDOT’s crash diagram does not identify a specific crash pattern occurring within the very short section of State Street. There was a total of two (2) “*OUT*” crashes; three (3) “*failure to keep in lane*” crashes; two (2) “*improper turn*” accidents and a single “*slippery road conditions*” crash.

SUMMARY

1. The existing Mercy Hospital Campus, based upon national trip data, generates between 206 and 235 vehicle trips during each peak hour of a typical weekday. The lower volume of trips is expected in the morning hours of the day and the higher volume is found in the early evening hours.
2. The proposed Mercy Hospital Redevelopment project, which includes 175 residential apartments, a medical clinic, self-storage facility and four commercial/retail development pads is predicted to generate a low of 67 to a high of 80 vehicle trips during the weekday peak travel periods.
3. A finite number of residents, employees of the proposed commercial spaces and/or customers of those same spaces, located in the proposed Mercy Hospital Redevelopment site are classified as internal captured or shared trips; trips that do not leave the confines of the proposed development property. These multi-purpose trips, if not accounted for, overestimate the actual vehicular traffic impacts of the combined project site (*For example, an apartment resident purchasing their morning coffee at the proposed neighborhood coffee shop doing so by simply walking from their apartment to the proposed coffee shop.*). The National Cooperative Highway Research Program’s (NCHRP) 684 Internal Trip Capture Estimation Tool predicts trip capture rates between 6 and 18% will likely occur within the combined development sites. An average of the predicted capture rates was applied, which shows a result of approximately eight to nine fewer peak hour trips will impact the street system.
4. The proposed Mercy Hospital Redevelopment projects, after deducting the internal capture trip estimates, is expected to generate approximately 59 to 67 vehicle trips during the critical weekday peak hours that impact the local transportation system. These trip forecasts represent a net reduction of more than 125 peak hour trips when compared to the present peak hour trip generation of Mercy Hospital.
5. The Maine Department of Transportation’s (MaineDOT) Accident Records Section provided the latest three-year (2017 through 2019) crash data for the following street segments adjacent to the Mercy Hospital campus: State Street between Pine and Gray Streets; Winter Street between Pine and Gray Streets; Spring Street between State and Brackett Streets and Gray Street between State and Brackett Streets - combined a total distance of 0.75 miles. Their safety report identified the section of State Street between Spring and Gray Streets as a high crash location, with a total of eight reported vehicle crashes and a corresponding critical rate factor of 1.48. A detailed vehicle collision diagram prepared by the MaineDOT Safety office shows the reported vehicle crashes occur somewhat randomly within the very short road segment. Four different crash types were identified that included: two (2) “*OUT*” crashes; three (3) “*failure to keep in lane*” crashes; two (2) “*improper turn*” accidents and a single “*slippery road condition*” crash. The second-high crash location highlighted by MaineDOT was the intersection of State Street and Pine Street, where a total of nine crashes were reported with a critical rate factor 1.66. The MaineDOT collision diagram for this location clearly shows a crash pattern at the intersection. Five (5) of the nine total crashes involved a motor vehicle striking a pedestrian crossing in the State Street crosswalk. Traffic Solutions conducted an inspection of the intersection and found that the “*rapid*

rectangular flashing beacon" system that assists pedestrians in crossing the State Street approach is not working correctly. The flashing beacon on the northside of State Street has been disconnected and when the pedestrian push button is activated the flashing beacon on this side of the intersection is blank. It is recommended that the inoperative beacon be repaired as soon as practical.

A handwritten signature in black ink is written over a circular official seal. The seal is purple and contains the text "VALLEY COUNTY" at the top, "DEPT. OF PUBLIC WORKS" in the middle, and "04/07" at the bottom. The signature is a cursive script that extends to the right of the seal.

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Mercy Hospital Re-Development			Organization:	Traffic Solutions
Project Location:	Portland, ME			Performed By:	MMI
Scenario Description:	AM Peak Hour			Date:	11/5/2020
Analysis Year:	2020			Checked By:	
Analysis Period:	AM Peak Hour			Date:	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office	712, 630	4,636	SF	16	13	3
Retail	814	1,635	SF	5	3	2
Restaurant	936 (*local)	1,059	SF	16	8	8
Cinema/Entertainment				0		
Residential	221	175	DU	35	4	31
Hotel				0		
All Other Land Uses ²	918, 151	41,857	SF	6	4	2
Total				78	32	46

Table 2-A: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	1	0	0	0
Retail	1		0	0	0	0
Restaurant	2	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	2	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	78	32	46
Internal Capture Percentage	18%	22%	15%
External Vehicle-Trips ³	64	25	39
External Transit-Trips ⁴	0	0	0
External Non-Motorized Trips ⁴	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	23%	67%
Retail	33%	50%
Restaurant	38%	25%
Cinema/Entertainment	N/A	N/A
Residential	0%	6%
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A.

⁴Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute

Project Name:	Mercy Hospital Re-Development
Analysis Period:	AM Street Peak Hour

Table 7-A: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	13	13	1.00	3	3
Retail	1.00	3	3	1.00	2	2
Restaurant	1.00	8	8	1.00	8	8
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	4	4	1.00	31	31
Hotel	1.00	0	0	1.00	0	0

Table 8-A (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	2	0	0	0
Retail	1		0	0	0	0
Restaurant	2	1		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	0	6	0		0
Hotel	0	0	0	0	0	

Table 8-A (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	2	0	0	0
Retail	1		4	0	0	0
Restaurant	2	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	1	2	0		0
Hotel	0	0	0	0	0	

Table 9-A (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	3	10	13	10	0	0
Retail	1	2	3	2	0	0
Restaurant	3	5	8	5	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	4	4	4	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	4	4	4	0	0

Table 9-A (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	2	1	3	1	0	0
Retail	1	1	2	1	0	0
Restaurant	2	6	8	6	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	2	29	31	29	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	2	2	2	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A

²Person-Trips

³Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

NCHRP 684 Internal Trip Capture Estimation Tool					
Project Name:	Mercy Hospital Re-Development			Organization:	Traffic Solutions
Project Location:	Portland, ME			Performed By:	MMI
Scenario Description:	PM Peak Hour			Date:	8/31/2020
Analysis Year:	2020			Checked By:	
Analysis Period:	PM Peak Hour			Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office	712, 630	4,636	SF	15	5	10
Retail	814	1,635	SF	11	6	5
Restaurant	936 (*local)	1,059	SF	0		
Cinema/Entertainment				0		
Residential	221	175	DU	32	23	9
Hotel				0		
All Other Land Uses ²	918, 151	41,857	SF	9	3	6
Total				67	37	30

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses ²						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	1	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	67	37	30
Internal Capture Percentage	6%	5%	7%
External Vehicle-Trips ³	63	35	28
External Transit-Trips ⁴	0	0	0
External Non-Motorized Trips ⁴	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	0%	0%
Retail	17%	20%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	4%	11%
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

³Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

⁴Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Project Name:	Mercy Hospital Re-Development
Analysis Period:	PM Street Peak Hour

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	5	5	1.00	10	10
Retail	1.00	6	6	1.00	5	5
Restaurant	1.00	0	0	1.00	0	0
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	23	23	1.00	9	9
Hotel	1.00	0	0	1.00	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		2	0	0	0	0
Retail	0		1	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	4	2	0		0
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	1	0
Retail	2		0	0	11	0
Restaurant	2	3		0	4	0
Cinema/Entertainment	0	0	0		1	0
Residential	3	1	0	0		0
Hotel	0	0	0	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	5	5	5	0	0
Retail	1	5	6	5	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	22	23	22	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	3	3	3	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	10	10	10	0	0
Retail	1	4	5	4	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	8	9	8	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	6	6	6	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

²Person-Trips

³Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.



Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS
☒ Crash Summary I ☐ Section Detail ☒ Crash Summary II ☐ 1320 Public ☐ 1320 Private ☐ 1320 Summary
REPORT DESCRIPTION

Portland: State St (nodes 16817-16815), Gray St (nodes 19095-16815), Spring St (nodes 19102-16816), and Winter St (nodes 19091-19093)

REPORT PARAMETERSYear 2017, Start Month 1 through Year 2019 End Month: 12 *State st. Btw. Pine and Gray*

Route: 0077X

Start Node: 16817
End Node: 16815Start Offset: 0
End Offset: 0☐ Exclude First Node
☐ Exclude Last Node

Route: 0560331

Start Node: 19095 *Gray St. Btw. Brackett and State*
End Node: 16815Start Offset: 0
End Offset: 0☐ Exclude First Node
☒ Exclude Last Node

Route: 0560672

Start Node: 19102 *Spring St. Btw. Brackett and State*
End Node: 16816Start Offset: 0
End Offset: 0☐ Exclude First Node
☒ Exclude Last Node

Route: 0560803

Start Node: 19091 *Winter Street Btw. Gray & Spring*
End Node: 19092Start Offset: 0
End Offset: 0☒ Exclude First Node
☒ Exclude Last Node

Route: 0560803

Start Node: 19092 *Winter Btw Spring & Pine*
End Node: 19093Start Offset: 0
End Offset: 0☒ Exclude First Node
☒ Exclude Last Node

Crash Summary I

Sections																
Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes			Injury Crashes			Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
						K	A	B	C	PD						
16816	16817	3130489	0 - 0.16	0077X - 0.32 ST RTE 77	0.16	2	6	0	0	0	6	0.0	0.00599	334.11	478.41	0.00
Statewide Crash Rate: 220.69																
16815	16816	192499	0 - 0.09	0077X - 0.48 ST RTE 77	0.09	2	8	0	1	0	6	25.0	0.00322	828.08	558.28	1.48
Statewide Crash Rate: 220.69																
19091	19095	194803	0 - 0.06	0560331 - 0.07 RD INV 05 60331	0.06	2	1	0	0	0	1	0.0	0.00003	11798.99	199.82	59.05
Statewide Crash Rate: 412.98																
16815	19091	5080298	0 - 0.07	0560331 - 0.13 RD INV 05 60331	0.07	2	3	0	0	0	1	0.0	0.00006	16797.83	1530.55	10.98
Statewide Crash Rate: 412.98																
19092	19102	194805	0 - 0.05	0560672 - 0.49 RD INV 05 60672	0.05	2	5	0	0	0	5	0.0	0.00079	2118.40	1278.67	1.66
Statewide Crash Rate: 412.98																
16816	19092	192504	0 - 0.07	0560672 - 0.54 RD INV 05 60672	0.07	2	2	0	0	0	2	0.0	0.00123	541.34	1138.90	0.00
Statewide Crash Rate: 412.98																
19091	19092	194802	0 - 0.09	0560803 - 0.06 RD INV 05 60803	0.09	2	1	0	0	0	0	0.0	0.00008	4227.97	1702.89	2.48
Statewide Crash Rate: 412.98																
19092	19093	5080269	0 - 0.16	0560803 - 0.15 RD INV 05 60803	0.16	2	2	0	0	0	2	0.0	0.00061	1091.35	1363.00	0.00
Statewide Crash Rate: 412.98																
Study Years:					3.00											
Section Totals:					0.75											
Grand Totals:					0.75	59	0	1	3	6	46	16.9	0.01200	777.65		
																623.27
																2.63

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	Injury Crashes			PD	Percent Annual M Injury Ent-Veh	Crash Rate	Critical Rate	CRF
						A	B	C					
16817	0077X - 0.32	Int of PINE ST STATE ST	2	9	0	0	0	2	7	22.2	4.460	0.67	1.66
											Statewide Crash Rate:	0.16	
16816	0077X - 0.48	Int of SPRING ST, STATE ST	9	6	0	0	1	1	4	33.3	5.528	0.36	0.00
											Statewide Crash Rate:	0.75	
16815	0077X - 0.57	Int of GRAY ST STATE ST	2	6	0	0	2	0	4	33.3	3.729	0.54	1.27
											Statewide Crash Rate:	0.16	
19095	0560331 - 0.07	Int of BRACKETT ST GRAY ST	2	2	0	0	0	1	1	50.0	0.729	0.91	1.46
											Statewide Crash Rate:	0.16	
19091	0560331 - 0.13	Int of GRAY ST WINTER ST	2	4	0	0	0	1	3	25.0	0.120	11.10	22.71
											Statewide Crash Rate:	0.16	
19102	0560672 - 0.49	Int of BRACKETT ST SPRING ST	2	2	0	0	0	0	2	0.0	2.036	0.33	0.00
											Statewide Crash Rate:	0.16	
19092	0560672 - 0.54	Int of SPRING ST WINTER ST	2	2	0	0	0	0	2	0.0	1.754	0.38	0.00
											Statewide Crash Rate:	0.16	
Study Years: 3.00				NODE TOTALS:	31	0	0	3	5	23	25.8	18.356	1.06

H. C. L. CRASH COLLISION DIAGRAM DATA PACKAGE

COUNTY: CUMBERLAND

TOWN: PORTLAND

LOW NODE: 16815 HIGH NODE: 16816

REGION: 1

U/R: URBAN

DESCRIPTION: State St from Gray St to Spring St

RTE # / RD #: 0077X

DATE DRAWN: 6/19/2020 DRAWN BY: BOB K

STUDY FROM: 1/1/2017

STUDY TO: 12/31/2019

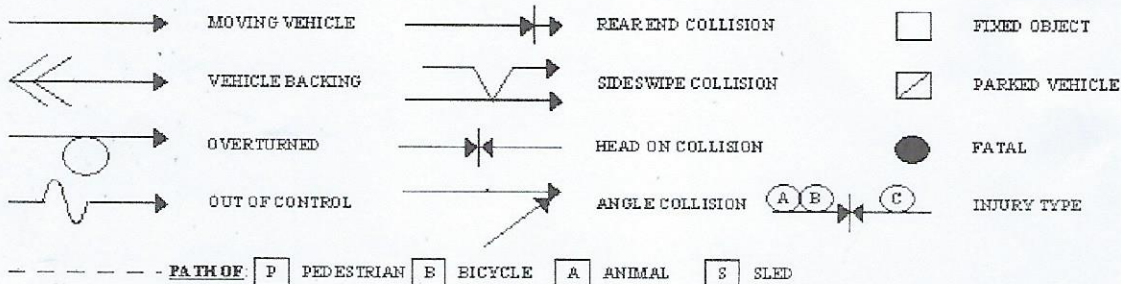
CRASH RATE: 828.08

CRF: 1.48

% INJURY: 25

TOTAL CRASHES: 8

LEGEND



PAVEMENT: D - DRY, I - ICY, W - WET, S - SNOW

WEATHER: C - CLEAR, F - FOG, R - RAIN, SL - SLEET, S - SNOW, CL - CLOUDY

TIME: A - AM, P - PM

Portland

Link: 16815-16816

Element: 192499

Study Period: 2017-2019

of Crashes: 8 / CRF: 1.48



16816

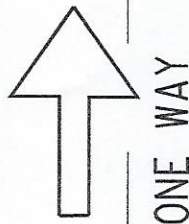
16815

33102 11-9-18 5:36P D/C 0 JUL
 30774 10-24-18 10:58A W/C
 Fail To Keep In Lane

69180 10-26-19 1:23P D/C Fail To Keep In Lane

30774 10-24-18 10:58A W/C
 Fail To Keep In Lane

9109 3-19-18 11:31A D/C Fail To Keep In Lane



State Street (Route 77)

29497 10-15-18 7:07P W/R 0 JUL Hit & Run

2497 1-20-17 12:50P SL/C Road Conditions

19547 7-1-17 10:40A D/C Improper Turn

1085 1-7-18 3:46P SL/C Improper Turn

Bus Stop

Driveway

Driveway #100

H. C. L. CRASH COLLISION DIAGRAM DATA PACKAGE

COUNTY: CUMBERLAND

TOWN: PORTLAND

LOW NODE: 16817 HIGH NODE: 0000

REGION: 1

U/R: URBAN

DESCRIPTION: Int of Pine St and State St

RTE # / RD #: 0077X

DATE DRAWN: 6/1/2020 DRAWN BY: BOB K

STUDY FROM: 1/1/2017

STUDY TO: 12/31/2019

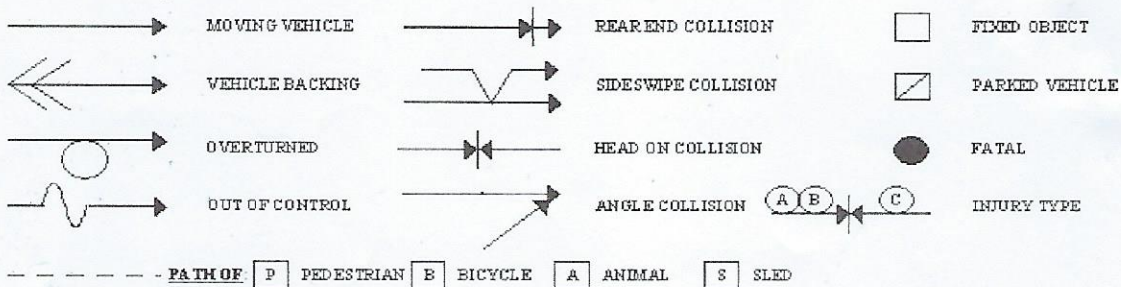
CRASH RATE: 0.67

CRF: 1.66

% INJURY: 22.2

TOTAL CRASHES: 9

LEGEND



PAYEMENT: D - DRY, I - ICY, W - WET, S - SNOW

WEATHER: C - CLEAR, F - FOG, R - RAIN, SL - SLEET, S - SNOW, CL - CLOUDY

TIME: A - AM, P - PM

ONE WAY



63283 8-22-19 6:00P D/C Fail to keep in lane

11013 4-5-18 6:59P D/C Follow Too Close

6627 2-21-17 8:40A D/C Follow Too Close

15348 5-21-17 4:00P D/C Follow Too Close

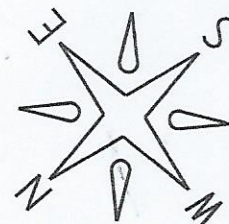
31073 10-18-17 5:05P D/C Fail To Yield

73185 11-25-19 12:50P D/C Follow too close

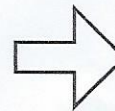
22397 7-28-17 12:48P D/C Fail To Yield

25790 8-24-17 9:00A D/C Follow Too Close

228 1-3-17 12:55P W/CL Hit & Run



ONE WAY



Pine St

State St
Rt 77

Portland

Node: 16817

Study Period: 2017-2019

of Crashes: 9 / CRF: 1.66

Prepared by Office of Safety

RFK3 6-1-20



Mercy Hospital Redevelopment Transportation Demand Management (TDM) Plan

November 10, 2020

Summary

NewHeight Redfern, LLC provides this Transportation Demand Management (TDM) Plan for the Mercy Hospital Redevelopment, encompassing most of the southern half of the block bordered by State, Spring and Winter Streets in the R6 zone of Portland's West End - with a pending zoning change application for appropriate redesignation of the parcel as B3. The redevelopment proposal is for NewHeight Redfern to do a mixed-use conversion of the main Mercy Hospital building at 120 State Street for residential and commercial/retail uses, to create additional housing at the adjoining Morrison House at 148 State Street.

Site Uses Overview

- *Residential* - 175 total proposed dwelling units (95,667 total sf), housing approximately 228 total residents at 120 State Street (the main Mercy building – 167 units) and 148 State Street (Morrison House – 8 units); 157 market rate and 18 deed-restricted workforce housing apartments. These consist of 37 studios, 136 one-bedroom and 2 two-bedroom units. In the main building these units are on the ground through sixth floors and additional residential uses include indoor and outdoor common areas, co-working space, and gym.
- *Health clinic* - 3,850 sf on ground floor
- *Commercial/retail* - 4 spaces on 1st floor: 8,000 total sf. Proposed uses are: coffee shop (1059 sf), variety store (1635 sf), office space (787 sf), and hair salon (648 sf).
- *Self-Storage facility* - 41,210 sf on basement and ground floors
- *Parking*: 68 surface parking spaces

TDM Plan & Targets

This project is another key opportunity for urban infill and redevelopment on the Portland Peninsula, new housing for local workers and families, and alternate transportation and reverse commuting options for residents. *Of significant note, the new uses at the Mercy Hospital Redevelopment will result in an approximately 63% reduction in vehicle trips to and from the site, compared with the existing hospital uses.* The site's TDM Plan works further to reduce parking demand, encourage multimodal trips to and from the site and benefit the local transportation system. This includes marketing the housing to Peninsula employees; providing leases exclusive of parking; offering on-site amenities; and supporting transportation alternatives such as walking, bicycling and using public transportation.

The plan sets the following TDM targets for 3 years after the Mercy Hospital Redevelopment is fully occupied. These targets will be reassessed after the first full year of occupancy of all tenant spaces:

- 10% reduction in peak hour vehicle trips and 10% reduction in parking demand for the site
- 65% resident and employee multimodal rate

COVID-19 NOTE: Site occupancy is forecast for 2023 and with an anticipated vaccine for the COVID-19 virus available sometime within approximately the next 12-18 months, transportation alternatives that are currently less viable - such as transit and carpooling - are anticipated to make significant recoveries by that time. Current COVID-related parking demand increases, to enable drive alone options, are also expected to decline. In addition, TDM efforts will likely be supported by a long-term overall increase in telework and walkable access to the largest number of jobs in the state.

Interim Site TDM Coordinator:

Emily McConnell
NewHeight Redfern
emily@newheightgroup.com
(207) 323-2333

TDM Table of Contents

A. Property Description & Transportation Context	2
B. Mercy Hospital Redevelopment TDM Coordination	16
C. Trip Generation & Parking Demand Projections & Targets	17
D. Trip and Parking Reduction Strategies	20
E. Plan for Monitoring, Data Collection and Reporting	23

Cushman Transportation Consulting, LLC, 94 Beckett Street, 2nd Floor, Portland, ME 04101
Tel: (207) 200-1910 E-mail: sarah@sarahcushman.com www.sarahcushman.com



A. Property Description & Transportation Context

The Mercy Hospital Redevelopment is a 2.48-acre parcel encompassing most of the southern half of the block bordered by State, Spring and Winter Streets in the R6 zone of Portland's West End Neighborhood. After 80 years of community service as the original Mercy Hospital in Portland, the mixed-use site will continue to offer a medical clinic open to the general public, while also providing robust residential housing and small retail amenities.

The development team has a pending zone change application for B3 designation of the site, which fits in well with the uses identified by the City and included in the recent ReCode effort (October 2020 draft):

B-3 & B-3b	To maintain and enhance the role of the downtown as the business and commercial center of the region; to enhance and <u>promote the orderly expansion of retail and service businesses downtown, satisfying the related needs of the city's resident, working, and visitor populations; to encourage increased housing opportunity downtown for a diverse residential population; to enhance the pedestrian environment through the encouragement of intensive mixed-use activities, through the enhancement and maintenance of public and private open space, and through the enlivenment and increased attractiveness of the street environment; to encourage excellence in urban design; to preserve and capitalize on the unique character and historic fabric of the downtown through the encouragement of reuse of significant existing structures; to provide opportunity for an enhanced presence and integration of the arts and cultural activities; to reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio- economic groups; to provide adequate parking and transportation facilities which promote accessibility, enhance and encourage development opportunity, and enhance and protect the pedestrian environment; In the Pedestrian Activities District (PAD) Overlay Zone, to create continuity of pedestrian-oriented uses along streets where such uses predominate and along streets which, over time, will establish and maintain a strong retail and pedestrian-oriented use pattern; and to provide for the relocation of residents who are displaced by development.</u>
-----------------------	---

The site redevelopment of the Spring Street frontage will improve the human scale of the pedestrian environment through a more active building facade, entrance, signage, lighting, trees and landscaping. The location has a Compact Neighborhood Score of 9.3 out of 10. This scoring is based on a natural logarithm of household density, provided through the Housing + Transportation Affordability Index using U.S. Census data.





Residential Housing at the Mercy Hospital Redevelopment

Infill development of any kind contributes to single-occupancy automobile trip reduction. That much more in the case of in-town housing, which is the primary use proposed for the Mercy Hospital Redevelopment. As noted in the Summary above, the new uses at the Mercy Hospital Redevelopment will result in approximately a 63% reduction in vehicle trips to and from the site, compared with the trip rate for the existing hospital uses at full capacity.

Behavioral research illuminates one of the reasons for this further. When people move from an individual residence to another, this provides a key opportunity and critical juncture at which to help them understand their transportation choices and the benefits of alternate transportation. Individuals are more receptive to this information as their daily living and commute patterns have changed with relocation (Kirkman, 2019; Thøgersen, 2012; Verplanken, Walker, Davis & Jurasek, 2008; Bamberg, 2006; Fujii, Gärling & Kitamura, 2001).

In addition, new residential sites like the Mercy redevelopment provide real opportunity to help meet the City's goals for population growth. In *Portland's Plan 2030* (2017 Comprehensive Plan), analysis showed the number of people both living and working in the city decreased between 2002 and 2014. According

...One of the more interesting studies found in reviewing the literature was a 2003 German social science experiment conducted by three researchers (Bamberg, Rolle and Weber) where an individualized marketing intervention was used at a time of what they called a "changed decision" context, meaning immediately after relocation. The research found that if, when in a new situation, people received personally relevant and persuasive information, they were more likely to use it for making new behavioral decisions.

Portland Oregon SmartTrips Welcome Program, Tools of Change Landmark Case Study, 2012



to the *City of Portland Parking Study for the Eastern Waterfront & Downtown* (2017), just 12% of people live and also work in the study area – which is immediately adjacent to the Mercy Hospital Redevelopment. The Comprehensive Plan “supports the principle that all who work in Portland should have the option of living in Portland.” The City set a 10-year population goal of 75% of the municipality’s approximate daytime population of 96,000.

One hundred seventy-five (175) total residential units are proposed for the Mercy site. These include:

- 120 State Street (the main Mercy building – 167 units)
- 148 State Street (Morrison House – 8 units): 157 market rate and 18 deed-restricted workforce housing apartments. These consist of 37 studios, 136 one-bedroom and 2 two-bedroom units. In the main building these units will be on the ground through sixth floors.

As members of the development team, Newheight Redfern will retain ownership and management of 120 and 148 State Street and the parking areas.

Significant on-site and near-site amenities provide residents with a full-service living environment. People in residential settings often perceive they are dependent upon driving alone because of the number of errands and activities they must carry out in different locations. The Mercy Redevelopment will reduce this dependence through building facilities and proximity to services close to the site.

On-site features that encourage alternate transportation and discourage drive alone vehicle trips include:

- indoor bicycle, stroller, carseat, handcart storage area
- package delivery and storage location
- hardwired infrastructure for broadband and wireless internet
- communal gathering spaces, including those that can be used to do telework
- outdoor courtyard
- fitness room and rooftop deck at 120 State





Commercial and Small Retail Uses on Site

Mercy Hospital will be continuing to lease and manage a clinic with twelve employees, open to the public at 120 State Street. This will provide residents with highly accessible general healthcare services.

In addition, the main building will house a self-storage business on the basement and ground floors, with portions devoted to the housing uses on site.

NewHeight Redfern is also creating four small retail spaces at 120 State Street with easy access from the courtyard area for the public and all site residents. Potential leases for these individual spaces are:

- neighborhood coffee shop
- small grocer/variety store
- professional office space
- hair salon

Health care and self-storage visits and even short grocery runs are often taken by personal vehicle, so these site amenities will reduce drive alone trips as well.

Parking

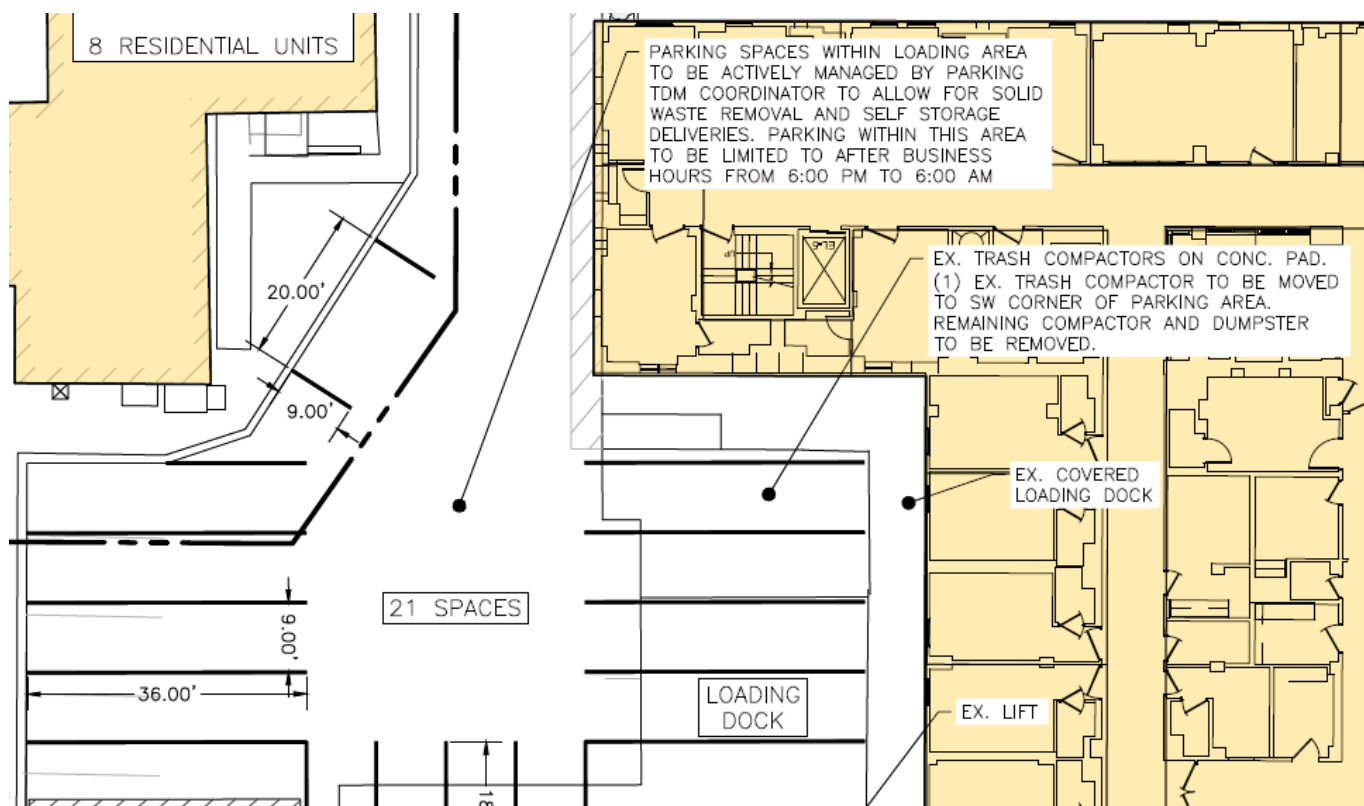
In strong support of site TDM efforts, residential and retail leases at the Mercy Hospital Redevelopment will be exclusive of parking. Parking that is unsubsidized, rented at competitive market rates, and unbundled from tenant leases is of tremendous benefit and a linchpin strategy to discourage drive alone trips and encourage the use of alternate transportation.



Per the site development agreement, the project proposes to build and maintain 68 surface parking spaces, centrally located and with access off of Spring Street. Based on the Mercy Hospital Redevelopment's parking demand analysis (further detailed in Section C) and the City land use code Section 14-332 (c), the minimum amount of required parking for the site is determined by the developer's parking assessment and the recommendation of the city transportation engineer.

Parking that is shared-use also expands its efficiency and is another important TDM strategy. Thus, the site intends maximize its parking resources by sharing 16 of the spaces between daytime and evening uses; e.g., for daytime solid waste removal and self-storage deliveries, and with residential tenants accessing them for overnight use. Another 15 spaces will be leased to the clinic for visitor and employee use. Parking within this area will specifically leased to residents for after business hours, from 6:00pm to 6:00am.

Parking will be managed by NewHeight Redfern's TDM Coordinator, who will actively valet these tandem-use spaces on site and all spaces within the loading dock area. The company will also explore the possible longer-term management of the Mercy Hospital Redevelopment's parking through Unified Parking Partners (UPP); UPP could likely expand this parking resource's most strategic and effective use.





Occupant Demographics

The development team anticipates the Mercy Hospital Redevelopment will attract an economically and age-diverse group of tenants interested in a highly-walkable, low-car-use lifestyle. This will include singles, couples, and families - with an expected average of 1.3 persons per unit for the market and workforce housing portions of the site. Residents are likely to range from Generation Z and Millennial tenants (young professionals and students under age 40) to mid-career professionals, empty-nesters; and individuals who are retired. As stated in *Portland's Plan*, "Millennials (20-29) and Gen Xers (30-39) comprise the largest share of Portland's population, while Baby Boomers (50-69) are the fastest growing age group."

Working tenants will include people working on the Peninsula, to avoid the increased highway traffic coming into the City. Downtown Portland is the largest employment center in the state and the Mercy redevelopment has an excellent Job Access Score of 9.4 out of 10. This is based on employment location and the variety of employment types, similarly provided through the Housing + Transportation Affordability Index (H+T Index) utilizing census data.

For residents who are students, post-secondary education opportunities such as the Maine College of Art, the University of Southern Maine, Portland Adult Education, and Southern Maine Community College are readily accessible from the site on foot, by bicycle and via public transportation.



From an equity standpoint, the site also has an enviable H+T Index rate of 34%; that is, housing (18%) and transportation (16%) costs combined are 34% of household income. Housing by itself is considered affordable if it totals 30% or less of income. Housing and Transportation Affordability (HTA) is considered to be combined housing and transportation costs equaling 45% or less of income. For comparison, the average Cumberland County household spends 52% of income on housing and transportation and the average Maine household spends 58% - both of which are well over what is considered within one's means.

Often lower transportation costs at sites like the Mercy Hospital Redevelopment are because people don't need to own as many (or any) private vehicles; that is, vehicle ownership rates are lower for people who live in urban centers. Tables 9 and 10 below from the census data analysis in the 2017 Downtown parking study, show that workers who live in the Downtown and Eastern Waterfront study area (as stated above, directly adjacent to the Mercy Hospital Redevelopment) and commute to all jobs – including anywhere in the region:

- Own far fewer vehicles: 0.7 per household - vs. 1.34 in the city and 1.79 in the region;
- Drive alone considerably less: 40.6% in the study area - vs. 67.4% in the city and 78.3% in the region;
- Use alternate modes of transportation and/or telecommute significantly more: 59.4% in the study area vs. 32.8% in the city and 21.9% in the region.

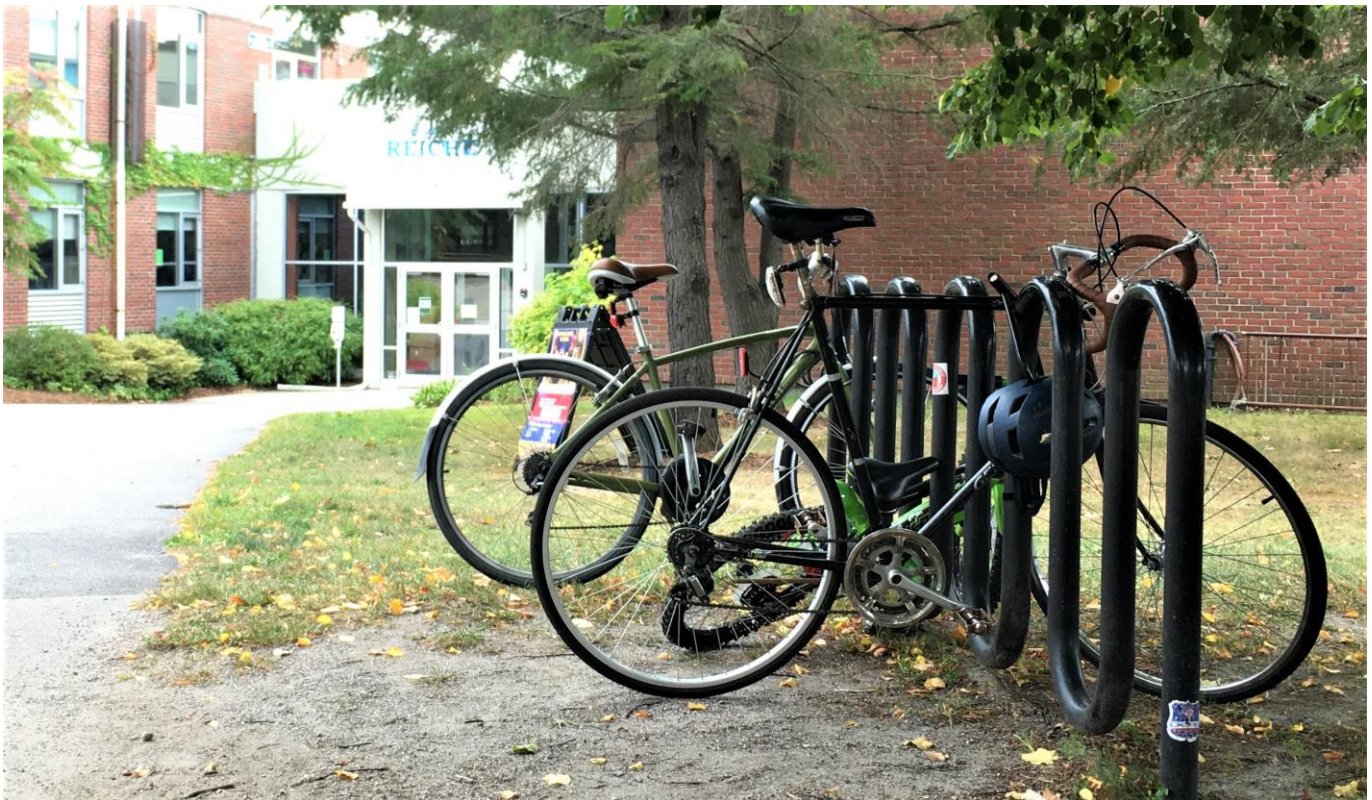
Table 9: Commute Mode Share Trends by Home Origin

	Commuter Home Origin	Drive Alone	Carpool	Transit	Bicycle	Walked	Work from Home & Other
2015	Portland-South Portland-Biddeford MSA	78.3%	9.3%	1.1%	0.6%	3.9%	7.0%
	City of Portland	67.4%	8.6%	3.1%	1.6%	12.2%	7.3%
	On the Peninsula	49.2%	6.9%	4.7%	2.8%	28.6%	7.9%
	Within the Study Area	40.6%	10.2%	3.5%	0%	42.5%	3.2%

Table 10: Auto Ownership 2000-2015

	Home Location	Vehicles	Occupied Households	Veh/HH
2015	Total U.S.	205,767,452	116,926,305	1.76
	Portland-South Portland-Biddeford MSA	383,798	214,667	1.79
	City of Portland	40,495	30,119	1.34
	On the Peninsula	11,611	11,917	0.97
	Within the Study Area	1,206	1,729	0.70





Similarly, *Portland's Plan* found:

[T]he percentage of people who drive alone to work on the peninsula is as low as 36%, while the percentage of people who walk to work is in the 30% - 40% range, the percentage of people who bike to work is in the 4% - 9% range, and the percentage of people who take public transportation to work is in the 7% - 13% range. Off the peninsula, these figures shift dramatically to reflect a higher reliance on single-occupancy vehicles for commuting purposes.

Per U.S. Census data, Generation Z and Millennials have been shown to prefer urban environments; they also tend to be more comfortable using modes other than the single-occupancy automobile for transportation. These multimodal habits were heavily influenced by the Great Recession and driving by these generations has increased slowly as the economy improved. (It is currently being impacted once again by the COVID-19 pandemic – which is negatively impacting bus and carpool rates; although it is positively impacting the number of people who walk and bicycle.) Overall, from a behavior change perspective, this familiarity with different ways of getting around will greatly facilitate these tenants' and site employees' participation in the Mercy Hospital Redevelopment TDM program.

Regarding senior resident demographics and vehicle travel, the percentage of the population that drives plateaus for the general public through the ages of 30-55 - and then starts declining after the age of 55 for women and after age 60 for men. Similarly, vehicle miles and person miles traveled per capita both fall precipitously starting at the age of 55. Car ownership has had a slight rebound since the Great Recession. However, between 2015 and 2016, the one increase in car-free living (above the margin of error) was among householders age 65 or older who rent. (Source: American Community Survey of the U.S. Census).

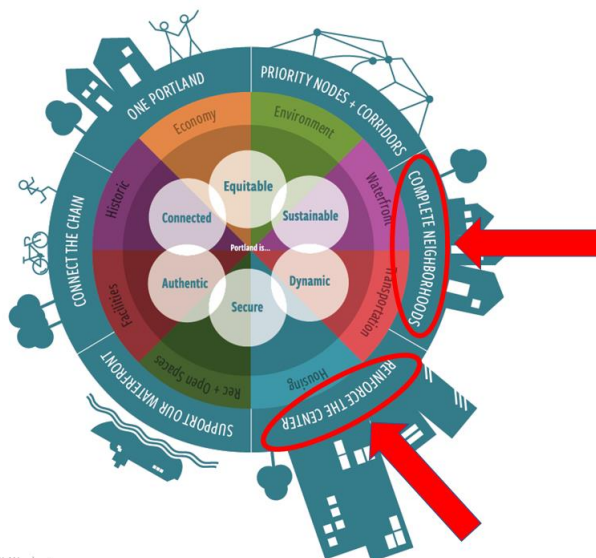


For site residents working off the Peninsula, who may commute by single occupancy vehicle, there is also a reverse commute phenomenon. This change in the directionality of trips creates a more balanced inbound-outbound flow of vehicular traffic during the morning and evening peak travel hours.

Larger Transportation Setting

The Mercy Hospital Redevelopment and its TDM initiatives bring to fruition of number of the mixed-use, Peninsula neighborhood, housing, urban form, and transportation demand management goals of several recent and historically important Portland studies and plans. Included among them are:

- *A Time of Change: Portland Transportation Plan* (1993)
- *Green Spaces Blue Edges* (2001)
- *Housing, Sustaining Portland's Future* (2002)
- *Portland Peninsula Transit Study* (2008)
- *Sustainable Portland* (2009)
- *City of Portland Parking Study for the Eastern Waterfront & Downtown* (2017)
- *Comprehensive Plan, Portland's Plan 2030* (2017)
- *Cultural Plan Update* (2018)



PORTLAND'S PLAN | 2



LOCAL GOALS

WE WILL:

Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.

Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

Pursue policies to enable people who work in Portland to have the option to live in Portland.

Collaborate with surrounding communities on regional housing solutions.

Encourage quality, sustainable design in new housing development.

Portland's Plan 2030 (2017 Comprehensive Plan)

For example, redevelopment of this site in the center of Portland addresses the land use diversity, housing, and downtown-strengthening outlined in *Portland's Plan* (2017) – described further as Complete Neighborhoods and Reinforce the Center.

The Mercy Hospital Redevelopment's TDM efforts align well with additional observations from the Downtown parking study - for instance, regarding reducing the need for parking on the Peninsula:



If future residential development in the study area were to attract a higher percentage of residents who also work in the study area, and do not use their vehicle to commute to work, this would raise the internal capture rate for office parking demand. An internally captured office trip does not need an additional office parking space because the resident employee leaves their vehicle at home. In this way, a single parking space would serve either a residential purpose or an office purpose depending on the time of day. It would help lower parking demand to promote or incentivize the occupancy of new residential development with employees (of any kind) who also work in the study area.



Bicycle & Pedestrian Access

From a pedestrian and bicycling perspective, the Mercy Hospital Redevelopment is very friendly, located within the strong sidewalk network and lower-speed street grid of the Peninsula. In addition, the property is just two blocks from the Pedestrian Activities District Overlay Zone, the Portland Downtown and Arts Districts, the Downtown Entertainment Overlay Zone and the Congress Street Historic District.

From the perspective of residents with any mobility concerns, sidewalks on nearby Pine, Brackett, Spring, Clark and Danforth - and all streets to the east of State Street, throughout Downtown - are maintained year-round by the City and the Portland Downtown district, including the removal of snow and ice during the winter months.

The Mercy redevelopment also sits in close proximity to the following bicycle and pedestrian facilities:

- Casco Bay Bridge bicycle lanes and separated pedestrian facility that permits shared use with bicycles
- Protected bicycle lanes on Park Avenue
- Deering and Forest Avenue bike lanes
- Fore River Parkway Trail
- Several proposed West End sections of the Neighborhood Byway network.



These are all pivotal links in Portland's alternate transportation system.





Moreover, the site is just three blocks from Gorham Bike & Ski, which offers bicycle rentals and provides maintenance services for bicycle commuters.

Residential tenants at the Mercy redevelopment who work anywhere on the Peninsula will be within comfortable walking distance of their home. The reverse is also the case for 1st Floor clinic and retail employees - and any site visitors - who live on the West End, Parkside, Bayside, Downtown or East End. Those residents whose employers are located within a five-mile commute distance can also easily bike to work, especially as bicycle networks in Portland, South Portland, Westbrook and Falmouth continue to improve.

Significant near-site amenities and recreational facilities also provide people with a full-service living and working environment. These abound within easy walking distance of the Mercy Hospital Redevelopment for residential tenants, retail employees and site visitors. They include:

- Neighborhood markets such as Rosemont and Fresh Approach; the Portland Farmer's Market; and home product suppliers such as Reny's
- Services such as the U.S. Post Office at 622 Congress, Walgreen's Pharmacy, Enterprise Car Rental, and the Portland Public Library





- Recreational spaces and gardens such as the Reiche Elementary School playground, basketball court and field; the Reiche Community Center Pool; Congress Square Park; McIntyre Park; Clark Street Community Garden, Harbor View Memorial Park; Deering Oaks Park; Western Cemetery; and Western Promenade Park
- Food and entertainment venues, such as many neighborhood and Congress Street restaurants and cafes, the State Theatre, programming at Congress Square Park, and the Portland Museum of Art

These nearby offerings also provide an attractive dual-purpose trip for the project's retail employees and Mercy redevelopment visitors who do end up driving to the site. For example, walking to run errands at neighboring businesses or meeting up with family and friends for after-hours events nearby. In addition, these internally captured trips represent no net new trip generation or parking demand beyond the original trip to the site.





Public Transportation Access

In terms of transit service, the Mercy Hospital Redevelopment is well-located for site residents, employees and visitors:

- Two blocks from Congress Street METRO stops with access to the primary Peninsula Route 1 and the important off-Peninsula bidirectional Route 9A and 9B. In addition, these two routes are timed to provide service every 15 minutes along the Congress Street corridor from the West End to the East End.
- One block from the METRO Route 8 with service to various Peninsula destinations
- Three blocks to access the South Portland Bus Service Routes 21, 24A and 24B
- 7-minute walk to the METRO Breez with service to Yarmouth, Freeport and Brunswick and the ZOOM Turnpike Express bus to Saco and Biddeford
- 9-minute walk to METRO Route 5 traveling the Outer Congress corridor to the Portland Jetport
- 11-minute walk to METRO Routes 2 and 4 serving the Forest and Brighton Avenue corridors
- 12-minute walk to Monument Square and the METRO Pulse at Elm Street with access to all of the rest of Greater Portland's public transportation options:
 - METRO Route 7 to Falmouth
 - METRO Husky Line express bus to Westbrook and Gorham
 - RTP Lakes Region Explorer with Route 302 service to Westbrook, Windham, Raymond, Casco, Naples and Bridgton
 - Shuttlebus Intercity bus to the Maine Mall, Scarborough, Old Orchard Beach and Saco

A number of the above stop locations include benches and/or bus shelters. At the METRO Pulse, services include ticket sales, a staffed indoor waiting room, restroom, and outdoor seating. METRO, South Portland Bus and Casco Bay Ferry Lines all provide real-time arrival information for riders, through the Southern Maine Transit Tracker website and smartphone apps such as Google Maps, Transit and Moovit. In addition, the Lakes Region Explorer and Biddeford Saco Old Orchard Beach Transit also provide live-time bus data through the organizations' websites. All local and express buses are equipped with bicycle racks with space for 2-3 bikes. In addition, the ZOOM bus and most METRO buses and offer Wi-Fi access; some provide in-seat USB ports.



In October 2020, METRO, South Portland Bus Service and Biddeford Saco Old Orchard Beach Transit launched the highly desirable DiriGO TouchPass electronic fare system. This enables riders and sites like the Mercy redevelopment to pay only for transit trips taken, versus paying for multi-ride or monthly passes that may or may not be used fully. In addition, the system caps fares so that riders never pay more than a certain amount each day and each month; once they hit the cap, they ride free for the rest of that time period. For COVID-19 purposes, because the TouchPass is available via either a smartphone application or smart card, it is also a contactless and safe way to pay one's fare.



In addition, METRO's Peninsula Loop Reboot project (delayed by COVID-19 but still in process) is likely to provide more frequent and better aligned transit service in the area. This could enable increased ridership of Peninsula residents and employees to and from the Mercy Hospital Redevelopment.



Shared Mobility Access

In terms of shared mobility, the use of transportation network companies (TNCs) such as Uber and Lyft has grown substantially in recent years. A TNC trip does not reduce traffic congestion, unless users are carpooling; however, it does reduce parking demand.



With the end of UhaulCarshare service in Portland in February 2020, NewHeight Redfern, LLC will be exploring other carshare possibilities for the Mercy Hospital Redevelopment. If an option is found feasible, the site's TDM program will offer a discount for resident carshare vehicle use for the first year of residency.

Over the past several years, the City was exploring various bikeshare possibilities for Portland. If and when the system is launched, the developer will provide monthly bikeshare memberships for tenants.



B. Mercy Hospital Redevelopment TDM Coordination

NewHeight Redfern is committed to reducing drive-alone resident, retail employee and visitor automobile trips, improving multi-modal safety, and easing traffic congestion and area parking demand near the Mercy Hospital Redevelopment through its TDM efforts.

The development team has a history of in-fill housing development projects. They have encouraged residents' mobility and financial wellness through initiatives such as offering rent reductions for tenants who are car-free and separating housing leases and sales from parking space rental or purchase, providing bus pass subsidies, constructing on-site bicycle/stroller/handcart rooms and fitness centers, and offering multi-use and small vehicle parking (e.g., for scooters). The team also has experience with TDM plan implementation at other locations in Portland. They see this site's TDM program as part of their larger sustainability, quality-of-life, and smart growth missions.

NewHeight Redfern has designated Emily McConnell as the interim TDM Coordinator for 120 and 148 State Street until the development determines the site's property management company. She is charged with coordinating the TDM plan implementation and monitoring and making any needed changes. Her contact information is: Emily McConnell, NewHeight Redfern, 217 Commercial Street, Suite 205, Portland, ME 04101, emily@newheightgroup.com, (207) 323-2333.

Highly successful TDM programs share three vital characteristics – they are:

1. Dynamic - piloting strategies, assessing impacts, and modifying tactics as needed;
2. Rigorously supported and monitored by local governing bodies, in this case, the City of Portland;
3. Managed by committed and enthusiastic staff who are responsible for overseeing, promoting and sustaining the program.



The eventual property manager for the Mercy Redevelopment will be the long-term TDM Coordinator. Acknowledging that roles and responsibilities change over time in any position, NewHeight Redfern and its future site property manager will use the first year of TDM implementation to enumerate the TDM Coordinator's responsibilities in detail for any other staff to uphold the responsibility of the position.

Day-to-day operations and monitoring of the TDM plan will be conducted in-house by the TDM Coordinator long-term and NewHeight Redfern will retain the services of a TDM consultant to review initiatives, problem-solve and develop new strategies if and when necessary.

C. Trip Generation & Parking Demand Projections & Targets

NewHeight Redfern has hired Cushman Transportation Consulting, LLC (CTC) to assist with its transportation demand management process. CTC specializes in TDM efforts locally and connects with TDM research and programs across North America – including aspects of setting and managing TDM targets. This all informs the following trip reduction, parking reduction and multimodal goals.

The development team has also hired Traffic Solutions to produce trip generation and parking demand projections to assess the potential impact of the Mercy Hospital Redevelopment. The firm has utilized recent local parking and traffic study data, as well as the latest data from the Institute for Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition) and the ITE *Parking Generation Manual* (5th Edition). The traffic and parking assessments each include distinctions for the multimodal context of the site.

A complication for setting ambitious targets for this particular site is the existing high multimodal rate of individuals who currently live in the West End and downtown. That is, when a multimodal rate is already extraordinary, mode change is much more incremental and moderate than if the rate has significant room for growth.

The Mercy Redevelopment TDM Coordinator is responsible for:

- Ensuring strategic parking management and monitoring parking usage
- Coordinating tenant TDM policies and incentives
- Connecting tenants with nearby transportation resources
- Encouraging greater use of preferred modes – walking, bicycling, carpooling, taking bus or rail transit, and telecommuting-through transportation kiosk and site-wide promotion
- Overseeing/conducting surveying of tenants
- Filing annual reports and updating the plan with the City
- Exploration of additional TDM strategies, as needed

Projections & Targets

The TDM Plan sets the following targets:

- **Trip & parking reduction target:** a 10% reduction in resident and tenant employee vehicle trips and parking demand within 3 years after full occupancy - resulting from TDM program; i.e., 7 weekday morning peak trips, 6 weekday evening peak trips, 6 spaces
- **Multi-modal target:** 65% of resident and tenant employee trips will be via transit, carpooling, by bicycle, on foot or telecommuting within 3 years after full occupancy
- Will reassess targets after the first full year of Mercy Hospital Redevelopment occupancy





Projected Trip Generation & Parking Demand

As stated earlier, the new uses at the Mercy Hospital Redevelopment will result in an approximately 63% reduction in vehicle trips to and from the site, compared with the trip rate for the existing hospital uses at full capacity.

Also mentioned previously, based on City land use code Section 14-332 (c), the minimum amount of required parking for the site will be determined by the developer's parking assessment and the recommendation of the city transportation engineer. In addition, as referenced in the code:

The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, [and] availability of transit...

According to the traffic analysis, the Mercy Hospital Redevelopment can be expected to generate 67 vehicle trips in the morning peak hour and 59 vehicle trips during the evening peak hour of a typical weekday.

Per the parking demand projection analysis, the average peak weekday demand for parking at the site is expected to be 59 spaces.



Trip Reduction Target

Given the multimodal accessibility of the site, the high existing rate of alternate transportation use by those living in the area, and the transportation demographics of expected tenants, the Mercy Redevelopment's TDM efforts should enable a further 10% reduction in resident drive alone vehicle trips by the end of 3 years of full site occupancy. That is, 7 weekday morning peak trips and 6 weekday evening peak trips. The TDM Coordinator plans to revisit this reduction target after the first year of 100% occupancy of the site's buildings.

Parking Reduction Target

With 68 parking spaces planned for the Mercy Redevelopment, the site's parking needs will be met. However, with potential future expansion of housing on the site, NewHeight Redfern's TDM program will work to further reduce the parking demand. With the lower vehicle ownership rate of urban dwellers, the strong strategy of unsubsidized parking, and the implementation of TDM incentives, it is anticipated that an achievable parking demand reduction is 10% by the end of 3 years; i.e., 6 spaces. The parking demand target will also be revisited after the Mercy redevelopment is fully occupied for the first year.

Multimodal Target

The Mercy Hospital Redevelopment is setting an initial target of 65% of residents and retail/commercial and clinic employees making multimodal trips to and from the site, by 3 years after full occupancy. This includes transit, carpooling or vanpooling, bicycle, pedestrian and telecommute trips or some combination of these modes.

As mentioned on the previous page, it is a complex target to set because of the current high multimodal rate already existing in the area. The target is also different from the trip and parking reduction ones above, because it includes the diverse commuting habits of the site's residential and employee populations. That is – with the range of potential tenants and tenant occupations (including students and retirees), as well as nontraditional retail and clinic work shifts - a number of these trips are likely to be outside of the morning and evening peak periods. For example, according to census data, when retired from day-to-day work, an individual's vehicle miles traveled decreases overall. NewHeight Redfern plans to closely monitor existing trends to attain a reasonable mode-shift goal over time.

It is most useful for the site's TDM efforts to address the specific needs of transit users, carpoolers, bicyclists, walkers and telecommuters and set an overarching multimodal trip target – versus targets for each mode. From other TDM experiments across North America, it is clear that individuals' use of various alternate modes shift over time as different residents come and go and/or their needs change. For example, a tenant who uses transit might move to another location or an employee who walks might switch primarily to bicycling. In another instance, a tenant who was able to drive may lose the ability to do so and switch to using transit or carpooling for errands.





D. Trip and Parking Reduction Strategies

In the table on the following page, NewHeight Redfern proposes a number of best-practice and sensible parking and trip reduction strategies for the site's TDM Plan. These are based on the development team's understanding of the transportation context, likely residents, and the usefulness of various TDM efforts. For example, unsubsidized and unbundled parking will produce the strongest results for decreasing single-occupancy vehicle trips to and from the site.

In addition, the team acknowledges the various needs of different multimodal commuters. For instance, tenants who use transit, walk or bicycle are more able to do so if they have on-site, secure storage for larger commuting gear like strollers, bicycle trailers and shopping handcars. Moreover, even if current drive-alone residents and retail commuters have to pay for parking, likely this will need to be combined with tangible financial incentives like transit pass subsidies. These are vital to encourage people to experiment with other ways of getting around.

Another critical component for the success of the Mercy Redevelopment TDM Plan is a carefully thought-out marketing plan that engages tenants from when they first move in regarding preferred modes of transportation, and provides easily accessible information and subsidies. As shared by Portland, Oregon's SmartTrips Welcome program, a residential move is a unique and powerful opportunity for mode experimentation and change. This marketing also builds the site's TDM culture and the sense of multimodal travel as the social norm. As the site is developed and under construction, the team will design a promotion strategy to encourage walking, bicycling, telework and teleservices, carpooling and the use of public transit.

...When a person changes residence, everything changes: the way to the store, the way to work, even the steps to the fridge.

This time of change offers a unique opportunity to create new neural pathways or reinforce old ones that haven't been used for a while and make these stronger than habitual pathways.

Andrew Pelsma, SmartTrips Program Specialist, Portland, Oregon

...To us, this represents a significant number of people with an immediate gap in knowledge about their local travel options.

Linda Ginenthal, SmartTrips Program Manager



Finally, the region was recently reexamining the need for an area Transportation Management Association (TMA) to benefit sites like the Mercy redevelopment. TMAs are generally public-private entities that assist sites with TDM implementation, outreach and monitoring; advocate for improved transit and act as brokers for services such as shuttles. NewHeight Redfern plans to support the development of a TMA, if found to be feasible, and have the Mercy Hospital Redevelopment participate as a member.

Infrastructure	
Reduced Parking/Shared Parking	<i>Shared-use parking:</i> On-site parking will be shared and serve a dual use for overnight parking for residents and daytime deliveries and parking for Mercy and retail employees, as leased. Tandem parking actively managed by site TDM Coordinator. Residential overnight parking works well with day-use visitor/employee parking locations such as these.
	<i>Reduced parking:</i> Mercy Redevelopment is limiting parking supply by providing fewer spaces than required by the City's zoning ordinance.
Pedestrian & Bicycle Access	<i>Sidewalks:</i> reconstruction of street sidewalk segment abutting development on Spring Streets
	<i>ADA-accessible pedestrian amenities:</i> barrier-free ramp improvements
	<i>Crosswalks:</i> striping improvements for crosswalks at Winter and Spring Streets
	<i>Lighting:</i> street/building lighting improvements to improve sidewalk illumination
	<i>Outdoor, within-site bicycle parking:</i> 16 spaces using custom bike racks
	<i>Indoor, secure bicycle/stroller/handcart parking at 120 State</i> for bicycles, electric bikes, cargo bikes or trailers, handcarts and strollers
	<i>Electric bicycle charging:</i> To provide charging station/outlets for resident electric bikes in storage room
	<i>Bicycle repair station:</i> To provide bike repair stand in storage room
Shared Mobility	<i>Showers & lockers:</i> To provide 1 shower and clothing lockers within clinic space
	<i>Carseat storage space:</i> To facilitate child carseat storage, for those commuting by carpool, there will be an open storage space for carseats in the indoor, secure bicycle parking room.
	<i>Carshare possibilities:</i> With the end of UhaulCarshare service in Portland in February 2020, site owner will explore other carshare possibilities for Mercy Redevelopment.
	<i>Handcarts:</i> for all initial tenant leases, provide one collapsible shopping/utility cart. Alternately, provide provide one collapsible shopping/utility cart with property management branding for every 15 dwelling units, available for checkout on hourly basis (e.g., pen and paper sign up system, online, etc.)
Electric Vehicle Charging Station	Will provide 4 electric vehicle charging stations
On-Site Amenities	<i>Co-working/community space:</i> work area and meeting space for tenants' use to encourage community-building and telecommuting
	<i>Broadband access:</i> hardwired infrastructure for broadband and WiFi
	<i>Gym:</i> Provide on-site gym to reduce vehicle trips and improve resident physical fitness for active transportation
	<i>Health Clinic:</i> general health services available to the public
Delivery Supportive Amenities	To provide temporary storage for packages and other deliveries to facilitate delivery services



Incentives

Transit Subsidies	<i>Transit passes:</i> Transit subsidy for residents and Mercy employees to use transit
	<i>Transit pass reduced payments, fare capping and processing:</i> Explore new DiriGo TouchPass system to simplify management of transit subsidy for individual resident trips (launched in October 2020 by METRO, City of South Portland Bus Service and Biddeford Saco Old Orchard Beach Transit)
Shared Mobility Subsidies	<i>Carshare:</i> Discount for resident vehicle use of any on-site or near-site carshare available, for first year of residency
	<i>Bikeshare:</i> Monthly bikeshare memberships for residents when/if bikeshare starts in Portland

Information

Education for Travel Choice	<i>Webpage:</i> To maintain active web page on property management website for residents. Page to include same information as orientation packet below. Mercy Hospital on the Fore can also link to this page.
	<i>TDM orientation packets:</i> New residents and clinic/retail/commercial employees will be provided with orientation packets regarding the site's TDM program and access to site by various travel modes. Includes: (1) Map of area, showing major streets, nearby landmarks, walk/bike times, closest bus stops and walk times, recommended walk/bike routes, etc. (2) Transit service frequency, fares, first and last runs, and schedules if possible, phone numbers and web addresses for transit service providers and taxi companies. (3) How to reach the site from major transportation terminals (bus and train stations, airport, ferry terminal, etc.) (4) Access arrangements for people with disabilities; (5) Availability of bicycle facilities, including secure bike parking; (6) Encouraging residents to become members of GO MAINE and access rewards system, carpool matching and Emergency Ride Home Benefit; (7) automobile parking availability and price; (8) Any future carshare or bikeshare info; (9) Information regarding building TDM program and contacting the TDM Coordinator.
	<i>New Resident & Employee TDM Engagement & Acknowledgement:</i> TDM Coordinator will engage with each new resident to share about the TDM program as part of the building's sustainability initiatives. All new tenants and clinic employees will be provided with the site's TDM program overview goals. They will be asked to sign an acknowledgement of the goals of the project and a commitment to participate in the annual resident and employee commute surveys.
	<i>Ongoing TDM program education:</i> 1 or more times per year, TDM Coordinator will email all residents (new and existing, including subletters) and clinic employees the same information as is in the TDM orientation packets.
	<i>Transportation fairs/tabling:</i> Explore hosting morning or late afternoon tabling event in lobby 2-3 times per year, to engage residents in conversation about their transportation choices as they head out or come home. Consider offering light refreshments.
	<i>Experiment with walking tour of multi-modal options:</i> Offer a hands-on walking tour of all the transportation options near the property. For example, a visit to the METRO Pulse on Elm Street, including how to ride the bus and practice putting a bicycle on the bus.



Education for Travel Choice (cont'd)	<i>Experiment with offering on-site bicycle safety class: As residents show interest, host a bicycle safety/information class or bicycle repair event</i>
	<i>TDM surveying: The required resident, employee and visitor TDM surveys and reporting to City will also serve as education tool</i>
Promotion of Alternate Modes	<i>Co-promotion with City and downtown agencies: Work with Portland Downtown and City of Portland's Drive Less, Do More marketing campaign to promote alternatives with residents</i>



E. Plan for Monitoring, Data Collection and Reporting

Recognizing that the implementation of a TDM Plan is a dynamic process, the Mercy Hospital Redevelopment TDM Coordinator will work with the City to monitor the effectiveness of the site's TDM Plan components - and to assess whether the site is achieving the trip and parking reduction and multimodal targets listed above. NewHeight Redfern will work with tenants to evaluate on-site parking use and incentives for preferred modes and make improvements. Another important piece will be to determine the flexibility of tenants, employees and site visitors to utilize various travel modes.

Tenant Surveys

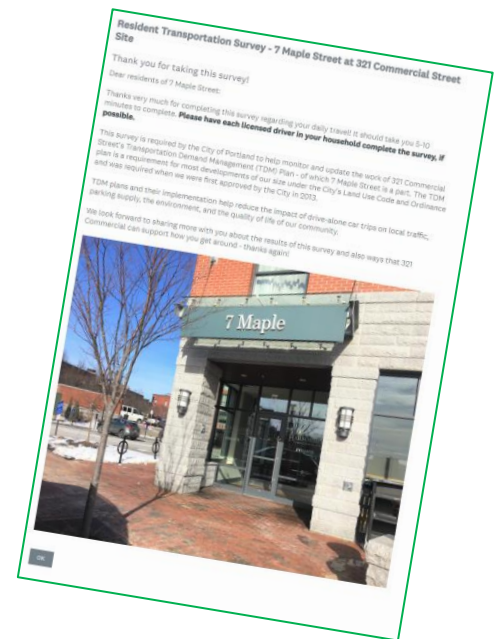
The TDM Coordinator will conduct annual resident and retail tenant surveys that provide quantitative data (e.g., trip, parking and mode split) and qualitative data (e.g., perception of alternate transportation, area parking and the site's TDM programming). The site will carry out these surveys once annually for the first three years of full occupancy and then every two years thereafter, with at least 50% tenant participation.

The survey will be developed in consultation with the city's TDM manager and conform to overall city TDM modeling and planning. Survey questions will include:

- Number of people in household
- Resident mode of travel to and from work and/or for other trips away from the site – plus frequency of use of those modes
- Retail employee mode of travel to work
- If parking personal vehicle(s), where parked



- Whether the resident or employee drives during morning or afternoon peak periods
- Use of/participation in:
 - On-site bicycle parking/stroller/hand cart storage
 - Any use of site TDM incentives (such as transit passes) or other benefits or programming
 - GO MAINE membership and program participation
 - Any future use of off-site carshare and/or Portland bikeshare
- TDM marketing effectiveness
- Preferences, barriers or concerns with modes of travel and likelihood of changing travel behavior given specific incentives or disincentives
- Rating knowledge of walking, bicycling and using the bus in the community
- Space to add suggestions and comments



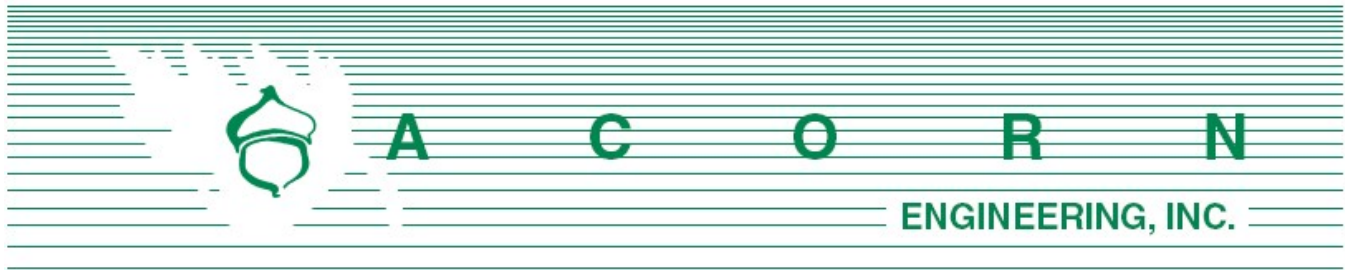
Note: the use of these survey tools will also assist the Mercy redevelopment with its TDM education efforts. That is, the questions themselves help people think differently about their transportation behavior. The surveys will also provide a reminder of the site's TDM incentives, the TDM online/on-site information center and the TDM Coordinator as a resource for more information about options.

Annual Report

The TDM Coordinator will then produce an annual TDM Report to meet the City's monitoring requirements. The report will include:

- a. the above survey data and percent of units occupied;
- b. how the data directly relates to the plan's reduction targets;
- c. details of that year's TDM operations – including management, strategies, marketing, number of contact points with residents, and any new infrastructure development;
- d. lessons learned and any changes in the TDM plan during the year;
- e. plans for the following year.





Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

November 9, 2020

Subject: 120 and 148 State Street Neighborhood Meeting

I, Peter Heil, hereby certify that a neighborhood meeting was held on November 5, 2020 remote via Zoom at 5:30 pm.

I also certify that on October 22, 2020, invitations were mailed to the following:

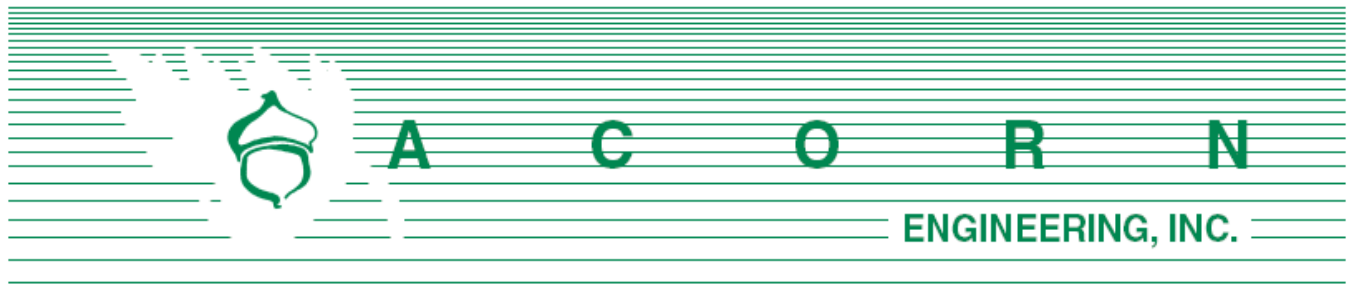
1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development.
2. Residents on the “interested parties” list.

Sincerely,

Peter Heil, P.E.
Project Manager
Acorn Engineering, Inc.

Included with this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



October 22, 2020

Dear Neighbor:

On behalf of NewHeight Redfern LLC, we are pleased to invite you to a virtual neighborhood meeting to discuss a proposed Level III Site Plan/Subdivision Application related to the property located at 120 & 144 State Street (Chart 45, Block C, Lots 6 & 7). The project proposes to redevelop the existing lot into a mixed-use development consisting of 175 residential units, including 18 onsite Workforce Housing Units as required by the City's Inclusionary Zoning Ordinance. The project also proposes commercial/retail space, a medical clinic and self-storage.

Meeting Location:

This meeting will **be held remotely via Zoom** according to state and local requirements around social distancing and will be available for public viewing and participation. **Please email admin@acorn-engineering.com to request a link or phone number to join the meeting.** You may also call the office line (listed below) to request this information.

Meeting Date/Time: Thursday, November 5, 2020 at 5:30 p.m.

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. Both the sign-in sheet and recorded meeting minutes will be submitted to the Planning Board. If you have any questions, please do not hesitate to call the office at (207) 775-2655. We look forward to seeing you at the meeting.

Sincerely,

William H. Savage, P.E. - Acorn Engineering, Inc.

Sign In Sheet

11/5/2020

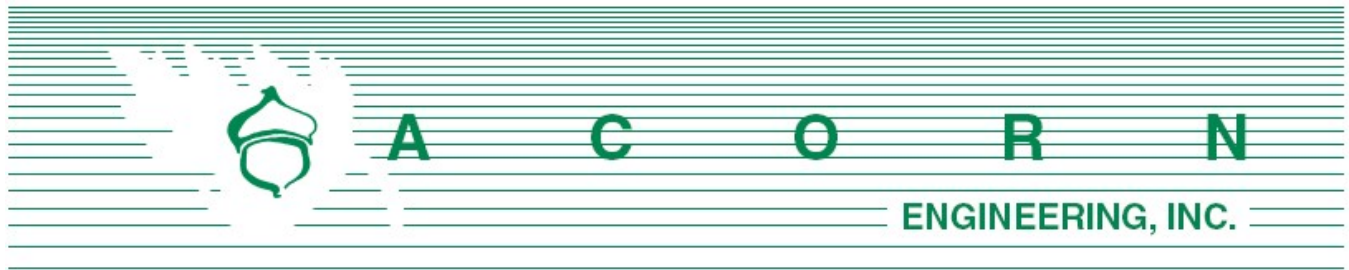
120 & 148 State Street Portland, ME 04101

Members of the Public in Attendance:

NAME	E-MAIL
1. Anne Pringle	oldmayor@maine.rr.come
2. Liz & Lin Parsons	ecparsons33@hotmail.com
3. Ian Jacob	iancasperjacob@gmail.com
4. Ginger Raspiller	mainelyearth@aol.com
5. Chip Martin	dennyjrdaddy@yahoo.com
6. Peter Plumb	pplumb@pmlaw.com
7. David Houde	davidhoude3030@gmail.com
8. Linda Atherton	l.atherton@twc.com
9. David Marsden	marsdenadventures@gmail.com
10. Joanne Abrams	joannewabrams@gmail.com
11. Jennifer Defilipp	Jend@townendre.com
12. Ken Swanberg	swanberg@cheverus.org
13. Camy Barrantes	barrantescamy@gmail.com
14. George Rheault	George.rheault@gmail.com
15. Suzanne Hunt	Shuntdoherty@gwi.net

Developer and Consultant Team in Attendance:

NAME	E-MAIL
1. Will Savage	wsavage@acorn-engineering.com
2. Peter Heil	pheil@acorn-engineering.com
3. Ryan Senatore	ryan@senatorearchitecture.com
4. Nick Aceto	na@acetola.com
5. Erin Cooperrider	erin@newheightgroup.com
6. Jonathan Culley	jonathan@redfernproperties.com



**120 and 148 State Street
Level III Site Plan Submission**

Neighborhood Meeting Minutes

November 5, 2020 / 5:30 pm

Remote meeting via Zoom

Project Team Attendees:

Will Savage (WS): Civil Engineer/Presenter (Acorn Engineering)

Peter Heil (PH): Civil Engineer/Note Taker (Acorn Engineering)

Ryan Senatore (RS): Architect/Presenter (RSA)

Nick Aceto (NA): Landscape Architect/Presenter (ALA)

Erin Cooperrider (EC): Owner/Applicant (NewHeight Redfern LLC)

Jonathan Culley (JC): Owner/Applicant (NewHeight Redfern LLC)

Meeting started at approximately 5:30 pm.

Presentation:

Erin Cooperrider:

- Introduction of project and project team
- Meeting about site plan review
- This meeting is part of the planning board approval process, a sign in sheet is available for everyone which will become public record along with the meeting minutes.

Will Savage:

- Professional Engineer and Project Manager
- Overview of site in relation to neighborhood
- Overview of Mercy site development only, does not include CHOM parcels

- Proposal includes subdivision of parcel for future affordable house projects, which will be permitted separately
- Residential uses only along Winter Street
- Proposal includes 167 residential units within the existing Hospital building and 8 residential units in Morrison house, for a total of 175 residential units
- Additional uses, commercial, self-storage, retail, medical clinic, shared spaces
- Currently R6 district, map/text pending for B3 with height limitations along Winter Street
- Two parcels, totaling 2.48 acres, bounded by Winter Street, Spring Street and State Street
- Located in the West End neighborhood – various uses residential, commercial and restaurants
- 47 parking spaces within woonerf – shared use space, pedestrian and vehicular use
- Eliminating curb cut on Winter Street, provide emergency access from Winter Street
- The change in use will result in a net reduction in overall traffic counts
- Parking overview – traffic engineer prepared parking and traffic analysis which includes 83 spaces required. The project is proposing 68 spaces on site.
 - o Difference to potentially be made up with future off-site lease
 - o Parking in woonerf and loading dock area.

Ryan Senatore:

- Project architect
- Overview of building uses:
 - o Residential upper floors
 - o Clinic on ground level
 - o Self-storage spaces
 - o Commercial spaces
- Remove existing portions of building
- New entry addition – new façade
 - o Materials description
 - o Main entry from woonerf
 - o Additional commercial spaces
- Upper levels restored, modern windows for addition
- Bring building back to historic condition per guidelines
- Overview of elevations
- Overview of floor plans and layout and different uses
- Overview of demo and existing conditions and how the proposed conditions will change.

Nick Aceto:

- Landscape architect
- Description of woonerf
 - o Shared / living street
- Images of example woonerfs



- Inspiration imagery of materials proposed within the project
 - o Corten steel
 - o Wood elements
- Images of planting material character
- Overview of site changes
 - o Existing hospital complex, entrances, parking
 - o Proposed engaged public spaces, landscaping, shared space, materials
- Renderings showing courtyard / patio area / woonerf integration
 - o Landscaping, site features, planters, tables, chairs
- Rendering of state street façade improvements.

Will Savage:

- Next steps – planning board workshop to occur 11/17/20
- Likely 2 workshops and public hearing
- Development presentation concluded and public comment process will start
- All are encouraged to attend the planning board hearing anticipated in November.

Comments, Questions & Answers:

Please note that the following questions and answers were not recorded verbatim and aim to represent and summarize the actual questions, answers, and discussion that took place at the meeting.

Anne Pringle: is Corten steel that rusty steel?

- **Ryan/Nick:** weathered steel product.
- **Ann:** I really don't like the notion of Corten steel - it's been a real problem at the Museum with the "Seven" sculpture.

Peter Plumb: I don't get the parking; project propose 83 spaces for your 175 units. That is not feasible. And what about all the CHOMS residences?

- **Will:** parking analysis submitted by Bill Bray, traffic engineer using ITE standards, looking at unit mix, parking ratio, proposed uses, determines parking count, shared use ratio to appropriately size parking.
- **Jonathan:** climate activist also asking for less parking, trying to provide reasonable balance and potential impact to the neighborhood.
- **Erin:** affordable housing has low parking demands, as shown in other affordable housing projects within the City.

Ginger Raspiller: I would like to ask a question about parking spaces and location of spaces on the site.

- **Jonathan:** in talks to acquire long term lease to increase the number of spaces beyond what is currently planned on site.



- **Will:** majority of spaces within woonerf, remainder in lower loading dock area, design incorporate circulation and lessen impacts to winter street. Includes emergency access off winter.

Chip martin: What are the trees proposed to be between the project and the Portland Club property line between Winter Street and State Street.

- **Nick:** planting plan does not currently include trees, but can look at additional vegetation and landscape elements, but limited space available.
- **Will:** It is very limited in space overall.

Ian Jacob: My question is regarding the space between 148 State and the hospital. Why is this not on the level as the woonerf and thus connect to State Street? The storage access would be achieved by an elevator. It would create a higher use of that space and connectivity in the neighborhood and to the campus.

- **Jonathan:** existing grades and bringing grades up would be a huge challenge and expensive and would be burying existing levels below grade.
- **Erin:** that existing area also hides and provides shielding for parking, loading docks, and dumpsters.

Anne Pringle: I really do not like the notion of Corten steel - it's been a real problem at the Museum with the "Seven" sculpture, rust/bleed onto pavement.

- **Ryan:** Looking at detailing to make sure it does not deteriorate.
- **Nick:** There is detail that shows an airgap between the steel and the paver so leeching will go below the paver.

Denny Barrantes: How has this parking count worked for other projects in the city? How is parking demand determined? *Follow up chat:* Erin already answered my questions about the parking demand and experience. Thank you.

- **Will:** traffic engineers have developed the parking analysis based upon existing use of parking lots within city and ITE studies.

Ian Jacob: Sunken storage access area -I hear all your points and understand the sight restrictions. It would be useful to explore further though.

- **Erin:** can follow up offline to have a detailed conversation about why.

Elizabeth Parsons: Will you be able to install trees in the woonerf that resemble those in the drawings in size?

- **Jonathan:** trees will not be installed as shown in renderings but will grow over years.

George Rheault: Asking about design of loading dock, potentially have level parking over top and structured parking below.

- **Jonathan:** more parking raises cost of housing but trying to build workforce housing: 80-120% median income price range and a balance.
- **Erin:** historic structure requires preservation approval in addition to cost.

Peter Plumb: Will project be required to meet new referendums.



- **Jonathan:** Accessing implications, it will be subject to rent control, CHOM also trying to evaluate, but do not see it affecting project as currently proposed.
- **Erin:** Impacts on affordable housing and cost caps will have effects on lending, still determining how everything will shakeout.

Ian Jacob: likes site programming, additions, renderings. Existing use campus has inflicted scars on neighborhood, neglected loading dock area. Suggesting covered deck and pedestrian connectively through site.

- **Jonathan:** We can review, will you provide sketch?
- **Ian:** Yes.

Ginger Raspiller: I agree the loading dock area could be a great area for additional parking. The entire project at the Mercy parcel has 270 units + retail + medical clinic and the plan is proposing 83 parking spaces. That will not be sufficient parking. It will put pressure on a neighborhood that has insufficient resident parking. We live in the neighborhood and have issues with illegal parking in our lot throughout the day. Address parking on site vs leased space off site. Considerations to plantings within urban environment, what type of trees will be proposed to survive?

- **Jonathan:** acknowledges comment and will be working with traffic engineer on parking.
- **Nick:** tree pit to help protection of snow, 3" caliper – pretty substantial size, make sure the species are appropriate for the space.
- **Will:** overhead power will go underground, reduce impacts to the existing topping of trees, relocate transformers on state street to allow for additional street trees along state.

Ginger Raspiller Parking for the project should be on-site not leased in the area. There are no guarantees with leased parking for the long term. I also don't like the proposed material for the panels. It doesn't feel like it fits in the historic neighborhood.

- **Jonathan:** 5-year lease term as required by city.

George Rheault: historic aspect of site, any info from Mercy from spring / winter historic conditions? Trees can mature quickly as long as their looked after and have a plan.

- **Erin:** working with historian on what type of windows and façade.
- **Ryan:** also, original construction drawings to utilize.

Anne Pringle: Corten Steel does rust and bleed on the pavement, I know the museums had trouble maintaining the sculpture that had Corten 'Seven' Steel. I would investigate other materials. Thank you.

- **Jonathan:** Thank you.

Peter Plumb: I have lived on Park Street since 1969 and seen the changes on Mercy over the years. We are delighted that something good will happen. We are dealing with most families with multiple cars; therefore, we are concerned about parking demands.

- **Jonathan/Erin:** Thank you.

Ian Jacob: There is currently no on-street parking in front of Mercy along Spring Street, consider working with city to add/reclaim on street parking within Spring Street as well as the right turn



lane on State into Spring. Now the Mercy hospital use has changed, some emergency vehicle access space can be reclaimed for parking.

- **Erin/Jonathan/Will:** good point, thank you.

Ginger Raspiller: Most of the people in our building are two working people and have made compromises to go to one car. Value of units: 80-120% area median income, what does that mean? Approx. unit cost.

- **Jonathan:** adjusted based surrounding area and size. Median income approximately \$55K-\$90K, rents will be approx. \$1,200-\$1,800/month. 10% deed restricted affordable housing. CHOM 50-60% area median income, financed by low income tax credits.

Ginger Raspiller: Will the materials be available to the public?

- **Jonathan:** Yes, we will submit the minutes of this meeting and they will become part of the public record.

Closing Comments

Jonathan Culley:

- Meeting Minutes will available on planning board website / attached to memo as part of the public record
- Planning Board Workshop on 11/17/20 around 4:30, not sure when project will be on the agenda yet.
- Available for private / 1 on 1 discussion
- Thanks everyone for joining and the discussion

Meeting concluded at approximately 6:45 pm.

The abovementioned material was as interpreted and recorded from handwritten notes. Please note and relay any discrepancies or disputed information in the recorded minutes to the below address so that they can be reviewed, revised, and resubmitted, as necessary.

Recorded by,



Peter F. Heil, PE

Project Manager

Acorn Engineering, Inc.

pheil@acorn-engineering.com



June 23, 2020

Planning and Urban Development Department
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Subject: Map and Text Amendment Application for Mercy Hospital Campus, at
148 State Street ("Morrison House"), 120 State Street a/k/a 144 State Street,
and 102 State Street

To Whom it May Concern:

NewHeight Redfern, LLC ("NHRF") owner of 148, 120, and 102 State Street, is seeking map and text amendments to enable an adaptive reuse and infill development project on the Mercy Hospital State Street campus. Following the zone change, NHRF intends to submit subdivision / site plan applications (as appropriate) for a series of residential projects, both for sale and for rent, providing a range of housing choice with small supporting commercial uses desired by the neighborhood, as shown on the concept site plan attached.

The project site is comprised of three parcels, Chart 45, Block C, Lot 6001 (148 State Street), Lot 7001 (120 State Street), and Lot 1001 (102 State Street). Lot 1001 is currently improved as a parking lot with a guard house and comprises approximately 1.03 acres. Together, Lots 6001 and 7001 comprise approximately 2.5 acres, and are improved with the historic Mercy Hospital building and associated parking, and the historic Morrison House mansion. Lot 1001 is separated from Lots 6001 and 7001 by Spring Street.

NHRF is proposing map and text amendments to the Mercy Hospital site as follows:

- Zoning Map amendment of all three parcels from R-6 to B-3
- Amendment to the Downtown Height Overlay Map to create an 85' height allowance on the State Street frontage in the B-3 zone on this site and a 45' height limit on the Winter Street frontage in the B-3 zone on this site
- Text amendments to permit limited additional uses in the B-3 zone

The project team to-date includes Aceto Landscape Architects, Acorn Engineering, Inc., Community Housing of Maine, Inc., CWS Architects, Levine Planning Strategies, LLC, NewHeight Group, LLC, Portland Housing Authority, Redfern Properties, LLC, RSA Architecture, and SMRT.

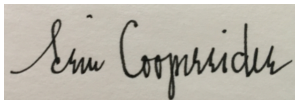
June 23, 2020

Planning and Urban Development Department
Map and Text Amendment Application for Mercy Hospital
Page 2

Members of the project team have met in recent weeks with neighborhood leadership several times, and also with abutters along Winter Street, the Portland Club, and the Portland Housing Authority, and with the West End Neighborhood Association membership. Additional meetings and/or conversations are planned with the Parkside Neighborhood Association, the Western Promenade Association, the Resident's Council at 100 State Street, and the leadership at St. Luke's Episcopal Cathedral to discuss the concept plans and zoning approach.

Additionally, we have had several meetings to discuss this project with City staff; we look forward to further discussing the project and this request for map and text amendments with both staff and the Planning Board.

Sincerely,



Erin Cooperrider
Manager, NewHeight Redfern, LLC



Jonathan Culley
Manager, NewHeight Redfern, LLC

The Mercy project team is seeking map and text amendments to enable an adaptive reuse and infill development project on the Mercy Hospital site. This proposal, developed over the course of the last 18 months, includes several exciting elements that will contribute to the surrounding neighborhood and the city as a whole.

A few of the highlights of the proposal include:

- ✓ Adaptive reuse of the original Mercy Hospital building, dating from 1943;
- ✓ Production of up to 550 units of housing, of which more than half are proposed as low- and moderate-income affordable housing, much of which will be deed-restricted;
- ✓ Creation of new circulation and vest pocket park spaces; and
- ✓ Introduction of limited commercial spaces meeting local needs and interests, consistent with the “complete neighborhood” concept.

In order to make this project viable, amendments to match the zoning of the site more closely with the land use plans in *Portland’s Plan 2030* are needed. These amendments would also make the redevelopment of the site financially feasible.

Shown below is a conceptual site plan of the project. While the details are still being worked out, this current concept consists of the following uses:

1. Up to 550 housing units, with a mix of market rate, low- and moderate-income affordable, intermediate care, and/or congregate care facilities;
2. General office space;
3. Medical clinic;
4. Health club;
5. Professional services;
6. Restaurant;
7. Retail space;
8. Grocery Store/Market; and
9. Self-storage space to make use of “dark” interior areas in the hospital building that do not easily suit themselves to other uses.

AMENDMENTS REQUESTED

The team is seeking map and text amendments to the Mercy Hospital site as follows:

- ✓ Map amendment for the site from R-6 to B-3;
- ✓ Map amendment to the Downtown Height Overlay to create a 85’ height allowance on the portion of the site fronting State Street and a 45’ height allowance along Winter Street; and
- ✓ Text amendments to permit limited additional uses in the B-3 zone.

In developing these amendments, the team explored a number of options and alternatives. In the end, balancing the team’s vision for the site, the City’s comprehensive plan goals and policies, and the economics of adaptively reusing this site led us towards this proposed set of amendments. More information on alternatives the team considered is outlined below.

MAY 2020



ACORN
ENGINEERING



ALA
ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN

Map Amendment

As shown in the attached map, the team proposes a map amendment that moves the site into the B-3 zone. As noted below, the team proposes two bands of height within the district to allow for a tapering down of heights and limits on uses along Winter Street.

Downtown Height Overlay Amendment

Height in the B-3 zone is regulated by the Downtown Height Overlay map. For that reason, if this area is to be rezoned B-3, the Downtown Height Overlay will also have to be amended to create a maximum height for this area. Consistent with the existing height of the Mercy Hospital building, as well as operational needs of the repurposed building, the team is proposing that this area have two bands of maximum heights. Along State Street, the team proposes a height overlay of 85'. That will allow some limited wiggle room above the deck of the top floor of the hospital building and below the roofline, (which stands at 87'), as well as allow for adequate housing production on the site. It also allows for the use of an existing height band in the height overlay, rather than adding a new one. By comparison, 100 State Street is approximately 77' in height.

Within 30' of Winter Street, the team proposes a height overlay of 45', consistent with the heights allowed the neighboring R-6 zone.

Text Amendments to the B-3 Zone

While the B-3 zone is a downtown, mixed use zone with a variety of allowed uses, there are a couple of uses not explicitly permitted in the zone that the team requests be added. These uses will make the project a more vibrant contribution to the neighborhood, as well as allow for economic return on some of the dark areas in the Mercy building:

1. Congregate Care facilities;
2. Intermediate Care facilities;
3. Self-storage as a reuse of existing space as a conditional use; and
4. Amendment of the limitations on surface parking to permit active shared spaces, such as *woonerfs*, within 35' of a public street as a conditional use.

The team understands that #1 and #2 above are the subject of a separate text amendment application by Portland Opportunity Fund LLC. If the City Council approves those changes as part of that application, we would not need to propose them.

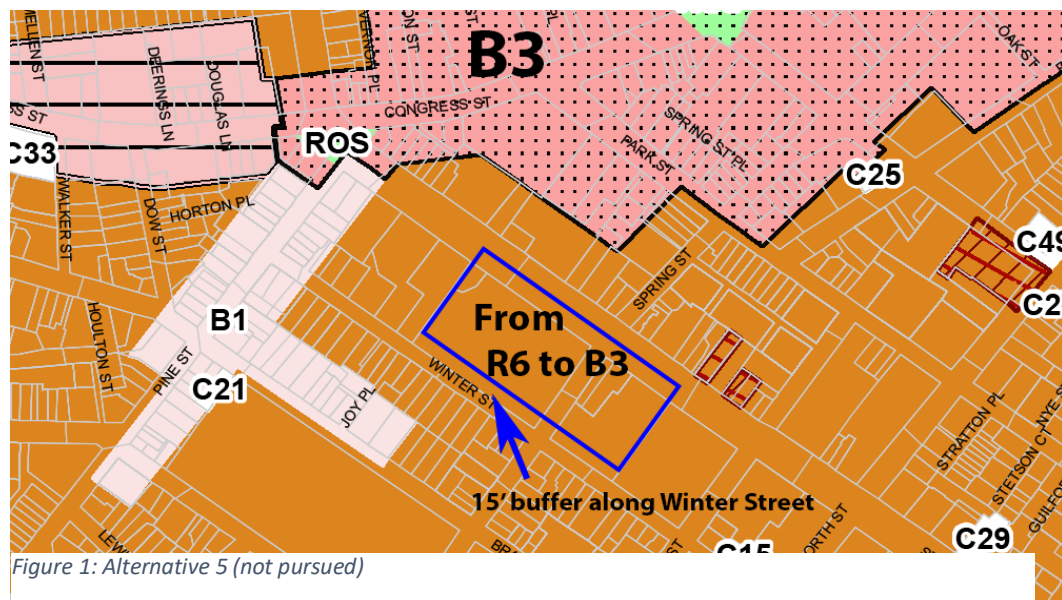
While the team is not proposing extending the B-3 map amendment past the property lines of the site, the team believes it would be consistent with the comprehensive plan and good planning practice to consider bringing it up to the B-1 zoning line near Pine Street, as shown below. If so, the height overlay would also need to be amended to create heights for the intervening parcels.

The full set of proposed text and map amendments is attached.

ALTERNATIVES CONSIDERED

The team considered a number of alternatives before arriving at this proposal. While each of the alternatives had some merit, they also had significant shortcomings. Here are some of the alternatives considered:

1. *Creating a Contract Zone for the Site:* While this might provide the most specific rights and limitations on other development for the site, it would not provide the team with the limited flexibility needed to complete site development plans. Every project evolves over time, and a contract zone raises the risk of limiting this team and the neighborhood when the plans may change. In addition, contract or conditional rezoning do not represent good planning, as they do not necessarily fit in with the rest of the City zoning map and text.
2. *B-2 Zoning for the Entire Site:* While coming close to working, this zoning designation would limit the height below what is needed for minor modifications to the existing Mercy building, as well as for the production of housing desired by the City and our team.
3. *B-3 Zoning for the Entire Site:* This would provide the team with maximum flexibility across the entire site. However, it could raise a concern for residents of Winter Street and nearby that this project would go above the height limits allowed in the R-6 zone. By creating a 15' buffer of R-6 along the Winter Street side, the team could commit to limiting height to the allowed levels on that side of the site.
4. *Leaving the Zoning as R-6 for the Entire Site:* While this alternative might allow the team to adaptively reuse some of the Mercy building for housing, it would significantly limit redevelopment of the rest of the site, and even the whole of that building. Redevelopment of the site would both be economically unviable, and inconsistent with the goals of a 'priority corridor' from the comprehensive plan.
5. *Rezoning most of the site from R-6 to B-3 with an 85' Height Overlay, while keeping the Winter Street portion R-6:* This approach would limit the map amendment to the State Street site of the site, ending 15' from Winter Street on the southwest (see below.) This proposal had the benefit



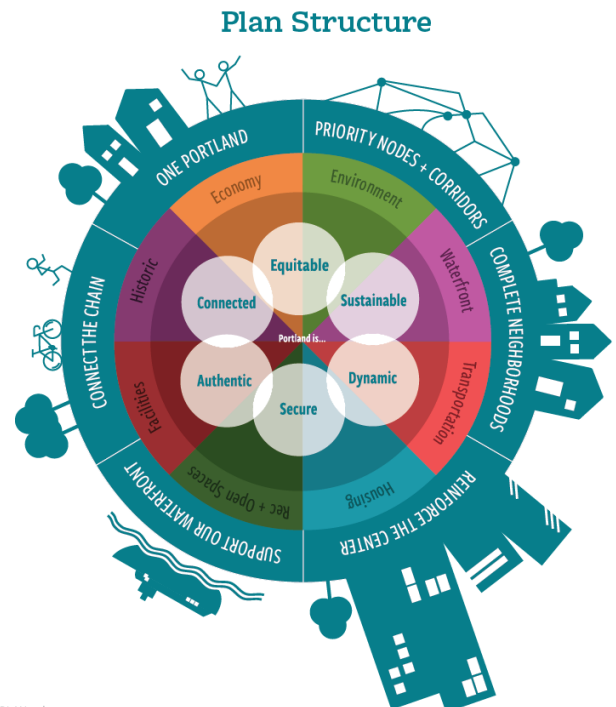
of the team's final proposed alternative of keeping the heights along Winter Street at the existing R-6 limit of 45' while allowing for the redevelopment of the site according to this plan and Portland's Plan. However, after careful analysis, the team realized this scenario does not work for the project needs, as it limits setbacks and may also limit some residentially-related uses that may need to be located within 30' of Winter Street. The team proposes instead to limit the height in that area to 45' via the Downtown Height Overlay map.

COMPREHENSIVE PLAN REVIEW

The 2017 Comprehensive Plan has a number of policy goals related to sustainable development and housing. This request to revise the height limits in this downtown location helps meet those goals.

The Plan's Executive Summary emphasizes the need to "Reinforce the Center" through better housing and transportation. This location, right in the heart of downtown Portland and one block from the METRO Pulse, is extremely well located for housing that takes advantage of multimodal transportation options. By locating housing near job opportunities and other commercial activities, it also emphasizes downtown walkability. This strategy is emphasized later in the Future Land Use section as well.

This proposal also meets specific goals in the Plan's policy guides.



MEETING THE CITY'S PLANNING GOALS

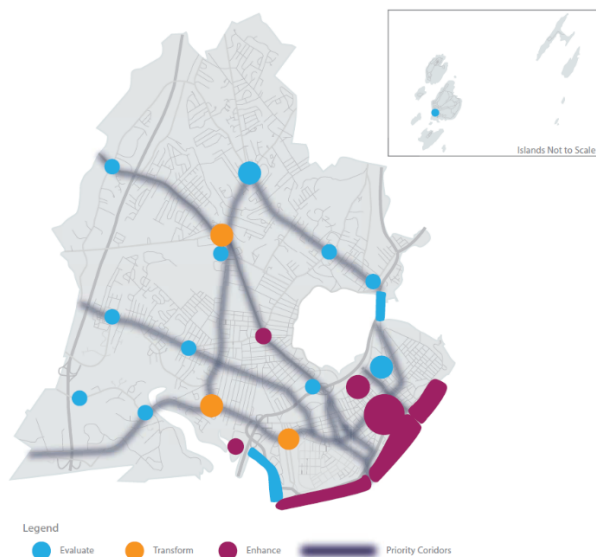


Figure 3: Priority Nodes and Corridors

At the core of Portland's Plan is housing production. The Plan calls for production of a variety of housing types and locations, with a focus on key nodes and corridors. This project is located along one of the "priority corridors" identified in the Plan (State Street).

The Plan further sets a specific, but achievable, goal of reaching a population of 72,000 by 2027. That target will require production of 2,557 housing units, or almost 300 per year. While a change in the height allowance in this location will not meet that goal by itself, it is part of an overall strategy to produce housing in a sustainable way that supports this primary development node.

OTHER POLICY GOALS

Economy: A Vibrant City

The Economy Policy Guide says that the City actions should: *"Evaluate zoning and the condition of existing infrastructure in priority areas — downtown, identified neighborhood nodes, and along transit corridors — to ensure that employment and housing growth can be supported."*

The current zoning in this area falls short of the heights needed to make housing developments viable with private financing, as well as the heights warranted on an identified "priority corridor." The proposed change to zoning that allows for development of housing along a priority corridor is warranted.

Housing: A Livable City

The Housing Policy Guide similarly calls for City actions to: *"Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas."* In order to support the priority growth area of downtown Portland with private financing, some additional height is needed. This policy guide also states that those who work in Portland should be able to live in Portland. Production of housing at this location will make this goal economically feasible by allowing for production of new units immediately downtown, near employment opportunities.

Historic Resources: An Enduring City

One opportunity on this site is the adaptive reuse of the Mercy Hospital building. That historic building also poses a challenge, in that most economically viable plans for reuse require flexibility beyond what is allowed in the current R-6 zone. While no major modifications to the exterior are planned along the historic frontage of the building, the building's mass and scale, while part of its character, require new uses and dimensional opportunities.

The Historic Resources Policy Guide provides guidance on how to handle these sorts of situations. In the local policies section, it lays out two relevant policies:

- ✓ Promote historic preservation as a key economic, sustainability, and community development strategy.
- ✓ Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.

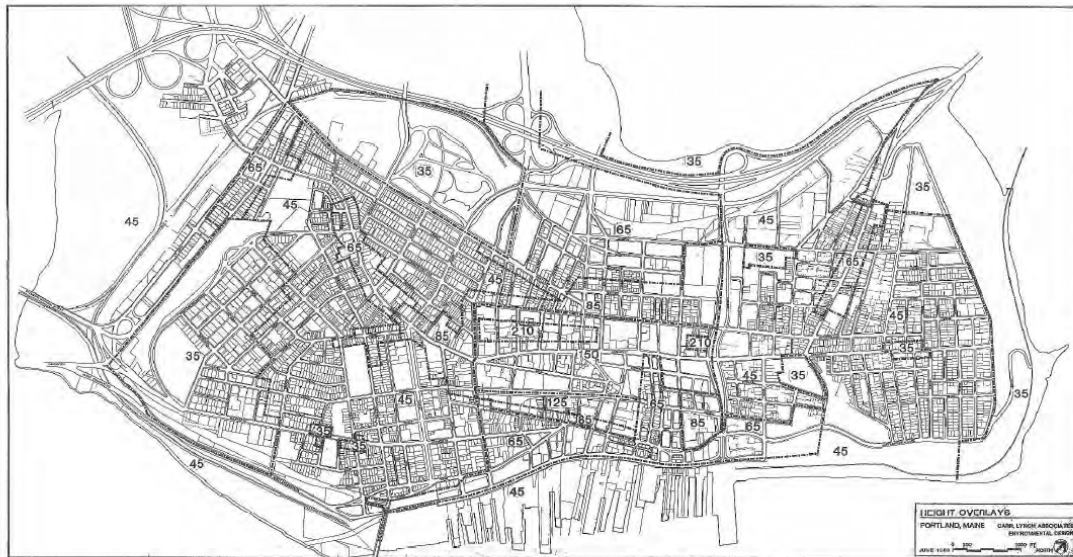
Combined with the location of the building along a priority corridor, these policies support rezoning this site to promote community development strategies and ensure quality investment in the structure and its overall site.

OTHER PLANS

The requested map and text changes are also generally consistent with planning related to downtown heights.

The existing downtown height overlay is generally based on the Downtown Height Study, completed 30 years ago by Carr, Lynch and Sandell. That study used early computer models to estimate the impacts of three height scenarios for downtown Portland, evaluated in terms of urban design factors. The study suggested a specific height regime using a hybrid of the "Growth District" and "High Spine" scenarios.

Since that time, changes have been made to this overall regimen. Most notably, the heights permitted in the West Bayside area were significantly increased from the 65' proposed in this study. That change was based on further planning in the 2000 "New Vision for Bayside" that called for additional development that was financially feasible and allowed for infill development in this redevelopment district.



26 Proposed Overall Height Limits

Figure 4: Downtown Height Study Concept

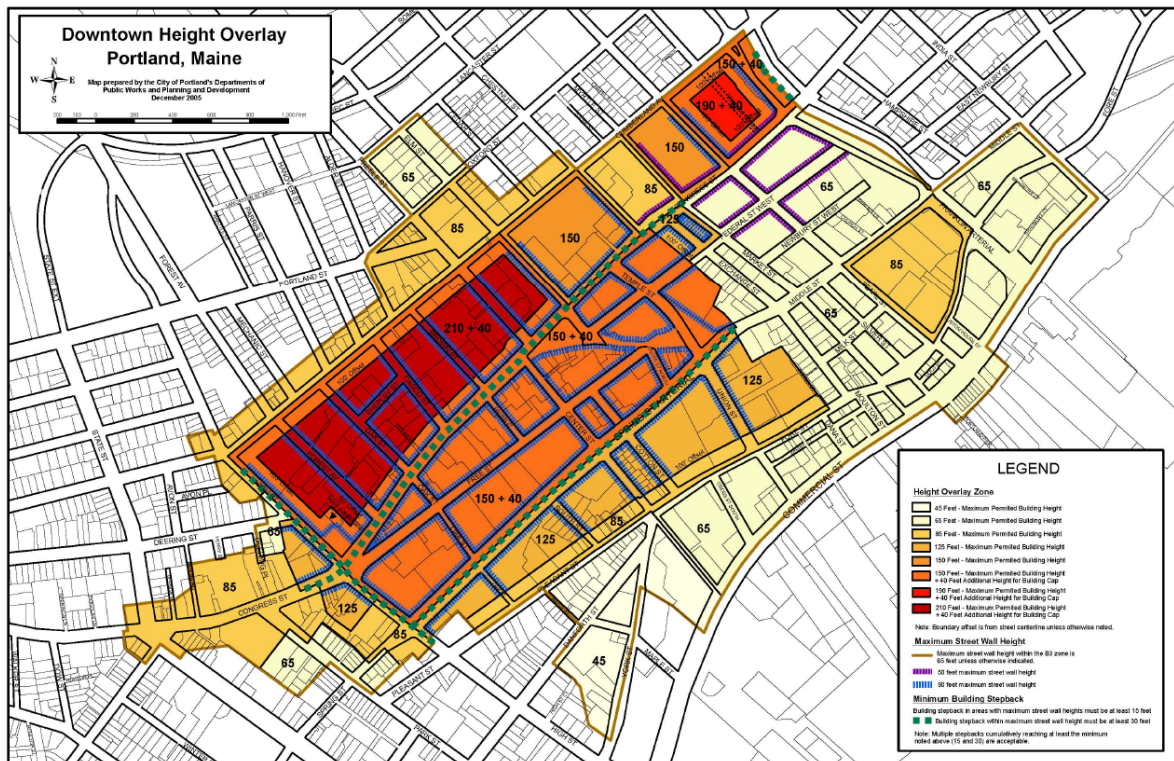
Other changes were made in the area around City Hall and to the east on the “Top of the Old Port” site. Those changes were made as thinking progressed on best practices and further study was done in those areas.

The priority corridors identified in the 2017 Plan were not factors in the 1989 study. However, they deserve serious consideration as the City looks at its overall height limits, especially downtown. Some limited additional height is needed to meet those goals. In our case, it means seeking heights along the priority corridor of State Street consistent with both the existing Mercy Hospital building and the concept that height should be located near Congress Street. We are not suggesting that these limits be entirely dismissed. Instead, they should be tweaked in the context of the newer goals, as all good planning goals should be.

Fortunately, the 2017 Plan provides guidance on how to look at plans developed prior to 2017, and how to reconcile potential disparities:

“There are a number of neighborhood, subject area, and hybrid plans that have been adopted over time as elements of the previous comprehensive plan. Some are quite recent, some decades old, some may be partially implemented and some are not be entirely current, but they each retain valuable information as previously adopted plans. Previously adopted plans are not incorporated into the new comprehensive plan but remain adopted policy and will continue to provide valid guidance for the City. ... Existing plans should always be considered in the context of their date of adoption and their anticipated role in guiding City planning and policies. Portland’s Plan is the prevailing policy document and shall provide guidance as to how to resolve any inconsistencies that may arise between these various plans.” (p. 14.)

While the Downtown Height Study provides some useful policy guidance, it is not part of the Comprehensive Plan. The recommendations of the Study need to be viewed in light of the much more recent policy goals of Portland’s Plan regarding housing production and sustainable development.



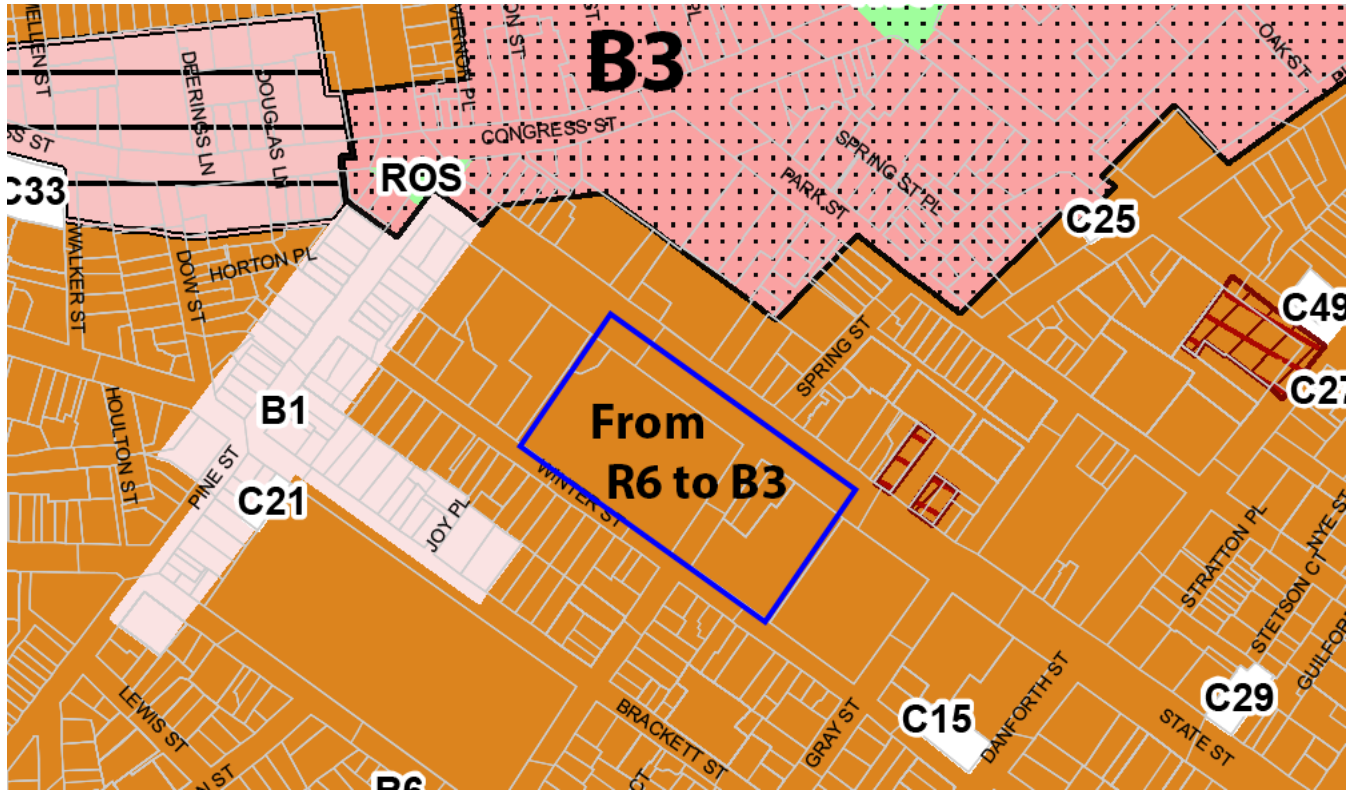
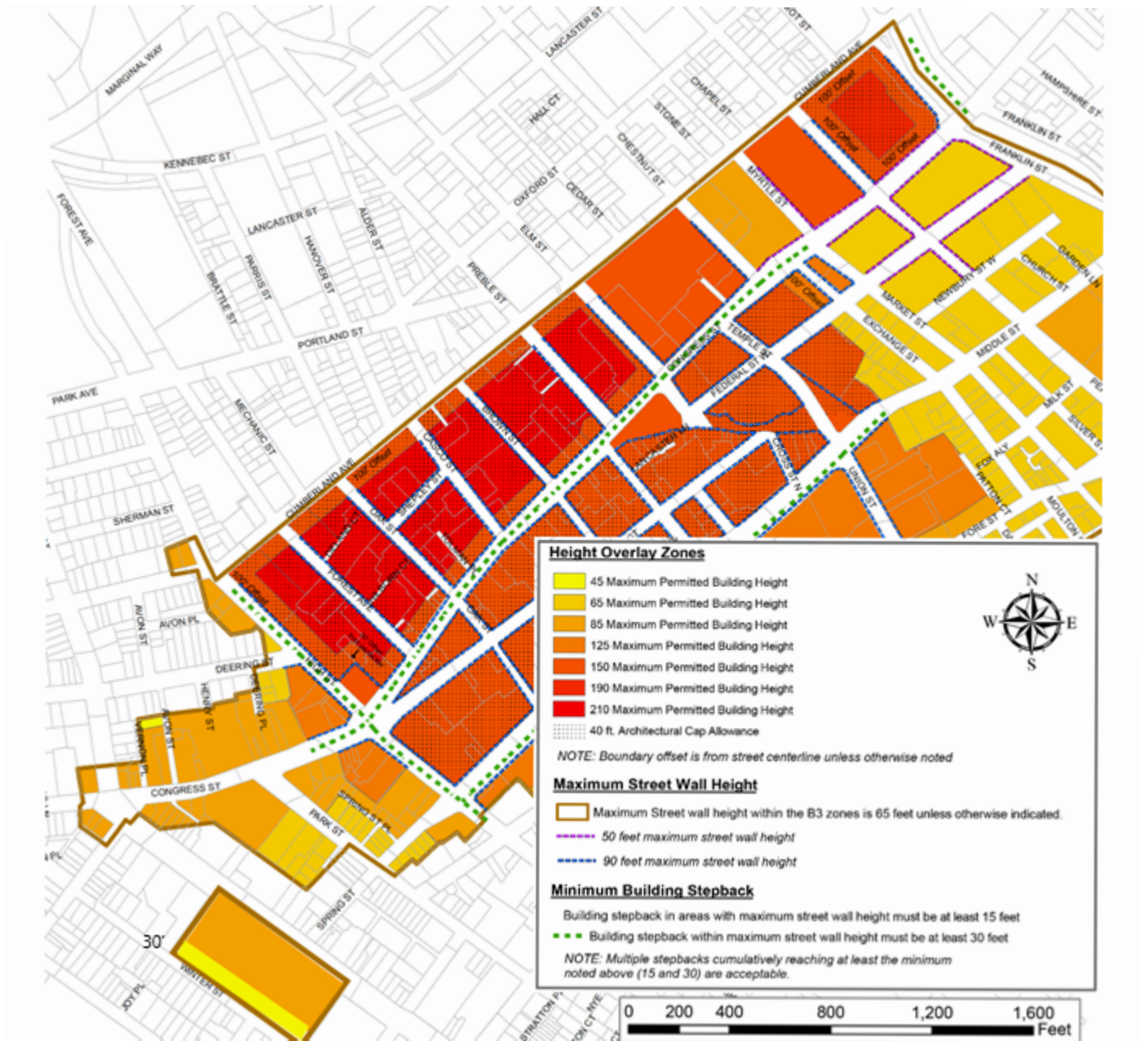
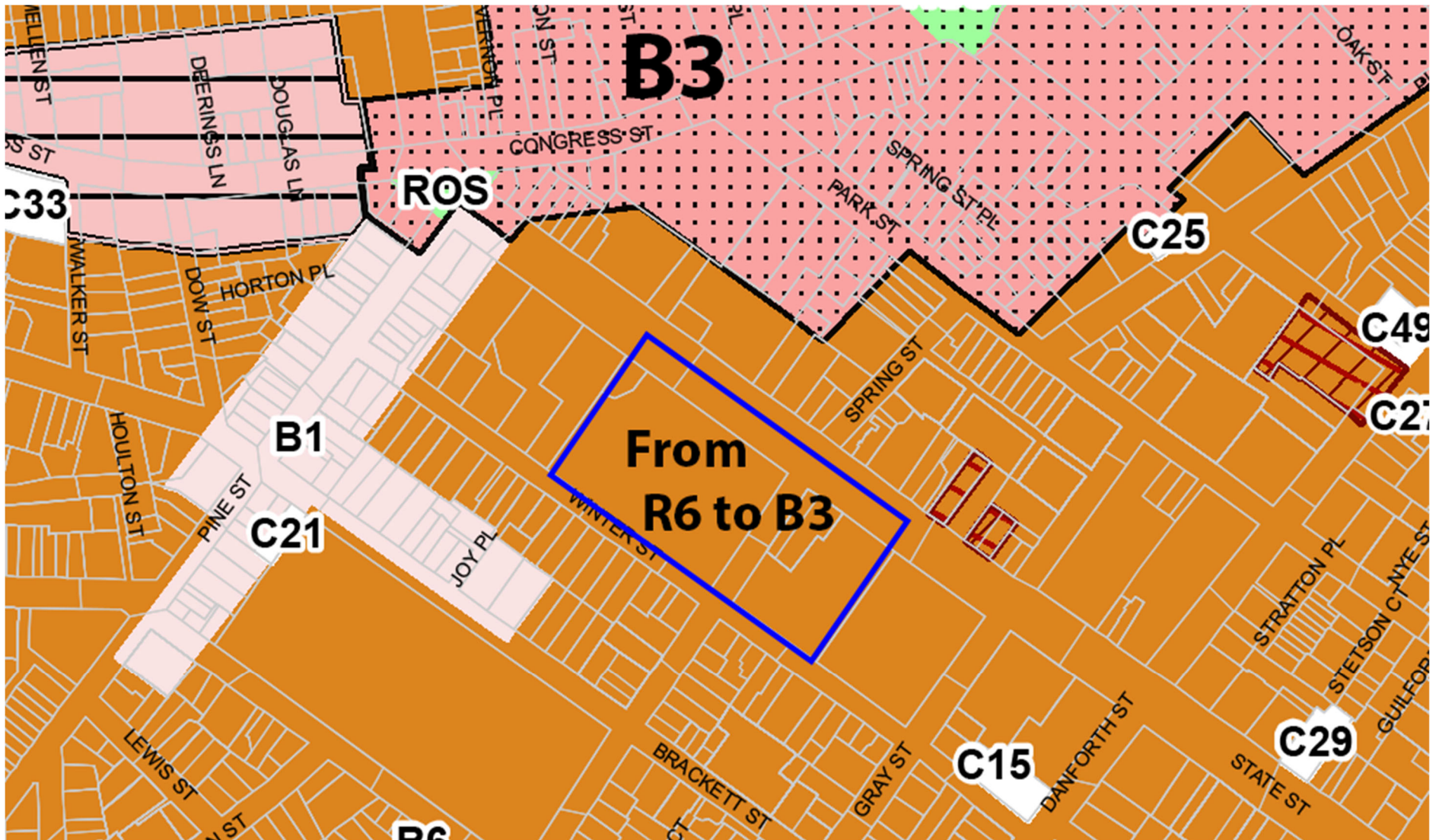


Figure 6: Proposed Map Amendment

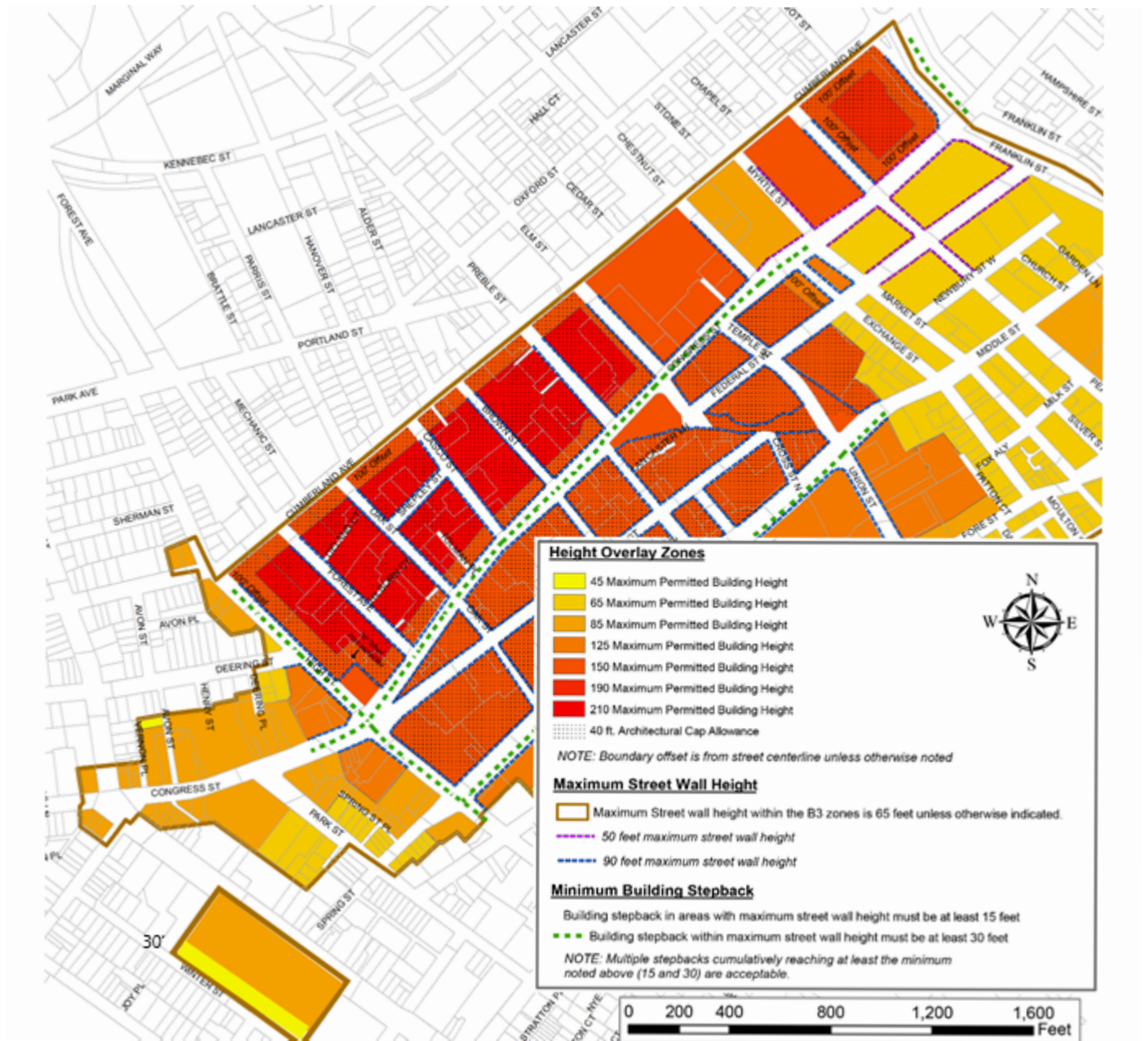
Proposed Height Overlay Map Amendment



Proposed Map Amendment

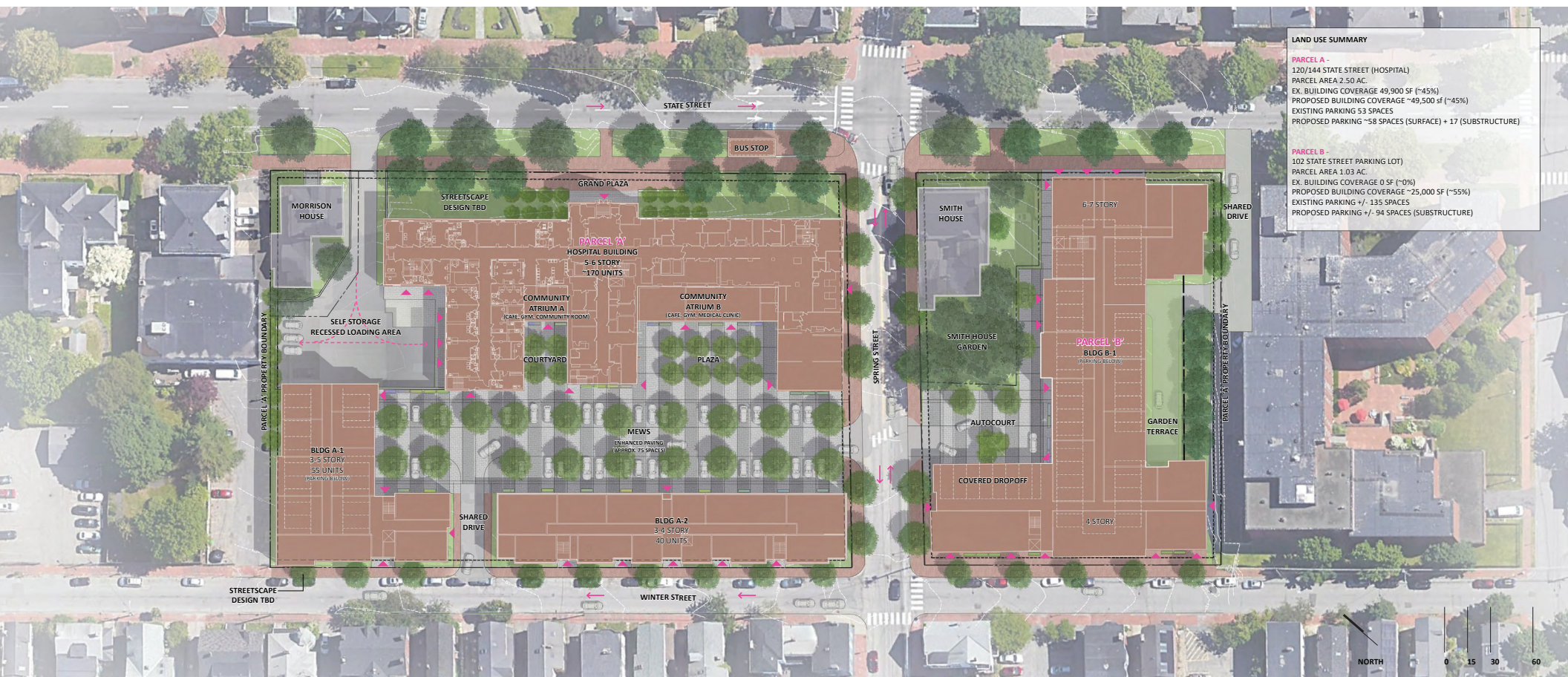


Proposed Height Overlay Map Amendment



Site Plan

MERCY SITE VISIONING
MAY 2020



LAND USE SUMMARY	
PARCEL A -	120/144 STATE STREET (HOSPITAL)
PARCEL AREA	2.50 AC.
EX. BUILDING COVERAGE	49,900 SF (~45%)
PROPOSED BUILDING COVERAGE	~49,500 sf (~45%)
EXISTING PARKING	53 SPACES
PROPOSED PARKING	~58 SPACES (SURFACE) + 17 (SUBSTRUCTURE)
PARCEL B -	102 STATE STREET PARKING LOT)
PARCEL AREA	1.03 AC.
EX. BUILDING COVERAGE	0 SF (~0%)
PROPOSED BUILDING COVERAGE	~25,000 SF (~55%)
EXISTING PARKING +/-	135 SPACES
PROPOSED PARKING +/-	94 SPACES (SUBSTRUCTURE)

CONCEPT PLAN

ALA
ACETO LANDSCAPE ARCHITECTURE + URBAN DESIGN

RSA
RYAN SENATORE ARCHITECTURE

ACORN
ENGINEERING

Vicinity Map



PROPOSED TEXT AMENDMENTS

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Sec. 14-217. Permitted uses.

(a) The following uses are permitted in the B-3, B-3b and B-3c zones:

1. *Residential:*

- a. Attached single-family, two-family and multifamily dwellings;
- b. Handicapped family units;
- c. Lodging houses;
- d. Combined living/working spaces including, but not limited to, artist residences with studio space;
- e. Congregate care facilities.

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2. *Business:*

- a. General and business offices;
- b. Professional offices;
- c. Personal services;
- d. Offices of building tradesmen;
- e. Retail establishments, excluding gasoline sales, wholesale and bulk purchase lumber and construction supply sales;
- f. Restaurants, excluding drive-through or drive-in restaurants;
- g. Drinking establishments, except that drinking establishments and chemical-free night clubs, as defined in section 14-47, shall not be permitted in any location in the B-3c zone, including but not limited to the PAD overlay area;
- h. Billiard parlors;
- i. Miscellaneous repair services, excluding motor vehicle repair services;

- j. Communication studios or broadcast and receiving facilities;
 - k. Health clubs and gymnasiums;
 - l. Theaters and performance and exhibition halls;
 - m. Convention and meeting facilities;
 - n. Hotels;
 - o. Business services;
 - p. Parking garages;
 - q. Galleries;
 - r. Registered dispensary;
 - s. Marijuana retail store;
 - t. Small-scale marijuana caregiver.
3. *Institutions:*
- a. Museums;
 - b. Public or private schools of any type;
 - c. Clinics;
 - d. Places of assembly;
 - e. College, university, trade school;
 - f. Nursery schools, kindergartens, and day care facilities or home babysitting services;
 - g. Governmental offices. As used in this section, governmental office means a place of business of a federal, state, count or municipal governmental entity when professional or clerical duties are performed, including but not limited to back office uses as defined in Section 14-47 and judicial functions;
 - h. Intermediate care facility for thirteen (13) or more persons.

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4. *Other:*

- a. County and municipal uses;

...

Sec. 14-218. Conditional uses.

...

(b)

5. Surface parking provided that:

- a. In the case of lot undergoing level I or level II site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;
- b. In the case of a lot undergoing level III site plan review, no new or existing surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site or shared spaces such as woonerfs that permit surface parking but only as part of an active landscaped space open and friendly to pedestrians; and
- c. No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.

6. Self-storage provided that:

- a. The space has been in existence for more than 25 years;
- b. The space is not located on the frontage of the building on a public way; and
- c. Use of the space will not significantly detract from the quality of the pedestrian experience in public spaces.

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DLN: 1002040088241

QUITCLAIM DEED WITH COVENANT

DLN# _____

MERCY HOSPITAL, a.k.a. NORTHERN LIGHT MERCY HOSPITAL, a Maine non-profit corporation with a principal place of business in Portland, Cumberland County, Maine, for consideration paid, grants to **NEWHEIGHT REDFERN LLC**, a Maine limited liability company with a principal place of business in Portland, Cumberland County, with a mailing address of 167 Newbury Street, Suite 503, Portland, ME 04101, Maine, with quitclaim covenant, the land in **Portland**, Cumberland County, Maine, described as follows:

PARCEL 1 (102 STATE STREET): A certain lot or parcel of land, with the buildings thereon, lying on the southerly side of Spring Street in said Portland described as follows

Beginning at a point of intersection of the northeasterly sideline of Winter Street with the southeasterly sideline of Spring Street;

Thence N48°34'00"E along the southeasterly sideline of said Spring Street 125.93 feet to the southerly line of land now or formerly of Town Houses at Eaton Shaw Block Condominiums (Cumberland County Registry of Deeds ("CCRD") Book 27136, Page 174);

Thence the following courses and distances along said Town Houses at Eaton Shaw Block Condominiums:

S38°02'31"E 65.99 feet;

N49°42'19"E 82.20 feet;

S40°38' 15"E 15.59 feet;

N49°21'45"E 63.93 feet to the southwesterly sideline of State Street;

Thence S40°10'00"E along the southwesterly sideline of said State Street 125.89 feet to land now or formerly of State Street Housing Preservation Corporation (CCRD Book 21735, Page 205);

Thence S49°51'30"W along the northerly line of said State Street Housing Preservation Corporation 269.62 feet to the northeasterly sideline of Winter Street;

Thence N40°11'30"W along the northeasterly sideline of Winter Street 203.81

MAINE REAL ESTATE TAX PAID

feet to the point of beginning.

THE ABOVE DESCRIBED PARCEL 1 IS SUBJECT TO the following recorded in CCRD:

1. Rights and easements as set forth in an instrument from Mercy Hospital to Central Maine Power Company and New England Telephone and Telegraph Company dated August 22, 1966, CCRD Book 2978, Page 31.
2. Rights and easements set forth in an instrument from Mercy Hospital to Central Maine Power Company and New England Telephone and Telegraph Company dated March 6, 1968, CCRD Book 3046, Page 716.
3. Easement Deed from Mercy Hospital to Central Maine Power Company dated November 21, 1977, CCRD Book 4171, Page 66.
4. Terms and conditions set forth in a deed from the City of Portland to Mercy Hospital dated December 18, 1980, CCRD Book 4925, Page 317 and noted as: "The Mercy Hospital, its successors and assigns, will not discriminate on the basis of race, color, creed, sex, or national origin in the sale, lease or rental, or in the use or occupancy of the property described herein or any improvements erected or to be erected thereon, or any part thereof. Said covenant is to run with the land in perpetuity."
5. The following matters shown on a plan entitled "ALTA/ACSM Land Title Survey, 102, 120 (AKA 144) & 148 State Street, Portland, Cumberland County, Maine made for Mercy Hospital and Eastern Maine Healthcare Systems," dated February 27, 2013, revised September 20, 2013, prepared by Owen Haskell, Inc.:
 - a. Pavement and curbing encroach .5 feet +/- onto northerly abutter;
 - b. Overhead wires crossing premises from Winter and Spring Streets; and
 - c. Note 3 regarding location of utilities.

PARCEL 2 (120 STATE STREET, A/K/A 144 STATE STREET, AND 148 STATE STREET): A certain lot or parcel of land, with the buildings thereon, lying on the southwesterly side of State Street in said Portland described as follows:

Beginning at a point of intersection of the southwesterly sideline of State Street with the northwesterly sideline of Spring Street;

Thence S48° 56' 10" W along the northwesterly sideline of said Spring Street 270.49 feet to the northeasterly sideline of Winter Street;

Thence N 40° 09' 30" W along the northeasterly sideline of said Winter Street 400.49 feet to land now or formerly of the Portland Club;

Thence N 50° 12' 30" E along land of said Portland Club 272.95 feet to the southwesterly sideline of said State Street;

Thence S 39° 47' 50" E along the southwesterly sideline of said State Street 394.48 feet to the point of beginning

THE ABOVE DESCRIBED PARCEL 2 IS SUBJECT TO the following recorded in CCRD:

1. Rights and easements from Mercy Hospital to Central Maine Power Company and New England Telephone and Telegraph Company as set forth in an instrument dated March 6, 1968, CCRD Book 3046, Page 716.

2. Terms and conditions set forth in a deed from the Portland Renewal Authority to Mercy Hospital dated June 4, 1975, CCRD Book 3692, Page 343, as affected by a Certificate of Completion by the Portland Renewal Authority dated March 22, 1982, CCRD Book 4934, Page 96 and noted as: "FIFTH: The Grantee agrees for itself and any successor in interest not to discriminate upon the basis of race, creed, color, or national origin in the sale, lease, or rental or in the use or occupancy of the property hereby conveyed or any part thereof or of any Improvements erected or to be erected thereon or any part thereof."

3. Easement Deed from Mercy Hospital to Central Maine Power Company dated November 21, 1977, CCRD Book 4171, Page 66.

4. Easement and Memorandum of Agreement by and between Mercy Hospital and Time Warner Cable of Maine dated November 18, 1998, CCRD Book 15936, Page 165.

5. Easement Deed from Mercy Hospital to Central Maine Power Company and Verizon New England, Inc. dated May 24, 2001, CCRD Book 16391, Page 232.

6. Easement from Mercy Hospital to Central Maine Power Company and Northern New England Telephone Operations, LLC dated September 4, 2010, CCRD Book 28512, Page 45.

7. The following matters shown on a plan entitled "ALTA/ACSM Land Title Survey, 102, 120 (AKA 144) & 148 State Street, Portland, Cumberland County, Maine made for Mercy Hospital and Eastern Maine Healthcare Systems," dated February 27, 2013, revised September 20, 2013, prepared by Owen Haskell, Inc.:

- a. Pavement and parking encroach 3 feet +/- onto northerly boundary;
- b. Overhang 3 feet +/- into Spring Street;
- c. Overhead wires cross onto premises from Spring and Winter Streets;
- d. Granite wall encroaches into right of way of State Street; and
- e. Note 3 regarding location of utilities.

For Grantor's source of title, reference may be had to the deeds recited in Exhibit A attached hereto.

EXHIBIT A

For Grantor's source of title to the above-described premises, reference may be had to the following deeds recorded in the Cumberland County Registry of Deeds:

PARCEL 1 (102 STATE STREET):

- a. Deed from Basil Ballides and Katherine Ballides dated February 14, 1957, recorded in Book 2337, Page 148.
- b. Deed from Freda M. Morrill dated November 10, 1961, recorded in Book 2642, Page 436.
- c. Deed from Aman Maria dated December 12, 1961, recorded in Book 2649, Page 180.
- d. Deed from George H. Hinckley, Guardian of Arthena Wiggin, dated February 1, 1962, recorded in Book 2657, Page 71.
- e. Deed from Fernando P. Giobbi and Margaret O. Giobbi dated April 23, 1962, recorded in Book 2669, Page 105.
- f. Deed from Thomas J. Donahue, Charles R. O'Connell, Jr. and Edith M. O'Connell dated November 10, 1964, recorded in Book 2863, Page 456.
- g. Deed from Sigmund S. Dyro and Mary A. Dyro dated July 30, 1965, recorded in Book 2911, Page 334,
- h. Deed from Marie V. Hetu dated September 30, 1965, recorded in Book 2924, Page 259.
- i. Deed from James A. Desmond, Conservator of Bertha Smite, dated November 3, 1965, recorded in Book 2932, Page 500.
- j. Deed from Mary G. Smith, also known as Mary Morgan Smith, dated March 27, 1970, recorded in Book 3121, Page 446.
- k. Deed from Theodore R. Brownlee dated October 31, 1970, recorded in Book 3149, Page 363.
- l. Deed from the City of Portland dated December 18, 1980, recorded in Book 4925, Page 317.

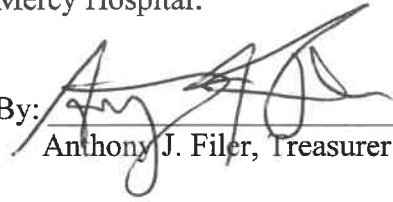
PARCEL 2 (120 STATE STREET, A/K/A 144 STATE STREET, AND 148 STATE STREET):

- a. Deed from Alice A. Oxnard dated June 9, 1948, recorded in Book 1914, Page 495.

- b. Deed from Harriet E. Frates dated October 8, 1948, recorded in Book 1930, Page 450.
- c. Deed from St. Joseph's Convent and Hospital dated January 30, 1950, recorded in Book 1989, Page 3.
- d. Deed from Guy A. Shaw dated October 1, 1952, recorded in Book 2103, Page 238.
- e. Deed from Earle W. Watson and Maybelle C. Watson dated November 30, 1953, recorded in Book 2156, Page 232.
- f. Deed from Raymond L. Baillargeon and Cora M. Baillargeon dated September 5, 1963, recorded in Book 2773, Page 347.
- g. Deed from James B. McKenney and Beatrice M. McKenney dated May 2, 1964, recorded in Book 2821, Page 441.
- h. Deed from John Malconian dated July 1, 1964, recorded in Book 2833, Page 323.
- i. Deed from Samuel Levey and Helen G. Levine dated November 5, 1965, recorded in Book 2932, Page 498.
- j. Deed from Irene L. Fisher dated August 1, 1964, recorded in Book 2942, Page 39.
- k. Indenture with Portland Renewal Authority dated June 4, 1975, recorded in Book 3692, Page 343.
- l. Deed from Robert M. Morrison dated December 2, 1975, recorded in Book 3779, Page 204.

IN WITNESS WHEREOF, Mercy Hospital, has caused the foregoing instrument to be signed in its corporate name and sealed by its undersigned officer, duly authorized, this 25th day of February, 2020.

Mercy Hospital:

By: 
Anthony J. Filer, Treasurer

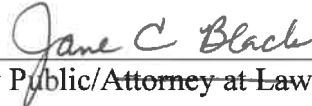
GFE

STATE OF MAINE

Penobscot County

February 25, 2020

Personally appeared before me the above named Anthony J. Filer, Treasurer of Mercy Hospital, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said non-profit corporation.


Notary Public/Attorney at Law

Jane C. Black
Print or type name as signed

Jane C. Black
Notary Public, State of Maine
My Commission Expires September 13, 2023

SEAL

Received
Recorded Register of Deeds
Feb 27, 2020 01:07:06P
Cumberland County
Nancy A. Lane

September 17, 2020

Planning and Urban Development Department
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

Subject: Map and Text Amendment Application for 144 State Street
Mandatory Neighborhood Meeting Certification

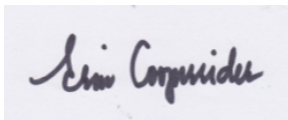
To Whom it May Concern:

I, Erin Cooperrider, Manager, NewHeight Redfern, LLC hereby certify that a neighborhood meeting was held on September 1, 2020 at 5:30 pm, remotely via Zoom for the proposed project located at 144 State Street, Portland, Maine.

I also certify that on August 19, 2020, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development
2. Residents on the "interested parties" list.

Signed,



Erin Cooperrider, Manager
NewHeight Redfern, LLC

Attached to this certification are:

1. Copy of the invitation sent
2. Meeting minutes, including attendance role

144 State Street
Portland, Maine

NOTIFICATION OF NEIGHBORHOOD MEETING

NewHeight Redfern LLC is pleased to invite you to a neighborhood meeting to discuss proposed map and text amendments to enable an adaptive reuse and infill development project at 144 State Street (Mercy Hospital) in Portland, Maine. NewHeight Redfern is proposing amendments as follows:

- Map amendment for the site from R-6 to B-3;
- Map amendment to the Downtown Height Overlay Map to create a 85' height allowance on the portion of the site fronting State Street and a 45' height limit along Winter Street; and
- Text amendments to permit limited additional uses in the B-3 zone.

Location: Due to the Covid-19 pandemic, and in accordance with local and state requirements, this meeting will be held remotely via Zoom. Public viewing and participation will be available during the meeting. A link to register for the meeting can be found below.

Meeting Date/Time: Monday, September 1, 2020 at 5:30 p.m.

The City of Portland requires that all property owners within 500 feet, abutters, and interested parties be invited to participate in a neighborhood meeting. A "sign-in" sheet will be taken virtually through the Zoom platform and submitted to the City's planning office, along with minutes and any questions. The meeting will run similarly to the previous, informal neighborhood meetings that have been held, with a brief overview, followed by questions.

We look forward to talking with you at the meeting.

Erin Cooperrider
NewHeight Group, LLC

Jonathan Culley
Redfern Properties LLC

Mercy Redevelopment Mandatory Neighborhood Meeting

144 & 148 State Street- Mercy Hospital Redevelopment

NewHeight Redfern – Zoning Text and Map Amendment Application

Meeting minutes

Scheduled for 9/1/2020 @ 5:30 pm
Remote meeting via Zoom Conference

Mercy Redevelopment Mandatory Neighborhood Meeting on Zoom Scheduled for 9/1/2020 @ 5:30 pm. 37 registrants responded to the invitation: This meeting started at approximately 5:33 pm.

Project Team Attendees:

Erin Cooperrider: Developer/Presenter – NewHeight Redfern (NHRF)
Jonathan Culley: Developer/Presenter – NewHeight Redfern (NHRF)
Chip Newell: Developer – NewHeight Redfern (NHRF)
Emily McConnell: Developer – NewHeight Redfern (NHRF)
Gregory Pomerleau: Developer – NewHeight Redfern (NHRF)
Bree LaCasse: Developer/Presenter – Community Housing of Maine (CHOM)

Respondents to the Meeting Invitation:

Mike Stephenson	Barbara DeSerres	Brent Adler	Joseph S
Michelle Dunham	Laura Currier	Jennifer Defilipp	Cheryl Sessions
Glendene Mancini	Jonathan W Damon	Linda Atherton	Ellen Murphy
Bree LaCasse	Pete Merrill	Lydia Montana	Regan Sweeney
Anne-Matie Watson	Kathy Harris	L Sloan	Suzanne Hunt
Cordelia Pitman	Trisha Cobb	Ann Tenney	Sarah Conly
Christopher Gilbert	Becky Burns	Peter Mills	Ken Swanberg
Ginger Raspiller	Robert MacIntosh	Patricia Waldron	Rose Marasco
Brenda Howe	Kate McCabe	Brian Walker	Arielle Saiber
Judith West			

Project Presentation

Erin Cooperrider:

- Introduction of development team of NHRF, including members from NHG & RFP, are holding this Mandatory Neighborhood Meeting for a Text and Map Amendment Application to change the zoning for this property to allow for adaptive reuse of the existing Mercy Hospital Building and the Morrison House, located at 144 & 148 State Street respectively.

- Also attending is Bree LaCasse, who is leading a partnership with the Portland Housing Authority and Community Housing of Maine to develop two projects on a portion of the parking lot behind the existing Mercy Hospital facing Winter Street..
- A number of informal neighborhood meetings have already been held, but this is a mandatory neighborhood meeting, required as a part of the application process, and the attendance sheet and minutes of this meeting will become a part of the public record.
- This meeting is being recorded and will be posted publicly.
- The attendees were notified per City of Portland Chapter 14 guidelines. In an attempt to allow for everyone's questions to be answered from such a large group, we will be using the chat function to field questions.
- This meeting will cover the same material we have presented at the informal neighborhood meetings that have been held.
- In addition, some good ideas have come out of those previous meetings and been incorporated into these conceptual plans, such as small commercial spaces like those on Washington Avenue for small businesses serving the surrounding community, and ideas for drawing pedestrians and visitors into the campus.

Jonathan Culley:

- This meeting is part of the public process for a zone change which include text and map amendments. NHRF has submitted an application with the City of Portland to begin process. This meeting is high level for zoning discussion purposes and the renderings and plans shown during this meeting are for visioning/planning purposes and are currently conceptual.
- Parameters, size, uses of the planned redevelopment are the focus of this meeting.
- Another meeting will be scheduled soon to cover the Level III Site Plan application to discuss items of design and we would like to keep discussion of those details until that meeting.
- Slide Presentation
 - Slide 1: Current conditions of the property shared with a verbal description of the campus.
 - Slide 2: The campus as is currently planned after redevelopment is complete shared with a verbal description of the proposed development:
 - NHRF redevelopment of Morrison House and the existing Mercy Hospital Building will be an adaptive reuse of the existing buildings into residential use with approximately 165-170 units of workforce housing with a \$1,100 - \$1,700 rent range.
 - CHOM buildings proposed along Winter St. to be described further.
 - Family: 41 units
 - Senior: 57 units
 - Buildings would be limited to 45 ft in height along Winter St with the senior building increasing in height as it steps back from the street.
 - 102 State St (current Mercy surface parking lot): NHRF is working with a senior/assisted living provider to build multiuse senior housing with services and possibly memory care on this site.

- The campus has 420 – 430 total housing units planned; B3 is needed to both to create this density, and to allow for redevelopment of the parcel facing Winter Street. B1 & B2 have other dimensional requirements, and those require a front, side and back yards. which would prevent the lot from having multiple fronts. We envision the new buildings “facing” Winter Street, not backing up to it.
- Slide 3: More detailed rendering of the redeveloped campus shared with a verbal description of the portion of the building to be demolished where the emergency room and imaging suites are; also pointing out some of the central site elements.
- Slide 4: Proposed concept plan shared with a verbal description of some of the campus elements:
 - Envisioning “woonerf” design concept for parking area incorporating parking, pedestrian, trees, and seating areas with a plaza leading to the main entrance of the redeveloped hospital building in conjunction with several commercial suites for small, neighborhood businesses. Not a traditional asphalt parking lot.
 - Bike parking, outside and inside envisioned. Access off Winter street will be a shared drive without a curb cut for pedestrian access allowing for emergency vehicle access creating a community/neighborhood draw into the woonerf. Easements for public use may be a possibility, this access too will be pavers, not asphalt.
 - The existing Mercy Hospital is 89 feet tall and 100 State St. is more than 70 feet tall. NHRF is asking for rezoning to B3 with an 85’ height limit on State Street, as imposed by the downtown overlay map, which governs height in the B3 zone, and a 45’ height limit on Winter Street. This map is not available for height governance in the B1 and B2 zones. With bonuses, other zones provide for up to 60 feet in height in the neighborhood. By using the downtown overlay map, the lot can be divided on two fronts, limiting the height along Winter Street to 45 ft., the same as the existing R6 zoning, while allowing for more height on State Street.
 - Uses; slide calls out residential units, café, gym, medical clinic and self-storage:
 - Mercy wants to maintain a presence on the campus, and will keep a clinic, family or urgent care on the site and is part of the current plan. With the concentration of senior housing on this campus and in neighboring buildings; this will be welcome and needed.
- Slide 5: Photo of Winter Street as it exists behind Mercy Hospital shared with a verbal description.
 - Winter Street currently faces the back of the hospital building, but the development team hopes to change that, by creating a neighborhood scale streetscape.
 - NHRF’s proposed redevelopment will remove loud HVAC equipment from the building, replacing it with newer, more quiet equipment, increasing the neighborhood feel.
 - The plan for 144 State Street is to underground the power. This is not always physically possible everywhere, but we are exploring the possibility currently.

Bree LaCasse:

- CHOM introduction:

CHOM is a non-profit housing developer and operator with 88 projects throughout the State of Maine. Family housing projects traditionally consist of a mix of one, two, & three-bedroom units, while senior housing projects are primarily one bedroom with some efficiency apartments. All of these units are rented to households with incomes at or below 50 - 60% of the area medium income (AMI). These new projects will be created in partnership with the Portland Housing Authority (PHA).
- Presentation continued
 - Slide 6: Rendering of Winter St. with massing depiction shared with a verbal description.
 - Two new housing projects are currently planned for the Mercy Hospital redevelopment including a family housing building that will contain 41 units and a senior housing building that will contain 57 units.
 - Buildings will be set back about 5 feet from Winter St. with entrances and stoops on the street as well as green areas and seating areas with the inclusion of 13 street trees.

Questions/Comments & Answers:

Please note that the Zoom Chat log was captured directly from the video conference platform, but the verbal questions and all of the answers are not transcribed verbatim or in order as some questions and answers were duplicative. Q denotes a Question, C a Comment from the public, and R a response from the development team.

C: Zoom Chat Log, Rose Marasco: I have a couple of questions

C: Zoom Chat Log, Sarah Conly: State Street is the most beautiful street in Portland. The ugliest buildings, not in keeping with history, are the two you plan to mimic with the 85' height. That is totally unacceptable. If you want an 85 foot building put it on Riverside. Q & C: There is no justification for height: 85' Why would we create a historic district? We are just addressing zoning, but anything that gets built needs to be part of historic fabric. We are focused on environment and density for affordable housing. C: Zoom Chat Log: And you will be blocking all the light on Winter St. with the development. This is a travesty. The hospital was built when there was no respect for preservation, either natural or architectural, but now we see that that was a destructive mistake. These old Victorian buildings. Your new brick or cheap housing units are not. This is not the place for your project. C: Zoom Chat Log: You are trying to make a profit at the expense of the neighborhood and the city of Portland. C: Zoom Chat Log: Yes, it will block the sun and otherwise make the neighborhood less welcoming—just another soulless building instead of the atmosphere we have now. C: Zoom Chat Log: 85 feet will make it feel like a dungeon. C: Zoom Chat Log: And absolutely no sense of history. Q: Zoom Chat Log, Why do this here, in a Victorian historical district? C (*by other*): To Sarah's point, your decisions here now are likely to remain for a century or longer. What can you tell us about how you have taken in the neighborhood and its history in your design?

R: The development team has put a lot of thought into this project with urban planners. NHRF feels Mercy is an attractive building and the addition of a building in keeping with the neighborhood will only

improve State St. There is a public process that is in place for the design process. There are both local and federal historic guidelines and reviews that will occur to establish appropriateness and consistence with the current historic fabric of the neighborhood. NHRF has built in historic districts before and there is a regulatory body in place that we need to work with and your input is welcome through the process. The slides that have been shown are part of a massing study for the purpose of a zoning application only. The density that is being requested through the zoning process is necessary to construct affordable housing units. Actual building(s) designs are yet to be finalized. Currently, NHRF is applying for a zoning change in the form of text and map amendments. Caitlin Cameron with the City is the planner that has been assigned to this application process. We encourage everyone to participate in the public process.

C: Zoom Chat Log, Rose Marasco: I'm not saying that.. Sarah is

Q: Zoom Chat Log, Brian Walker: Can you provide us with a sense of the timeline...approvals, building starts, building completed?

R: Mercy plans to stay in place and operating until Feb 2022. Our plan is to start construction related activity in March of 2022. Which is why we are working with other developers to be ready with a cohesive plan to not have a phased project. All development will occur at the same time ideally over an 18-month construction period for 4 distinct construction projects.

Q: Zoom Chat Log, Rose Marasco: Can you unmute me so i can ask a few questions. thanks.

C & Q: Rose Damasco: Not putting traffic onto winter street is a huge thing and that would be a disaster. I'm glad to hear you are not. Could you explain further how the parking lot works with the "park" or woonerf?

R: We are building a courtyard with trees and benches that is incorporated with the woonerf. The proposed woonerf combines parking, pedestrian routes, seating, recreation and a plaza into a shared relation with the use of pavers throughout as has been done on a previous Redfern development project, Munjoy Heights. The front of the building on State Street will be redeveloped to engage as a public space. Additionally there will be more trees along Winter Street.

Q: Rose Damasco: Did we push the buildings back off Winter St. as was discussed in an earlier meeting?

R: Yes, we did. CHOM has done a lot of work to create stoops, but they need to build a larger building than individual smaller multi-family style buildings to complete the vision of affordable housing for this site. We cannot create affordable housing with a one, two or three unit housing vernacular.

Q: Rose Damasco: How high will the building be in conjunction with Trelawny Building:

R: The proposed zoning will allow for a building to be 85' tall and the Trelawny Building is 104' tall.

Q: Rose Damasco: Where is the height of the building measured from?

R: The street is where it is measured from. The proposed building for 102 State Street will be measured from nearly the same starting point as 100 State Street. Parking will be installed underneath the building.

Q: Zoom Chat Log, Michelle: What is the view going to be from 100 State Street that currently views the Mercy lot?

R: The concept plan for that lot shows a building that is set back to create light and green by leaving an area set aside for a terrace between the two building estimated 50 to 55 feet from building to building for much of the lot line between those parcels.

C: Zoom Chat Log, Linda Atherton: I live at 100 State St. I'm concerned about the height of the building you want to put next to us. It is so close to our side of your lot, it appears that it will render our deck practically unusable, unless we want to sit out there with little sun and no view.

Q: Zoom Chat Log, Robert MacIntosh: Seems that Mercy's involvement with the final project will complicate the project. Why are they proposing an urgent care, etc., aspect?

R: During the RPF process with Mercy, and along with the leadership of neighborhood, much desire for some level of medical care of neighborhood was expressed. Mercy wishes to continue having a presence to serve this neighborhood. Our discussions with Mercy are focused on a relatively small clinic around 3,000 + square feet. NHRF feels with the concentration of senior housing in the area, this clinic will be much needed and appreciated by the neighborhood.

Q: Zoom Chat Log, Cordelia Pitman: Can we get a better idea of market rate, ownership, and affordable housing in terms of %? is this too much affordable?

R: 57 Senior and 41 family housing units will be at @ 50-60% AMI. The senior/assisted living developer we are working with is planning for market rate, higher end units on 102 State Street. The apartments in the redeveloped Mercy building and the Morrison House will be workforce housing with a potential for high-end market rate condominiums on top floors of the hospital building for sale.

C: Zoom Chat Log, Michelle: 100 State Street needs consideration for natural light to apartments currently facing

C: Zoom Chat Log, Laura Currier: Not a question, but I would agree that 85' is much too tall for a new building on State Street. And the footprint of the building makes a massive building. My apartment will be at the bottom of a well.

Q: Zoom Chat Log, Michelle: Is the Garden Terrace at ground level?

R: The garden terrace is going to be above first level on 102 State Street.

Q: Zoom Chat Log, Linda Atherton: Question about the "shared driveway" with 100 State St. Do you plan to widen the driveway? As it is, it would be way too crowded. The front of our building on the driveway, so delivery vehicles, ambulances, taxis, visitors, etc. stop in the driveway for various amounts of time.

R: We envision that the curb cut for 100 State St would be widened and shared with Portland Housing Authority and widened to benefit the existing driveway. This will be addressed during the site plan process with the developer of 102 State Street.

C: Zoom Chat Log, Michelle: Yes; 100 State Street has concerns regarding the shared use and what that will look like and how it will look from 100 State Street towards the current lot

C: Zoom Chat Log, Linda Atherton: Question about height of senior building. Is the height measured from the existing parking lot level, or from the driveway level that 100 State St is on?

R: *Previous response was for both this query and earlier.* The street is where it is measured from. The proposed building for 102 State Street will be measured from nearly the same starting point as 100 State Street.

C: Zoom Chat Log, Michelle: And light

Q: Zoom Chat Log, Michelle: So the garden terrace is on the ground level?

C: Zoom Chat Log, Michelle: That would be lovely

R: The garden terrace on 102 State Street is above the first floor of the building.

C: Zoom Chat Log, Sarah Conly: The parking lot at least does allow light.

C: Zoom Chat Log, Laura Currier: Not much space or light on the Mercy Hospital side of the large building. It looks almost on the property line

C: Zoom Chat Log, Becky Burns: Thank you

C: Zoom Chat Log, Laura Currier: So the height and footprint of this building seems to have been determined. I will go on record as being opposed to the B-3 zoning change. My ground floor apartment will have hundreds of windows on an 85' tall building only a few feet away

Q: Did the group consider R6 on Winter?

R: Yes. B3 lets us deal with height with an overlay map. The density in R6 does not enable the construction of affordable housing on this site.

Q: How does the zone change affect taxes?

R: The zone change is independent of the tax evaluation.

Q: Are you planning on adding floors onto the existing Mercy Hospital building? What stops you from building 85' on Winter St?

R: We are proposing B3 for all of the site and also to delineate a line through the property as the downtown overlay map governs the height of the buildings in that zone. Would we not add another floor onto of the existing Mercy Hospital. Historic standards and structural limitations would prevent such addition.

Q: Does the historic district treat the zoning differently? Are they concerned about the uses?

R: No, the historic preservation board is an independent entity that does not take zoning into account when applying standards.

Q: What prevents you from putting a KFC on Winter Street?

R: We are not going to put a KFC on Winter St.

Q: Zoom Chat Log, Sarah Conly: Who makes sure that these trees actually a) go in and b) are maintained?

Q: Zoom Chat Log, Sarah Conly: And how many will there be?

R: The site plan review process is where the quantity and placement of trees is handled and the maintenance is provided by the adjacent building. Trees are mandated through the site plan process.

Q: Zoom Chat Log, Joseph S: Would you please speak to the retail you envision along State Street?

R: We feel the best fit will be neighborhood retail with local services, small retail incubators and startups; neighborhood retail suites.

Q: Zoom Chat Log, Rose Marasco: What's the height difference (in feet) from the existing height limit to what you're proposing?

R: The current zone is R6 with a 45 foot height limit and we are requesting B3 with the use of the height overlay map that will limit the height on Winter Street to the current 45 feet and will allow for 85feet on State Street, which is between the heights of Mercy Hospital an 100 State Street.

Q: Zoom Chat Log, Brian Walker: Sorry if I missed this (I had to step away), but where will the parking for all the housing be?

R: Parking Is addressed during Level III Site plan. The parking is incorporated in the woonerf between the hospital building and the CHOM buildings. Parking will be addressed during the next approval phase for the Level III Site plan application.

Q: Zoom Chat Log, Ellen Murphy: Approvals will come from Historic Preservation and the Planning Board - correct? Any others?

R: There are 2 approvals in this process from the city planning board; one for zoning, and then one for the site plan and then there is a third from the historic preservation board. There is a federal standard for historic preservation and rehabilitation. Changes are reviewed 3 times, locally, and then at the state and federal levels. For the rehabilitation of the Mercy building NHRF will be seeking historic tax credits, which is a 3-level review process. The secretary of the interior standards for rehabilitation of a historic building are the standards applied by the City of Portland historic preservation board. These standards are also applied by the state historic preservation commission and the National Park Service. Applications will be reviewed first locally, then at the state level and finally at the national level. This is a highly scrutinized process.

Q: Zoom Chat Log, Michelle: All good; thank you ~

Q: Zoom Chat Log, Cordelia Pitman: If the proposed zoning is approved, but your proposed development is not able to go forward. would it be possible for the property to be sold to another developer who could build to 85' everywhere on the site? *Verbal expansion*, can you speak to how this fits in with the overall plan for the City of Portland, because this seems like too much of this type of housing in this area? How do you feel about the absorption rate in Portland?

R: The two CHOM buildings total 57 senior and 41 family affordable units at 50% & 60% area medium income (AMI). The senior living building on 102 State Street will be market rate at the higher end of the market. The 170 housing units in the Mercy building and Morrison house will be workforce housing targeting more of the middle of the market with potentially high-end condos on the upper floors. We are proposing B3 for all of the site. With a map amendment, the city will delineate a line through the property as the downtown overlay map governs the height of the buildings in the B3 zone. This would limit the height on the property to what is approved on the downtown overlay map. We continue to see high demand through the city for all types of housing and are confident the market needs these units. The map amendment request is that the height on Winter Street will be limited to 45 feet.

Q: Will the utilities be underground?

R: The intention for 144 State street is to underground the utilities into an submersible vault and remove several poles along Winter Street. We also know there is fiber optic running along Winter Street and we are exploring if it can service the immediate neighborhood. The city does encourage developments to underground utilities, but there is a lot of coordination and there are physical limitations.

Q: Brent Adler: Does the historic district treat R6 review differently from a design prospect from B3? Do they still have some attachment to the building regarding uses? I live on Winter and I am looking forward to a quieter street with more of a residential feel.

R: R: The historic board will address some of the items we have discussed tonight, but the standards are not affected by zoning. We are only planning residential on Winter Street. There is no perfect fit for zoning, which is why there is a public process. We are providing much more detail of what we are trying to develop here. We are not going to put a KFC on Winter St.

C: Zoom Chat Log, Ellen Murphy: It would be more fair if everyone who is participating in this meeting could have their questions answered - not just a few people.

C: Zoom Chat Log, Sarah Conly: You are right! I will be quiet.

Q & C: Regan Sweeney: I live at 7 Winter Street. When was last time you ran the numbers for the need of housing? A terrible downturn has happened, no in-town office projects are occurring. The need for workforce housing has dried up, where are people working? Have you updated numbers? Is converging people wise with today's situation? How wise is this plan to invite people in during this current environment? Businesses are closing. I urge you to look at something at a different scale.

R: NHRF is constantly discussing the current environment living with Covid. People from other major metropolis areas are looking at Maine for a place to move. This current situation will be very different in 3-4 years and NHRF is currently seeing waiting lists for property rentals and an influx of residents from

out of state. Additionally, affordable housing needs in the city are deep with 4,000 + on the waiting list. NHRF cannot tell you exactly what the retail will be at this time.

Q & C: Jenn Defillipp: Can you split the lot between R6 and B3 zones? I am concerned that B3 can be applied to 99 Winter St. instead of that property getting R7, and I fear they would maximize it.

R: There are many discussion that have been and continue to be had regarding zoning, but a split zone will not work for the construction of affordable housing; R6 does not provide the density needed for affordable housing. The city is likely intermingling zoning for both 99 Winter Street and the Mercy redevelopment. If we are granted our request, the 45-height limit may be drawn beyond just the boundaries of our development. Feel free to contact Caitlin Cameron with the City of Portland regarding this point. The overlay map governs the height in B3, not the zoning.

Q: Are you going to knock down the Morrison House?

R: NHRF is not going to knock down the Morrison House, it is a historic building and will be redeveloped into housing units.

Q: Can you make sure everyone is invited to the next meeting?

R: NHRF will make sure the invitations are circulated: *(note: 100 State Street was notified, but as the individual renters are not of public record, the HOA bears this responsibility)*

Q: Rose Marasco: is there an interest in percent for public art?

R: We are very interested in public art and there will be art incorporated into the development in some manner.

Conclusion:

Jonathan Culley and Erin Cooperrider provided email addresses and phone numbers to the entire group for any offline conversation desired by the attendees and expressed a willingness to have one-on-one conversations.

This group will be notified for future meetings. Also, the recording of this meeting will be available at newheightgroup.com/meetings. The meeting minutes and respondents list will be submitted to the city for public record.

Meeting Adjourned at 6:51 pm.

Recorded by,



Gregory Pomerleau
Director of Development
NewHeight Group, LLC
Greg@newheightgroup.com

MERCY SITE VISIONING
MAY 2020



NEIGHBORHOOD VIEW (EXISTING CONDITION)

MERCY SITE VISIONING
MAY 2020



NEIGHBORHOOD VIEW (PROPOSED CONDITION)

MERCY SITE VISIONING

MAY 2020

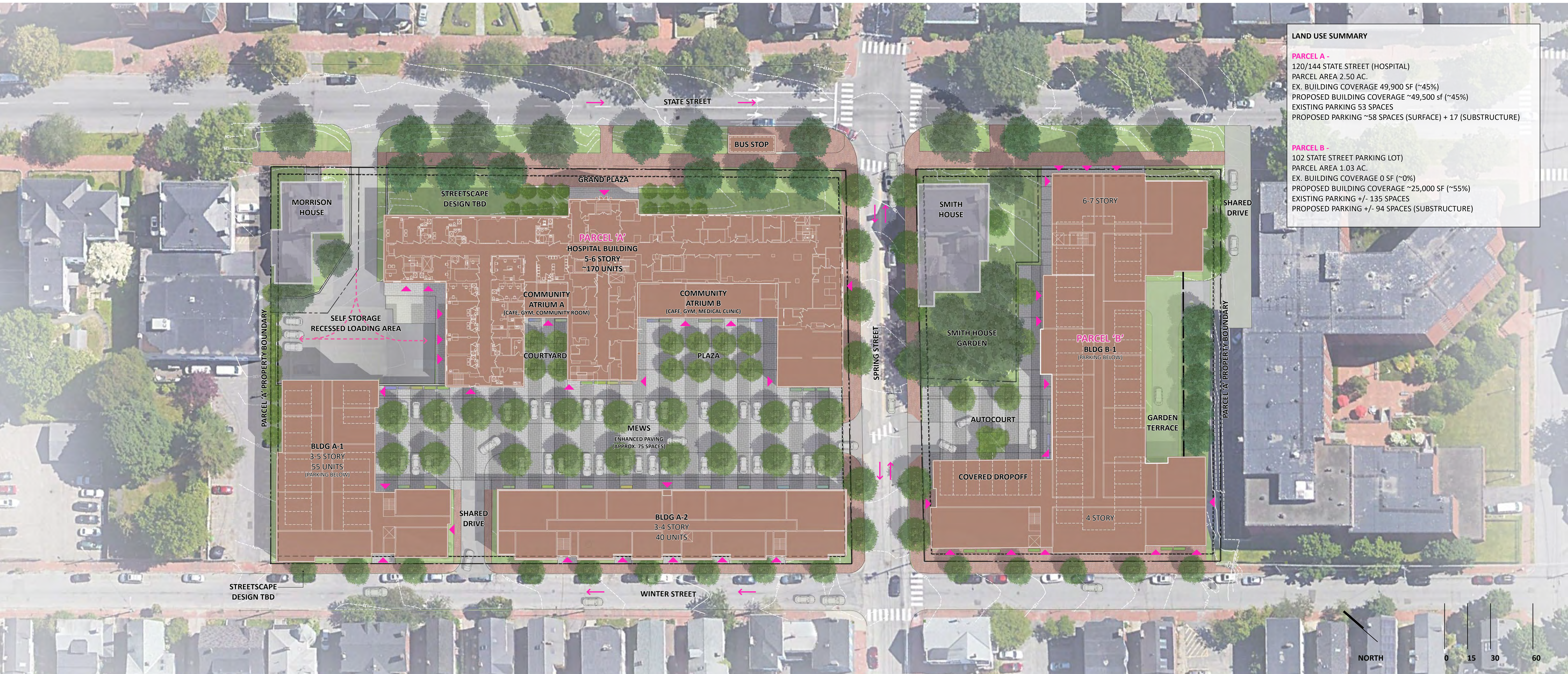
- 1. SENIOR HOUSING
- 2. SHARED VEHICLE ACCESS
- 3. LOBBY/STOREFRONT ENTRY
- 4. ENTRY PLAZA/OUTDOOR SEATING
- 5. COMMON/PASEO
- 6. AUTOCOURT
- 7. GARAGE ENTRY/CURB CUT
- 8. CORNER PLAZA W/STEPS AND SEATING
- 9. POTENTIAL ACTIVATED ROOF
- 10. BUS SHELTER/SEATING
- 11. ENHANCED/RE-DESIGNED STREETSCAPE
- 12. GRAND ENTRY PLAZA W/ SEATING, STEPS, AND PLACEMAKING ELEMENTS
- 13. URBAN SWINGS
- 14. SELF STORAGE ACCESS W/GATE
- 15. SUBSTRUCTURE PARKING ACCESS
- 16. ROOF GARDEN
- 17. SENIOR AFFORDABLE HOUSING
- 18. WINTER STREET
- 19. MEWS/SHARED STREET
- 20. COURTYARDS
- 21. COVERED BUILDING ENTRY AND STOOP
- 22. WINTER STREET ACCESS AND PEDESTRIAN CONNECTION
- 23. SPRING STREET ACCESS
- 24. PHARMACY/NON-RES. GROUND FLOOR USE
- 25. EXISTING NARROWED ACCESS
- 26. MORRISON HOUSE
- 27. SMITH HOUSE
- 28. FORMER MERCY HOSPITAL BUILDING
- 29. FORMAL FRONT ENTRY
- 30. SPRING STREET PEDESTRIAN CONNECTION



ENLARGED NEIGHBORHOOD VIEW (PROPOSED CONDITION)



MERCY SITE VISIONING
MAY 2020



CONCEPT PLAN



WINTER STREET (EXISTING CONDITION)

MERCY SITE VISIONING
MAY 2020



WINTER STREET (PROPOSED CONDITION)



Caitlin Cameron <ccameron@portlandmaine.gov>

148 State Street

Mike Tremblay <mtremblay@portlandmaine.gov>

Tue, Nov 10, 2020 at 1:42 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Cc: Tom Errico <thomas.errico@tylin.com>

Caitlin,

Here are my initial comments on 148 State Street:

- All sidewalks along the project frontage should be reconstructed to be ADA-compliant and to meet the City's technical and material standards. The sidewalks along State Street are in poor condition. The site driveway on State Street is not the City standard brick material in the apron and pedestrian walkway, and is also in poor condition. On Spring Street, sidewalks are in poor condition, with large gaps between bricks, erosion around a tipdown area, etc. The ramps at the corner of State/Spring were completed recently and should not need to be replaced, but we will verify this.
- The curb ramp at the corner of Spring/Winter streets are the wrong material, is in poor condition, and lacks a detectable warning panel. This ramp should be replaced in coordination with sidewalk work.
- Sidewalks on Winter Street will be required to be reconstructed as part of the 73 and 91 Winter Street projects. The site plan calls for new granite curb at an existing curb cut, and a mountable curb at locations along Winter Street. The sidewalk reconstruction work should be coordinated with this curb work along Winter Street.
- The Applicant should provide a summary of on-street parking spaces before and after construction, organized by street, including any additional parking, parking to be removed, or parking restriction change.
- Turning templates should be provided for the loading dock. The loading area appears to be crowded, and maneuvers appear to be difficult.
- The loading/parking area, called out on the site plan to be managed by a TDM coordinator, appears to be shared between self-storage users, solid waste, and overnight residential parking. While the traffic and parking analysis document suggests spaces will be seamlessly shared between uses, the site plan indicates that residential uses will only be able to park from 6pm-6am. While we are in favor of encouraging shared parking between uses, DPW believes that these spaces (as a whole, or at the very least in large part) should not be included in the site's residential parking analysis. The parking spaces are too sparsely available for residents to use. A 6pm-6am time period may be suitable for visitor parking, but residents that use these spaces will almost certainly be significantly restricted based on these time limits, to the point where street parking will be more convenient. Additionally, the tandem spaces in this area, if leased to separate units, would create an additional inconvenience, even if managed. If these spaces are wholly removed from the residential parking supply, as recommended by DPW, the supply is reduced to 47 spaces, 12 fewer than the 59 spaces calculated.
- TDM coordinators typically are not charged with managing parking areas on an hour-by-hour basis. The TDM Coordinator has additional responsibilities as outlined in the TDM document. If management of this area is required, it is recommended that the TDM coordinator not be responsible for the day-to-day/hourly management of this area.
- DPW will expand comment on the TDM document at a later date. In general, the strategies identified are positive; however, several interventions would not appear to result in reduced transportation demand. TDM strategies should generally not take "credit" for improvements required by ADA or by the City's technical standards such as sidewalk and ramp improvements. The focus should be on action items that will reduce the number of trips to and from the site, and reduce the site's parking demand.
- The TDM document references that 4 electric vehicle charging stations will be provided. This is positive. DPW encourages the Applicant to make as many spaces as feasible "solar-ready", installing the necessary conduit throughout the parking areas so that charging stations may be added in the future without unnecessary additional cost.
- State Street is scheduled to be paved in 2022. Utility work, and any necessary curb work, should be completed in 2021.

Mike Tremblay, P.E.
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Department of Public Works
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Caitlin Cameron <ccameron@portlandmaine.gov>

144 State Street comments for PB

John Peverada <jbp@portlandmaine.gov>

Tue, Nov 10, 2020 at 1:00 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Caitlin,

My only comment is lack of parking. Given that the ordinance requires 1 parking space per unit (175) and they are only providing 68 off street parking spaces, I am concerned that there will be a further demand put on the on street parking in the neighborhood.

Thanks

John

[Quoted text hidden]



Caitlin Cameron <ccameron@portlandmaine.gov>

144 State Street - Initial Traffic and Parking Comments

Tom Errico <thomas.errico@tylin.com>

Wed, Nov 11, 2020 at 10:59 AM

To: "Cameron, Caitlin" <ccameron@portlandmaine.gov>

Cc: Mike Tremblay <mtremblay@portlandmaine.gov>, Bruce Hyman <bhyman@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>

Hi Caitlin – I have reviewed the Parking and Traffic Assessments prepared by Bill Bray, PE and offer the following initial comments.

- A trip generation estimate was conducted for proposed and prior uses at the site. The estimate was generally based on Institute of Transportation Engineers (ITE) data and notes the project will generate 67 AM peak hour trips and 59 PM peak hours trips. Mercy Hospital was estimated to generate 206 AM peak hour trips and 235 PM peak hour trips. Given the reduced trip generation, this project would not be expected to have an impact on the public street system. A traffic study is not suggested.
- The Traffic Assessment did identify two High Crash Locations in the vicinity of the project. The State Street/Pine Street intersection (crashes related to pedestrian crossings) and State Street between Spring Street and Gray Street (crashes involved parked vehicles and lane change maneuvers). I continue to review these safety locations and will provide direction in the future.
- A Parking Assessment has been performed and estimates a need for 59 parking spaces. The estimate is generally based on Institute of Transportation (ITE) data, shared parking reductions, and hourly parking variations. While the adjustments applied seem reasonable, I continue to review the analysis and thus approval is pending.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL

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144 State Street comments for PB

Jeff Tarling <jst@portlandmaine.gov>

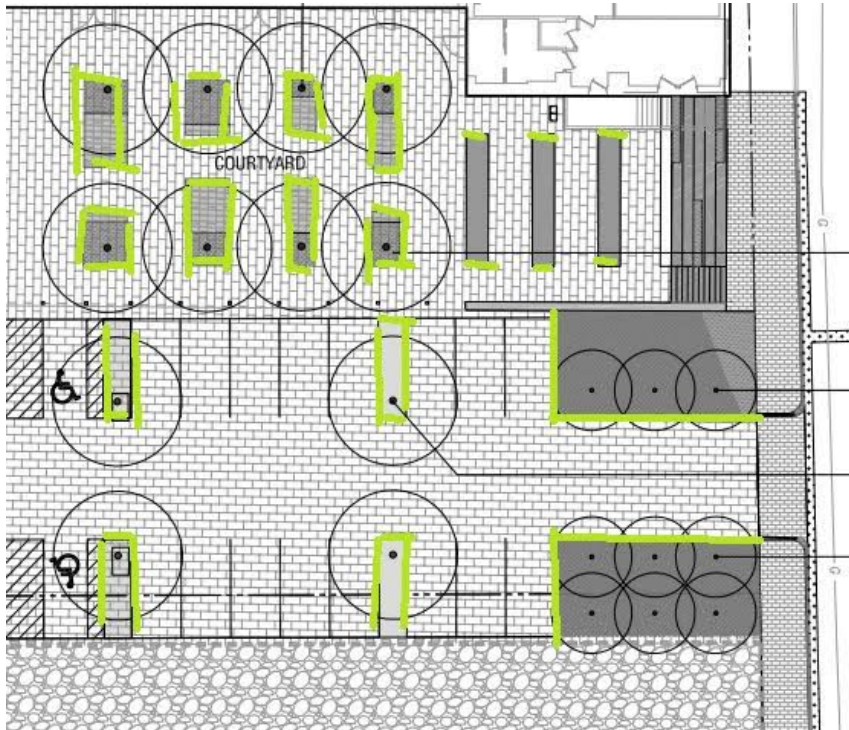
Tue, Nov 10, 2020 at 3:21 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Hi Caitlin -

The proposed tree plan for the [144 State Street](#) project looks good. They have selected trees from our Recommended tree list and spaced them accordingly in their landscape plan. The only tree / landscape issues for this project include:

a) Parking trees & landscape - couldn't tell from the plan, we would want to ensure that the future tree planting as shown, is protected by raised curbing knowing the negative effect of Winter deicing salts on trees and vegetation. Without protection from salt the trees would unlikely survive...



b) Winter Street - future project site, this space should be temporary improved as with other projects that have futuristic project concept plans. Something to consider if the time line is greater than next year. The Winter Street neighbors have long endured looking at the back side of the Mercy Hospital site in regards to parking, dumpsters, and pavement - this area is bleak considering it is next to an historic residential neighborhood. The existing galvanized chain link is dated and ugly, a better fence type is a minimal suggestion.

Jeff

Jeff Tarling
City Arborist - City of Portland Maine
Parks, Recreation & Facilities Department
Forestry & Horticulture
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jst@portlandmaine.gov

On Tue, Nov 10, 2020 at 12:20 PM Caitlin Cameron <ccameron@portlandmaine.gov> wrote:

[Quoted text hidden]



Caitlin Cameron <ccameron@portlandmaine.gov>

144 State Street

Lauren Swett <lswett@woodardcurran.com>

Thu, Nov 12, 2020 at 10:00 AM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Hi Caitlin,

I have the following preliminary comments for [144 State Street](#).

- The project is required to comply with the Maine DEP Chapter 500 and City of Portland Section 5 of the Technical Manual for stormwater management. This includes Basic, General, and Flooding Standards, as well as the Redevelopment Standards for a project like this.
 - The project has included a detailed erosion and sedimentation control plan to address the Basic Standards. One catch basin is proposed on the 91 Winter Street site, connecting drainage from that site to the overall system. That lot is to remain gravel, to be developed in the future, and I would suggest that an erosion and sedimentation control measure be left in place either in or around the basin to ensure that there is no long-term erosion from the gravel site.
 - The project is providing stormwater treatment to address the redevelopment standard. The Stormwater report also notes that 0.1 acres of new impervious surface is being proposed on the site, which would also trigger the General and Flooding Standards. The report notes that stormwater management will be provided using a proprietary modular wetland system. Additional information on this system, including sizing calculations showing how the system will provide treatment for this site should be provided. I believe that in this case, channel protection volume would be required, so the Applicant should show how this is being provided. A bypass of the system should also be provided.
- A 12" stormdrain connection is proposed in Spring Street. A connection of this size must be provided via a manhole.
- The Applicant has requested utility ability to serve confirmations. Confirmation should be provided when received.
- The extent and timing of impact on Winter Street should be clarified. The Site Plan shows gravel surface for the 73 and 91 Winter Street lots, with only minor curb changes on Winter Street. An interim site plan has been provided that shows loam and seed on the 73 and 91 Winter Street lots, as well as reconstruction of sidewalk to brick on Winter Street. And a third site plan for limits of construction appears to show the existing sidewalk remaining, however street trees and curb ramps have only been shown on this plan. The utility plan shows electrical infrastructure within the Winter Street sidewalk. Please clarify the timing and extent of impact in this area.

If there are any questions, let me know.

Thanks,

Lauren

All Woodard & Curran consulting employees are currently working from home. I do not have regular access to mail or other deliveries made to the office. You can still reach me via email or at my direct or cell phone numbers.

Lauren Swett, P.E.*

Technical Manager

Woodard & Curran

[41 Hutchins Drive](#)[Portland, Maine 04102](#)

Phone: (207)558-3763 (direct)

(207)219-3591 (cell)



Caitlin Cameron <ccameron@portlandmaine.gov>

PL1259-2020: 144 State Street, Mercy Hospital Redevelopment TDM Plan

1 message

Bruce Hyman <bhyman@portlandmaine.gov>

Thu, Nov 12, 2020 at 12:37 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Cc: Mike Tremblay <mtremblay@portlandmaine.gov>, Tom Errico <thomas.errico@tylin.com>, James Rather <jrather@portlandmaine.gov>

Good afternoon, Caitlin,

I have done a first round review of the TDM Plan (dated October 15, 2020) for the proposed redevelopment of the Mercy Hospital site, [144 State Street](#), and have had the opportunity to briefly discuss the plan with the applicant's consultant, Cushman Transportation Consulting.

The following are my preliminary comments that will be refined as the application moves through the review process:

- The TDM Plan is well thought out and provides strong parking reduction (10%), trip reduction (10%) and multimodal trip (65%) targets to be achieved 3 years after the site is fully occupied (expected to be 2023). Final numbers for the targets should be updated based on final trip generation and parking requirements at project approval.
- The Plan contains a good overview of the transportation context of the project site that contributes to the opportunity for strong multimodal trip-making by the site's residents and tenants. The site design generally supports these goals.
- The Plan contains a robust menu of TDM strategies including financial incentives to use multimodal options including bus transit subsidies (for all residents/tenants) and an annual Transportation Network Co. (Uber, Lyft, etc.) incentive (CHOM).

The project before the Board is currently only for Phase I of the full site build-out. The targets and monitoring/reporting as stated are for 'full occupancy'. Staff recommend that interim targets be prepared and monitoring/reporting begin following completion of Phase I, a substantial part of the full build-out.

Bruce

--

Bruce Hyman
Transportation Program Manager

Department of Planning & Urban Development
[389 Congress Street](#)
[Portland, Maine 04101](#)
(207) 874-8717 phone

bhyman@portlandmaine.gov
<http://www.portlandmaine.gov/1363/Transportation-Division>
<http://www.portlandmaine.gov>

Yes! Transportation's Good Here





Caitlin Cameron <ccameron@portlandmaine.gov>

120 and 148 State Street

Victoria Volent <vvolent@portlandmaine.gov>

Tue, Nov 10, 2020 at 12:19 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Hi Caitlin,

120 and 148 State Street propose the creation of 167 and 8 units of rental housing respectively for a total of 175 units. The project would include 37 studio units, 136 one-bedroom units, and 2 two-bedroom units (or 177 bedrooms).

This project triggers Inclusionary Zoning as it would create ten or more new dwelling units through new construction.

Based on the aforementioned information, the developer would comply with Division 30, section 148-487 by either:

- 1) providing 18 workforce units with 4 studio units and 14 one-bedroom units;
- 2) providing 17 workforce units and paying a fraction fee-in-lieu of \$54,393 (.5 x 108,786); or
- 3) providing a fee-in-lieu of \$1,903,755 (17.5 x \$108,786).

The applicant has chosen to provide 18 workforce rental units composed of 4 efficiency and 14 one-bedroom units.

Thank you,

Victoria

Victoria Volent
Housing Program Manager
Housing and Community Development
Phone: 207-482-5028
www.portlandmaine.gov

148 State Street Workshop comment for zone change

Brent Adler <brentadler@gmail.com>

Sep 18, 2020 9:46 PM

Posted in group: **Planning Board**

Hello workshop planning board meeting. I own a multi unit on winter street #82. Please leave winter street R6. If this B3 zone change goes through for 148 State Street we will have a R6 zone bordering a B3 downtown overlay zone completely out of context to the surrounding neighborhood. This zone change is an island in a sea of R6. Recent amendments to the R6 zone allow more density and greater flexibility for the developer. I'm not buying the argument that the developer just can't do what he wants to in the R6 zone therefore he needs to have B3. Is this a spot zone? Where is the urban design in having this B3 zone in the middle of R6? Please use this workshop to come up with some alternatives. Thank you
Brent Adler

--

Brent Adler
cell 207-518-7038
PO Box 15372
Portland, ME 04112

--

Brent Adler
cell 207-518-7038
PO Box 15372
Portland, ME 04112

Re rezoning vicinity 148 State St.

Suzanne Hunt <shunt@doherty@ghi.net>

Sep 22, 2020 11:23 AM

Posted in group: **Planning Board**

Dear Planning Board Members,

I am concerned that the nature of our neighborhood is about to be negatively impacted. It is very important that setbacks, height, and building mass encourage community interaction and promote feelings of safety.

A long building that lines the street with no setbacks does not allow for neighborhood interaction. It is unfriendly. As a city and neighborhood walker I know how it feels to walk past this type of structure.

Blocking the sunlight from 100 State Street residents is a terrible idea. In my opinion it is unconscionable. A healthy living environment needs light...this must be addressed in the design process.

Please think long term...maybe more density equals quicker payback for investors...but what does it do to the future viability of a friendly, safe, walkable neighborhood. Please do not grant the rezone.

Thank You,
Suzanne Hunt
Chrystal Wing
36 Winter St.
772 6695

Sent from my iPad

Fwd: ZN-001163-2020

Caitlin Cameron <ccameron@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Sep 22, 2020 at 3:08 PM

----- Forwarded message -----

From: **Ginger Raspiller** <mainelyearth@aol.com>
Date: Tue, Sep 22, 2020 at 3:00 PM
Subject: ZN-001163-2020
To: planningboard@portlandmaine.gov <planningboard@portlandmaine.gov>, ccameron@portlandmaine.gov <ccameron@portlandmaine.gov>
Cc: swanberg@cheverus.org <swanberg@cheverus.org>

Committee Members:

I have already attended one meeting about this project. Now that the details have been filed, I have the following questions:

(Reference: State St. - 148 (ZN-1163-2020) Original Submission - Drawing.pdf)

PARCEL A:

Mercy Hospital Building:

5-6 stories, 170 units, **where is the designated parking for this building? number of spaces:_____.**

Are Mercy units for sale or rentals?

Price? are these "market rate" units?

MEWS parking area: 75 spaces - **is this reserved for residents? which buildings will park here? is this where Medical Unit users and retail customers park too?**

Building A-1: (Senior Affordable Housing)

3-5 stories, 55 units, parking "below", **Number of spaces "below":_____.**

Define "affordable".

Building A-2: (Winter St)

3-4 stories, 40 units, **where is the designated parking for this building? number of spaces:_____.**

Are Winter St units for sale or rentals?

Price? are these "market rate" units?

Parcel A appears to have:

265 units

75 surface spaces and an unknown number of underground spaces in the Senior Affordable Housing A-1

PARCEL B:

Senior housing

4-7 stories, **number of units: _____, number of parking spaces_____.**

Are Parcel B units for sale or rentals?

Price? are these "market rate" senior units?

I have some additional thoughts which I plan to share at the meeting this afternoon.

Thank you,

Ginger Raspiller
150 Spring Street #5
Spring Street Rowhouse Association
Park Row - Spring Street Association (we co-own and manage our shared parking lot)

--
Caitlin Cameron, AICP, Associate AIA, LEED AP
Urban Designer
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, ME 04101](#)
phone: (207) 874-8901
email: ccameron@portlandmaine.gov

RE: I oppose the proposed zone change for the Mercy Hospital redevelopment ZN-001163-2020

Ginger Raspiller <mainelyearth@aol.com>

Sep 22, 2020 6:27 PM

Posted in group: **Planning and Urban Development**

Our neighborhood is zoned R-6 because it is a historic and residential neighborhood.

The size and scale of the proposed development is inappropriate for our residential neighborhood. The parking for the number of units in this "vision" is grossly inadequate. The project will increase traffic, noise, congestion and will greatly increase the pressure on already inadequate parking. We have to deal with illegal parkers in our lot (just across the street) on a regular basis.

The developers "vision" is not what will ultimately determine the allowable uses in the years to come, the zoning is what will determine what happens on these properties. Permitted activities in B-3 like entertainment/drinking, medical marijuana, restaurant etc. are unwelcome in our neighborhood.

Finally, I support adding affordable housing in our neighborhood, but think the developers need to make this work in an R-6 zone.

Ginger Raspiller
150 Spring Street #5

Fwd: Public Comment, Mercy Re-Development zone change request.

Caitlin Cameron <ccameron@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Sep 22, 2020 at 2:18 PM

to pass along to PB for workshop

----- Forwarded message -----

From: **Amy Grommes Pulaski** <amygrommes@gmail.com>
Date: Tue, Sep 22, 2020 at 2:16 PM
Subject: Re: Public Comment, Mercy Re-Development zone change request.
To: Caitlin Cameron <ccameron@portlandmaine.gov>

Hi again,
Here are my follow up questions.

Questions for Planning Board and Planning Staff

1. **Frontage** - If Deering Place was built in the R-6, on a site the spanned from Deering Street to Cumberland Avenue, and both streets have buildings facing the street. Can this also happen on this site, where building fronts can face both Winter and State Street, if the developers adhere to the proper front and side set -backs?
2. **Hospital services** - Since the hospital already exists in the R-6 zone, do the developers need to change the zone in order for some hospital services to remain or be maintained in the new development?
3. **Parking** - How will the city or the developers address the parking issue that 500 new units will create in this neighborhood?
 - a. If the woonerf is designed to be a garden type space that can also be used for cars, as is being presented, where do tenants park?
 - b. When a developer pays cash in lieu of building parking spaces, where do the tenants park?
4. **Affordable Housing Need** - Acknowledging the need for affordable housing in Portland, how many new units have been approved by planning board and are currently in the pipeline toward production, that have not yet been occupied?
5. **Business Benefit** - Given that the site is one block from the Arts District on Congress Street and one block from the West End B1 zone, including grocery stores, convenient stores, ethnic stores, coffee shops, artisan shops, chocolate shops, bagel shops, and delicious restaurants...
 - a. what is the benefit of adding businesses to this development?
 - b. Can some small businesses be accomplished within the R-6 or in a less dense zone?

6. **Rezone** - Given the planning staff are beginning an evaluation of re-zoning in the city, what is the benefit of granting this contract zone at this time? Is it appropriate/ necessary/ congruent with the comprehensive plan?

Sorry for the formatting.
Also attached.

Thanks Caitlin!
207-272-7336

Amy Grommes Pulaski

Grommes Pulaski Consulting LLC
grommespulaski.com

On Tue, Sep 22, 2020 at 2:10 PM Amy Grommes Pulaski <amygrommes@gmail.com> wrote:

Yes, I do.

207-272-7336

When do you have time to chat? I have a meeting at 2:30-3:15.

Thanks!

Amy Grommes Pulaski

Grommes Pulaski Consulting LLC

grommespulaski.com

On Tue, Sep 22, 2020 at 1:26 PM Caitlin Cameron <ccameron@portlandmaine.gov> wrote:

Amy - do you still have a question regarding 148 State? What is the best number to reach you at?

On Mon, Aug 31, 2020 at 10:47 AM Amy Grommes Pulaski <amygrommes@gmail.com> wrote:

I apologize, here I've attached the letter.

Amy Grommes Pulaski

Grommes Pulaski Consulting LLC

grommespulaski.com

On Mon, Aug 31, 2020 at 10:24 AM Amy Grommes Pulaski <amygrommes@gmail.com> wrote:

Good morning Erin and Caitlin,

I won't be able to attend the full meeting on Tuesday night, but Mike and I wanted to submit our comments in writing. Please let me know if you have any questions.

Thank you.

Amy and Mike Pulaski

68 Winter Street

PS- Erin, I don't have Jonathan's email address. Can you share?

--

Caitlin Cameron, AICP, Associate AIA, LEED AP

Urban Designer

Planning & Urban Development Department

[389 Congress Street](#)

[Portland, ME 04101](#)

phone: (207) 874-8901

email: ccameron@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--
Caitlin Cameron, AICP, Associate AIA, LEED AP

Urban Designer

Planning & Urban Development Department

[389 Congress Street](#)

[Portland, ME 04101](#)

phone: (207) 874-8901

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Questions for Planning Board 7-22-20.docx

15K

Questions for Planning Board and Planning Staff

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102 State St. Proposed Rezoning

lacurrier25@aol.com <lacurrier25@aol.com>

Sep 22, 2020 4:07 PM

Posted in group: **Planning Board**

To Portland Planning Board:

I live at 116 State Street, ground floor , rear apartment. My building is roughly 20 feet from the zone change to b-3, which will result in an 85' tall building at 102 State Street. I object to the zoning change. This additional height will result in a building that is far too large for that site.

I find it regrettable that this change appears to have been unofficially agreed to before the property was sold.

Signed,

Laura Currier

Public Comment on 148 State Street rezoning request workshop

Elizabeth Parsons <ecparsons33@hotmail.com>

Oct 2, 2020 12:37 PM

Posted in group: **Planning Board**

Dear Members of the Committee:

During the 22 September workshop concerning the Mercy Hospital State Street site I was stunned to hear City Planning Department staff suggest a rezoning option not requested by the developers themselves. This rezone would take much of Winter Street and move it from R6 to R7 as well as extend a B3 rezone further up State Street. The fact that this idea got introduced in the way it did caused the workshop to veer off course as virtually everyone but planning staff tried to figure out the proposal's ramifications. Moreover, I have already raised objections about the 99 Winter Street project's application to be rezoned from R6 to R7 based on incompatibilities with Portland's Comp Plan and One Climate Future plan (a copy of my remarks is in the public record on that project).

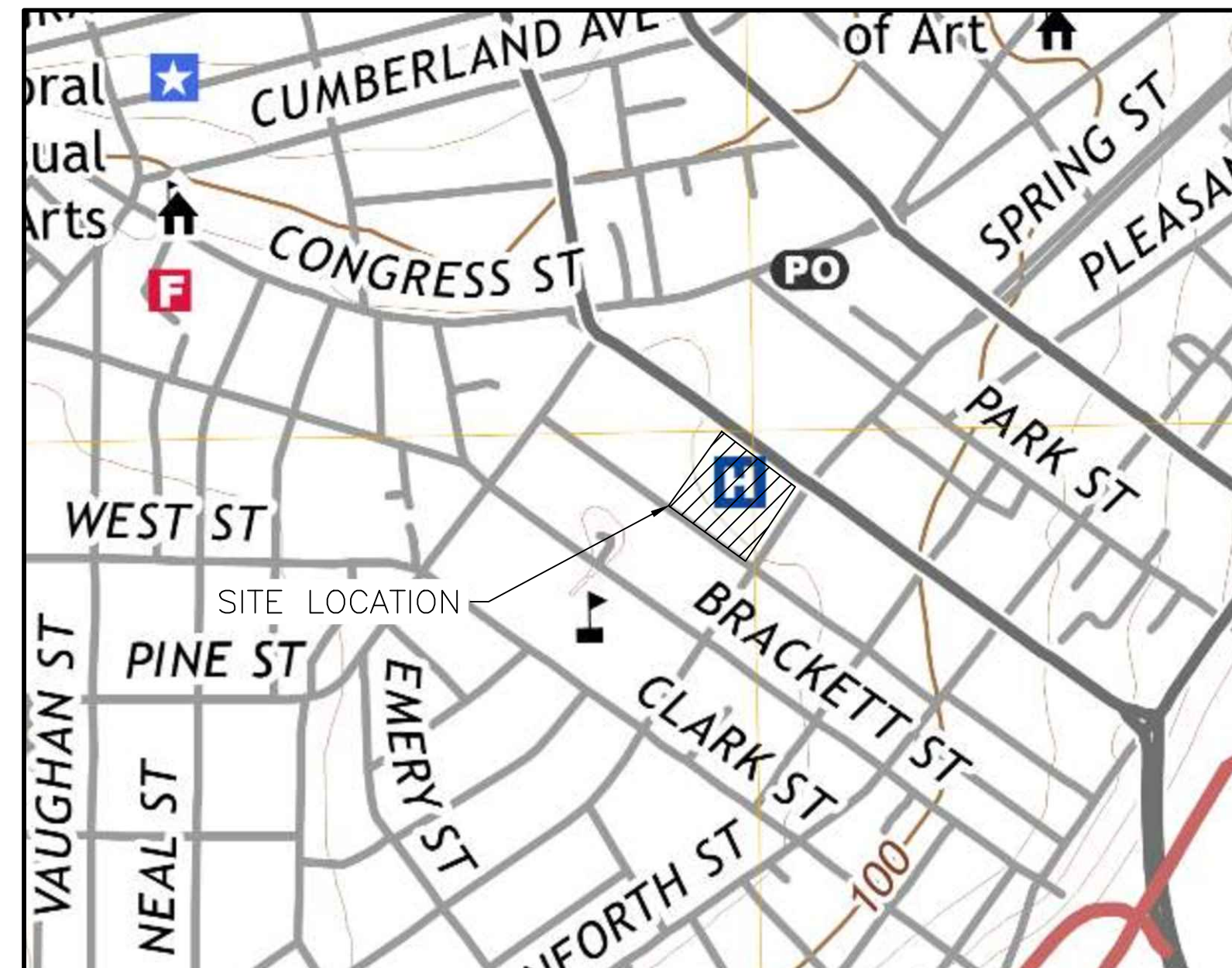
Therefore, I have requested that Councilor Thibodeau seek another workshop for 148 State Street to discuss further the proposed Zoning Map and Text Amendment *without* including the zoning options (R7) and zone extension (B3) proposed by planning staff. The Planning Board should be discussing the applicant's proposal only. Discussions of R7 and connections/extensions of B3 should be considered part of the ReCode proposal and not wrapped in with the NewHeight/Redfern proposal.

Sincerely,
Elizabeth Parsons
44 Winter Street

NEWHEIGHT REDFERN, LLC
PORTLAND, MAINE 04101

C-01	COVER SHEET & LEGEND
C-02	GENERAL NOTES
EX	BOUNDARY & TOPOGRAPHIC SURVEY - BY OWEN HASKELL, INC.
C-03	CONSTRUCTION MANAGEMENT PLAN
C-10	SITE PLAN
C-11	SITE PLAN - INTERIM
C-20	UTILITY PLAN
C-30	GRADING & DRAINAGE PLAN
C-40	SITE DETAILS - 1
C-41	SITE DETAILS - 2
C-42	UTILITY DETAILS - 1
C-43	UTILITY DETAILS - 2
C-44	DRAINAGE DETAILS
C-45	EROSION & SEDIMENTATION CONTROL NOTES
C-46	EROSION & SEDIMENTATION CONTROL DETAILS

CALL BEFORE YOU DIG
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1-888-344-7233



VICINITY MAP
NTS

APPROX.	APPROXIMATE
BC	BOTTOM OF CURB
BMP	BEST MANAGEMENT PRACTICE
BOT.	BOTTOM
CB	CATCH BASIN
CF	CUBIC FOOT
CIP	CAST IN PLACE
CL	CENTERLINE
CM	CONSTRUCTION MANAGER
CMP	CENTRAL MAINE POWER
CONC.	CONCRETE
CPP	CORRUGATED PLASTIC PIPE
CY	CUBIC YARD
DIP	DUCTILE IRON PIPE
DIA.	DIAMETER
DIM.	DIMENSION
EA.	EACH
ELEC.	ELECTRICAL
ELEV.	ELEVATION
EQUIV.	EQUIVALENT
EST.	ESTIMATE
EX.	EXISTING
FFE	FINISH FLOOR ELEVATION
FT.	FEET
GAL.	GALVANIZED
ID	INNER DIAMETER
IN.	INCH
INV.	INVERT
L	LENGTH
MAX.	MAXIMUM
MDOT	MAINE DEPARTMENT OF TRANSPORTATION
M.E.P	MECHANICAL, ELECTRICAL, PLUMBING DESIGNER
MFG.	MANUFACTURED
MH	MANHOLE
MIN.	MINIMUM
O.C.	ON CENTER
OD	OUTSIDE DIAMETER
OHE/T/C	OVERHEAD ELECTRIC/TELEPHONE/CABLE
PC	PRECAST
PE	PROFESSIONAL ENGINEER
PL	PROPERTY LINE
PLS	PROFESSIONAL LAND SURVEYOR
PROP.	PROPOSED
PSI	POUNDS PER SQUARE INCH
PVC	POLYVINYL CHLORIDE
PWD	PORTLAND WATER DISTRICT
R	RADIUS
RD	ROOF DRAIN
RET.	RETAINING
ROW	RIGHT OF WAY
S	SLOPE
SD	STORM DRAIN
SDR	STANDARD DIMENSION RATIO
SF	SQUARE FEET
SMH	SEWER MANHOLE
SPEC.	SPECIFICATION
TC	TOP OF CURB
TW	TOP OF WALL
TYP.	TYPICAL
UD	UNDERDRAIN
UGE	UNDERGROUND ELECTRIC
VIF	VERIFY IN FIELD

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

[illegible]

COVER SHEET & LEGEND

MERCY HOSPITAL REDEVELOPMENT

NEWHEIGHT REDFERN, LLC
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

.....

PROJECT NAME /

ADDRESS:

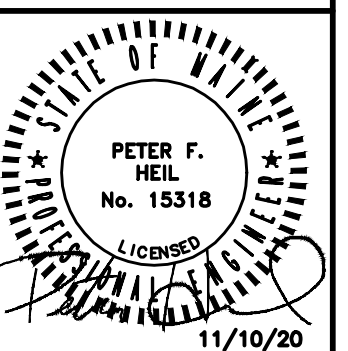
217 C



A C O R N
ENGINEERING, INC.

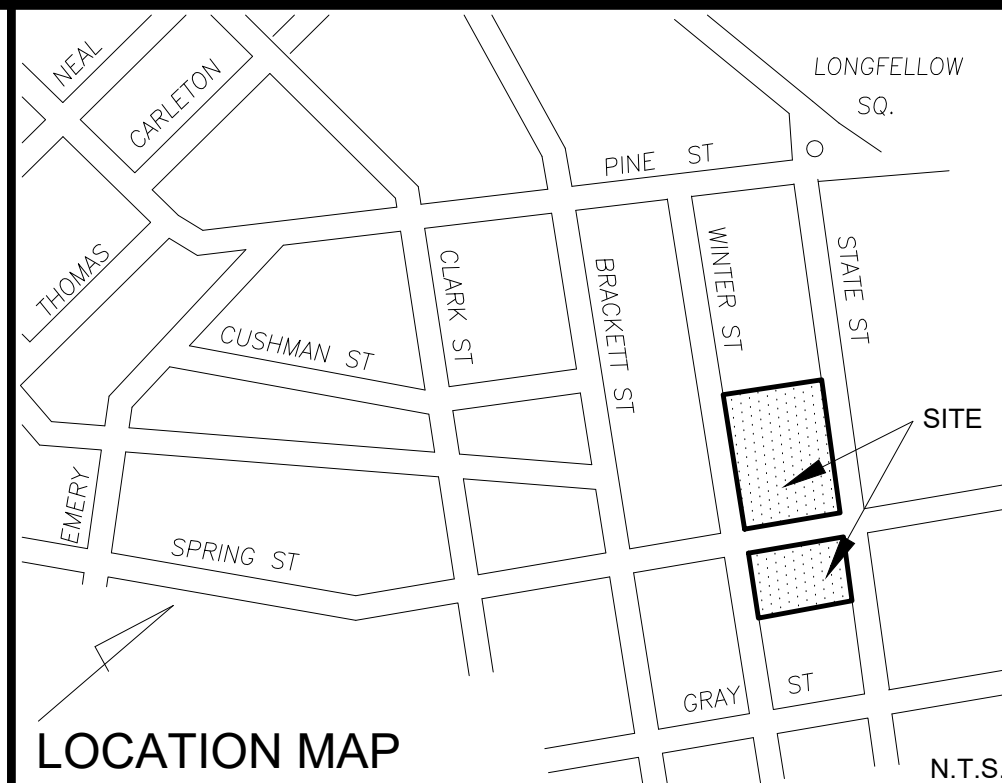
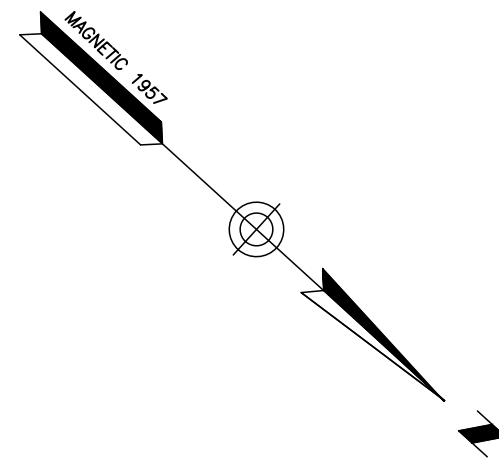
ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04101
(207) 775-2855

FILE:	1140_CIVIL
IN:	1140
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	KRB
CHECKED BY:	WHS



DRAWING NO.

C-01



LEGEND	
●	IRON PIPE OR ROD FOUND
●	MONUMENT FOUND
○	GAS VALVE
○	UTILITY POLE
○	MANHOLE
⊗	EM/GM ELECTRIC/GAS METER
⊗	SIGN
⊗	CATCH BASIN
⊗	HYDRANT
⊗	WATER VALVE OR SHUTOFF
⊗	LIGHT POLE
⊗	DECIDUOUS TREE
⊗	CONIFEROUS TREE
—X—X—	GUARDRAIL
—	FENCE
—	CURB
—OHW—	OVERHEAD WIRES
—E—	UNDERGROUND POWER
—W—	WATER LINE
—G—	GAS LINE
—T—	TELEPHONE
—SD—	STORM DRAIN
—SS—	SANITARY SEWER
—100—	1' CONTOUR
—IPF/IRF—	IRON PIPE OR ROD FOUND
—N/F—	NOW OR FORMERLY
000/000	DEED BOOK / PAGE
L/S	LANDSCAPED AREA
CONC.	CONCRETE

- PLAN REFERENCES**
- "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR MERCY HOSPITAL DATED 3 FEB. 1982 REVISED THROUGH 15 MARCH 1982" BY H.I. & E.C. JORDAN, SURVEYORS.
 - "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR MERCY HOSPITAL DATED JUNE 17, 1981 REVISED OCT. 2, 1981" BY H.I. & E.C. JORDAN, SURVEYORS.
 - "STANDARD BOUNDARY & TOPOGRAPHIC SURVEY ON STATE STREET, PORTLAND, MAINE MADE FOR MERCY HOSPITAL DATED NOVEMBER 30, 1999 REV. 2 OCT. 04, 2012" BY OWEN HASKELL, INC.
 - "ALTA/ACSM LAND TITLE SURVEY, 102, 120 (AKA 144) & 148 STATE STREET, PORTLAND, CUMBERLAND COUNTY, MAINE MADE FOR MERCY HOSPITAL AND EASTERN MAINE HEALTHCARE SYSTEMS" FEBRUARY 27, 2013 LAST REVISION DATE: SEPT. 20, 2013 BY OWEN HASKELL, INC.

- GENERAL NOTES**
- PREMISES IS SHOWN AS TM 45-C-6 & 7 AND TM 45-D-1 ON THE CITY OF PORTLAND ASSESSORS MAPS.
 - BEARINGS ARE BASED ON MAGNETIC 1957. COORDINATES ARE BASED ON CITY DATUM UTILIZING THE MONUMENTS SHOWN.
 - THE LOCATIONS OF ALL UTILITIES SHOWN ON THE SURVEY ARE FROM VISIBLE SURFACE EVIDENCE ONLY.
 - ELEVATIONS ARE BASED ON CITY DATUM AS PER MONUMENT T104-45-11 AT CORNER OF CLARK AND SPRING STREETS, ELEVATION = 127.91 FEET.

OWNER OF RECORD
NEWHEIGHT REDFERM LLC
CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 36459, PAGE 218

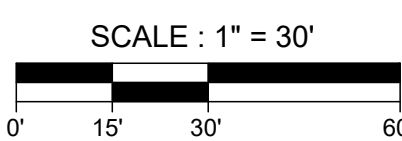
CERTIFICATE
OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

Randy R. Loubier
RANDY R. LOUBIER, PLS #2407
8/4/2020
DATE

STATE OF MAINE
PROFESSIONAL LAND SURVEYOR
RANDY R. LOUBIER
2407

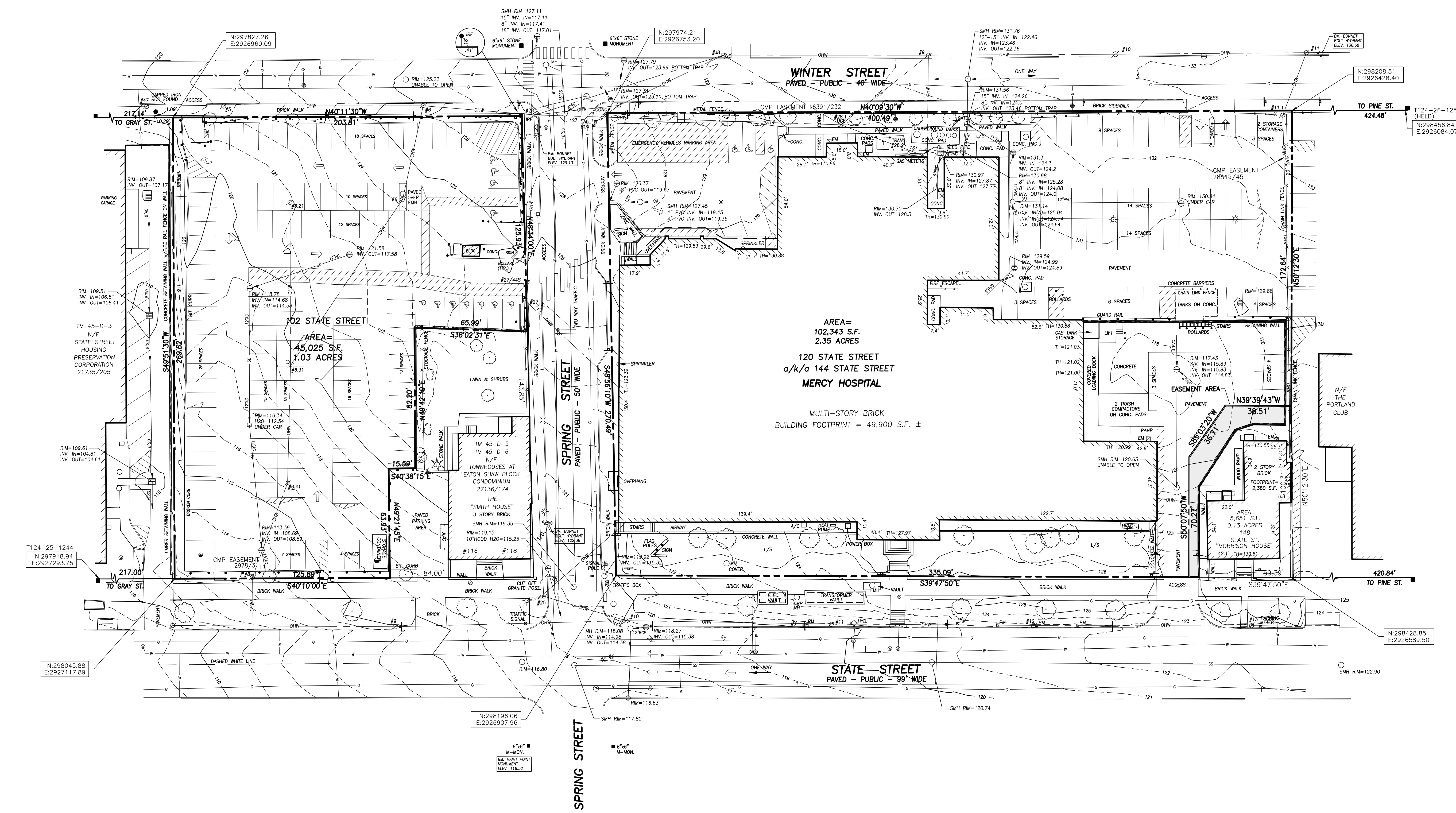
Boundary & Topographic Survey
At
102 & 120 State Street, Portland, Maine
Made for
NewHeight Redferm, LLC
c/o Jonathan Culley
167 Newbury Street, #503 Portland, Maine

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424
DRAWN BY: RS / JLW DATE: AUGUST 4, 2020 JOB NO. 2020-161 P
CHECKED BY: RRL SCALE: 1" = 30' DRWG. NO. 1



UTILITY NOTE
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

AREA =
102,343 S.F.
2.35 ACRES
120 STATE STREET
o/k/a 144 STATE STREET
MERCY HOSPITAL
MULTI-STORY BRICK
BUILDING FOOTPRINT = 49,900 S.F. ±



STATE STREET
PAVED - PUBLIC - 39' WIDE

WINTER STREET
PAVED - PUBLIC - 40' WIDE

SPRING STREET
PAVED - PUBLIC - 50' WIDE

102 STATE STREET
AREA =
45,025 S.F.
1.03 ACRES

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E:2926907.96

N:298428.85
E:2926589.50

N:298208.51
E:2926428.40

N:297974.21
E:2926753.20

N:297827.26
E:2926960.09

SMH RIM=127.11
15" INV. IN=117.11
8" INV. IN=117.41
18" INV. OUT=117.01

6"x6" M-MON.
BMC HEIGHT POINT
MONUMENT
ELEV. 116.32

6"x6" M-MON.

RM BONNET
BOLT HYDRANT
ELEV. 136.68

T124-26-1254
(HELD)
N:298456.84
E:2926084.07

N:297974.21
E:2926753.20

SMH RIM=127.11
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15" INV. IN=117.11
8" INV. IN=117.41
18" INV. OUT=117.01

6"x6" M-MON.
BMC HEIGHT POINT
MONUMENT
ELEV. 116.32

6"x6" M-MON.

RM BONNET
BOLT HYDRANT
ELEV. 136.68

T124-26-1254
(HELD)
N:298456.84
E:2926084.07

N:297974.21
E:2926753.20

SMH RIM=127.11
15" INV. IN=117.11
8" INV. IN=117.41
18" INV. OUT=117.01

6"x6" M-MON.
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ELEV. 116.32

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BOLT HYDRANT
ELEV. 136.68

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(HELD)
N:298456.84
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ELEV. 116.32

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RM BONNET
BOLT HYDRANT
ELEV. 136.68

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(HELD)
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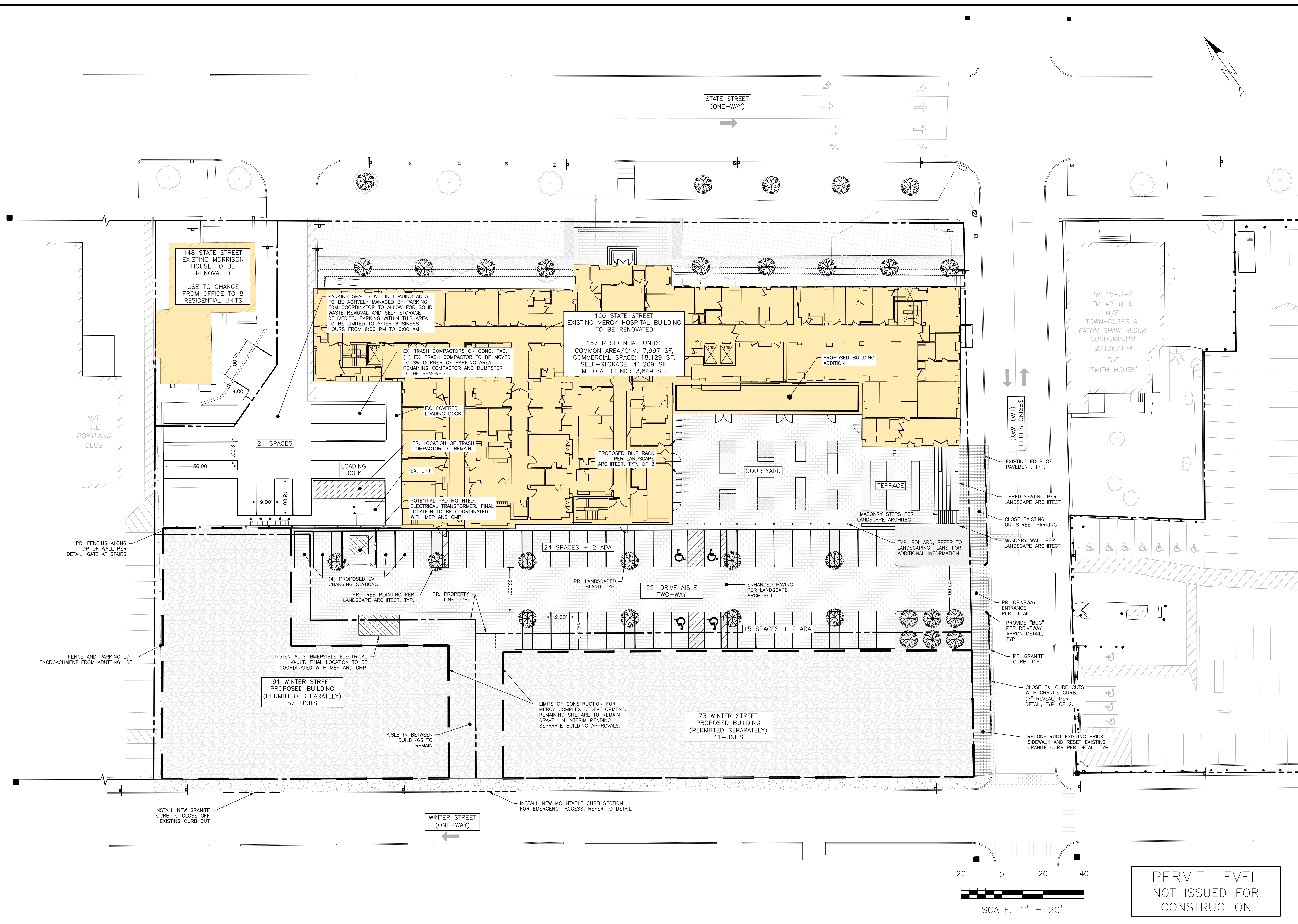
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BMC HEIGHT POINT
MONUMENT
ELEV. 116.32

6"x6" M-MON.

RM BONNET
BOLT HYDRANT
ELEV. 136.68

T124-26-1254
(HELD)
N:298456.84
E:2926084.07

N:297974.2



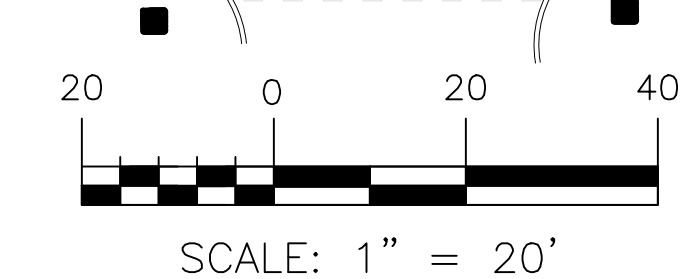
ISSUED FOR	BY
PPH	DATE
SITE PLAN APP.	9/10/20
CITY REVIEW	PPH
	11/10/20

SITE PLAN	PROJECT NAME/ ADDRESS:	MERCY HOSPITAL REDEVELOPMENT
	CLIENT/OWNER OF RECORD:	NEWHEIGHT REDFERN, LLC
		217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

DRAWING NAME:	ENGINEERING, INC.	N
ACORN ENGINEERING, INC.	PO BOX 3372, PORTLAND MAINE 04101	(207) 775-2655
FILE:	1140_CIVIL	JN:
SCALE:	AS NOTED	DESIGNED BY:
		PPH
DRAWN BY:	KRB	CHECKED BY:
		WHS

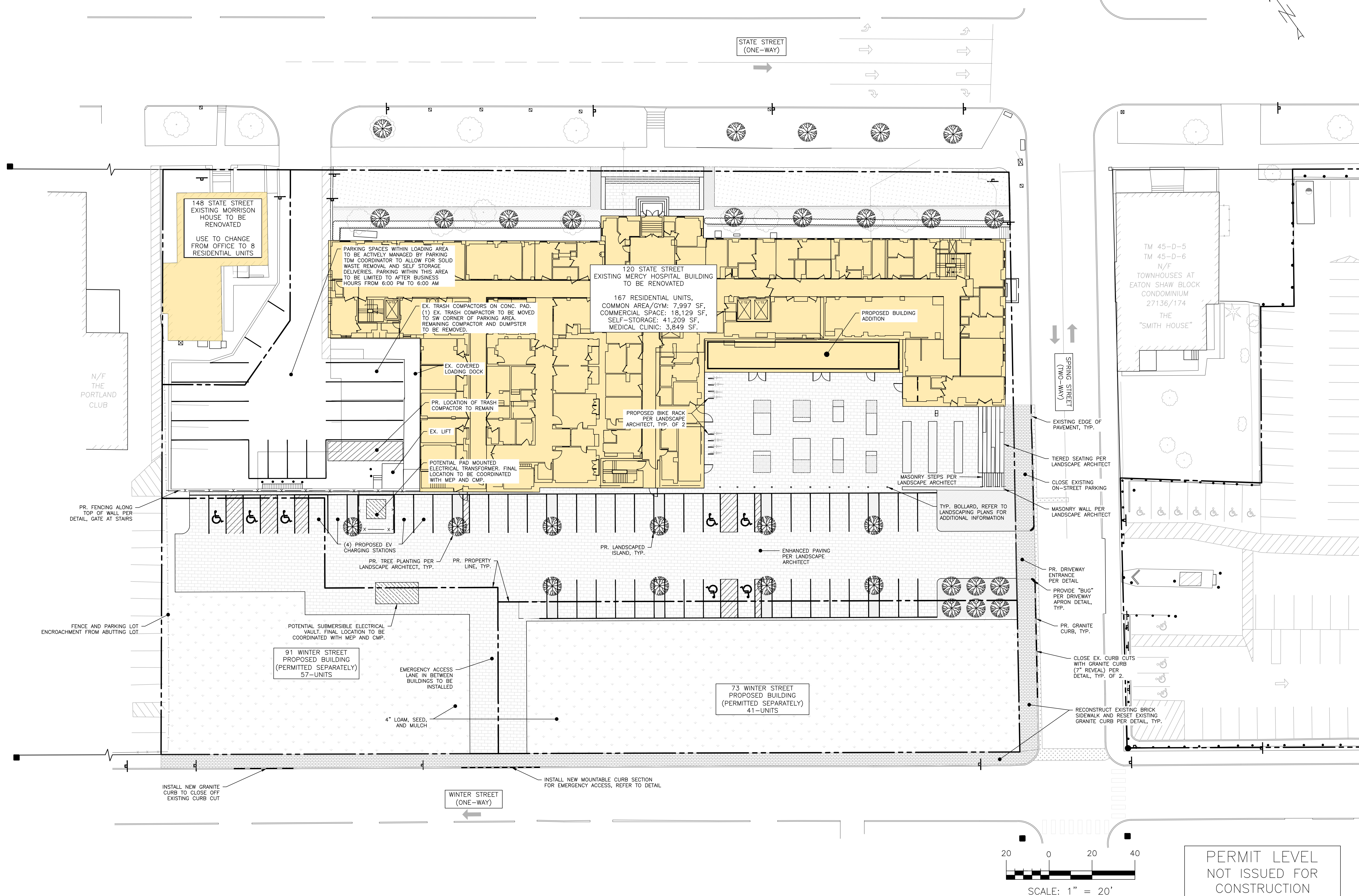
PETER F. HEIL	No. 15318	11/10/20

DRAWING NO.
C-10



PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

GENERAL NOTES:
1. IF CONSTRUCTION FOR THE SEPARATE WINTER STREET BUILDING LOTS HAS NOT COMMENCED BY SEPTEMBER 15, 2023, IMPROVEMENTS AS DEPICTED ON THIS PLAN SHALL BE IMPLEMENTED TO ENSURE PROPER SITE STABILIZATION, EMERGENCY ACCESS, PEDESTRIAN ACCESS, AND PARKING.



PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR	BY
CITY REVIEW	DATE
	11/10/20

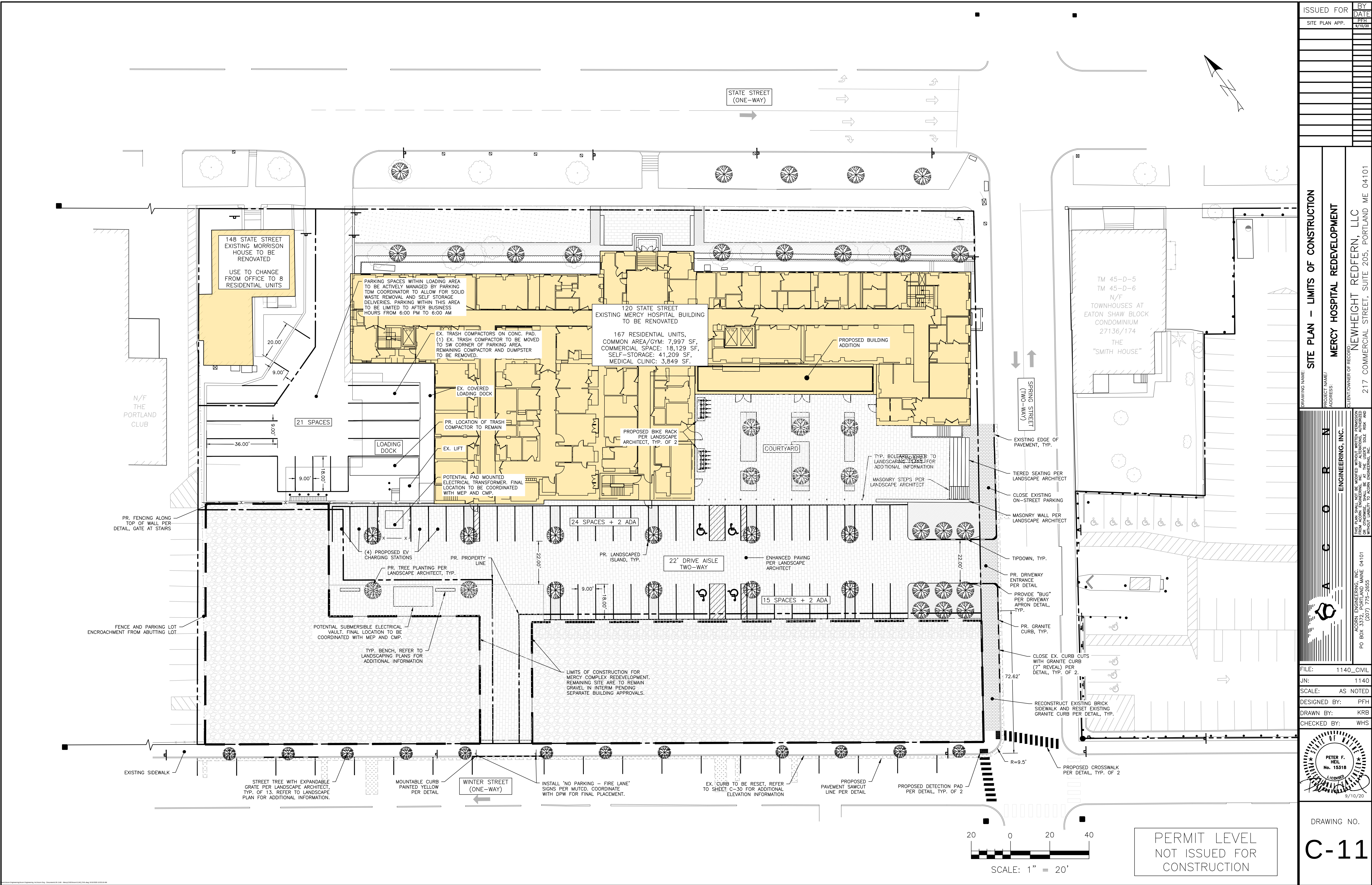
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PROJECT NAME/ ADDRESS:	
MERCY HOSPITAL REDEVELOPMENT	
CLIENT/OWNER OF RECORD:	
NEWHEIGHT REDFERN, LLC	
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101	

DRAWING NAME:	
ENGINEERING, INC.	
ACORN ENGINEERING, INC.	
PO BOX 3372, PORTLAND MAINE 04101	
(207) 775-2655	

FILE:	1140_CIVIL
JN:	1140
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	KRB
CHECKED BY:	WHS

PETER F. HEIL	
No. 15318	
11/10/20	

DRAWING NO.
C-11



ISSUED FOR	BY
SITE PLAN APP.	PFT
	9/10/20

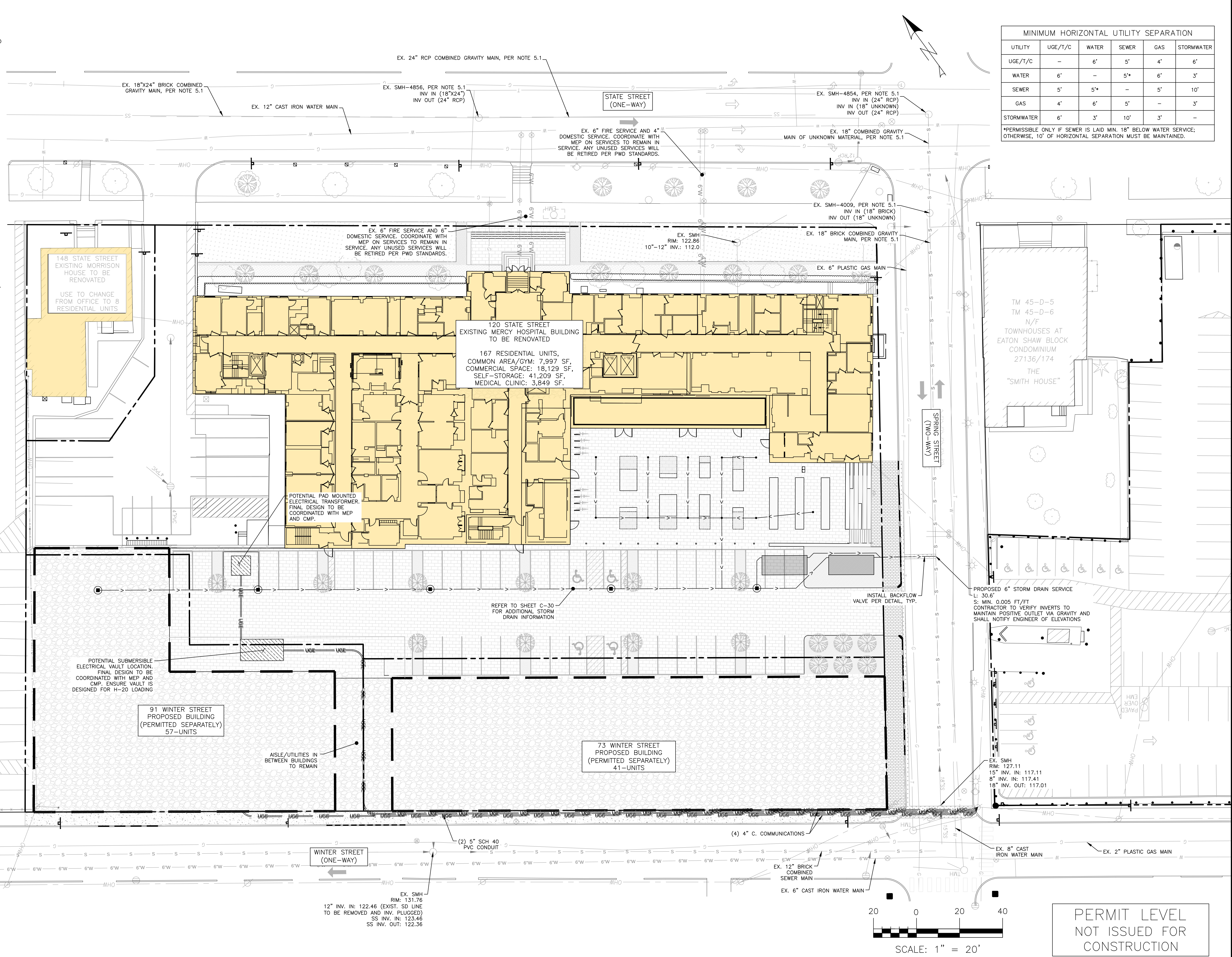
DRAWING NAME	PROJECT NAME/ ADDRESS	CLIENT/OWNER OF RECORD
SITE PLAN - LIMITS OF CONSTRUCTION	MERCY HOSPITAL REDEVELOPMENT	NEWHEIGHT REDFERN, LLC
		217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

FILE:	1140_CIVIL
JN:	1140
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	KRB
CHECKED BY:	WHS

ACORN ENGINEERING, INC.	STATE OF MAINE
REGISTERED PROFESSIONAL ENGINEER	PETER F. HEIL
PO BOX 3372, PORTLAND MAINE 04101	No. 15318
(207) 775-2655	9/10/20

DRAWING NO.
C-11

- GENERAL NOTES:
1. LOCATION OF PROPOSED CONNECTIONS ARE APPROXIMATE. CONTRACTOR TO CONTACT ENGINEER IF FIELD INFORMATION VARIES FROM INFORMATION ON PLANS.
 2. CONTRACTOR IS TO BE CAUTIONED THAT CERTAIN LOCATIONS AND/OR ELEVATIONS OF EXISTING UTILITIES HAVE BEEN PROVIDED THROUGH UTILITY COORDINATION OR OTHER OBSERVATIONS. INFORMATION IS NOT TO BE RELIED UPON AS EXACT OR COMPLETE. CONTRACTOR TO FIELD VERIFY AND COORDINATE WITH UTILITY COMPANY AND DIG SAFE NO LESS THAN 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF ALL UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS INDICATED IN THE CONTRACT DOCUMENTS. CONTRACTOR TO NOTIFY ENGINEER OF ANY DIFFERENTIATIONS FROM EXISTING CONDITIONS, INCLUDING UTILITY INFORMATION, PRIOR TO ANY CHANGES.
 3. FOR ALL UTILITIES, ACORN ENGINEERING DESIGN LIMITS END AT EXTERIOR WALL OF BUILDING. METERING OF UTILITIES TO BE COMPLETED BY M.E.P. UNLESS SPECIFIED OTHERWISE.
 4. CONTRACTOR TO COORDINATE WITH ARCHITECT ON FINAL UTILITY CONNECTIONS WITHIN THE BUILDING.
 5. SEWER UTILITIES: CONTRACTOR TO COORDINATE WITH ARCHITECT FOR FINAL SERVICE CONNECTION. SEWER UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF PORTLAND TECHNICAL STANDARDS. VALVE FOR BACKFLOW PREVENTION SHALL BE INSTALLED WITHIN THE PROPERTY LINES FOR EACH CITY SEWER CONNECTION. CONTACT ENGINEER IF INVERT FIELD CONDITIONS VARY FROM DESIGN.
 - 5.1. EXISTING SEWER & STORM INFRASTRUCTURE DATA OBTAINED FROM PORTLAND STORM & SEWER SHP FILES, DATED 06/20/16.
 6. WATER UTILITIES: FINAL PIPE SIZING PROVIDED BY M.E.P. ENGINEER AND FIRE PROTECTION DESIGNER. INTERNAL METERING, BACKFLOW PREVENTION, AND PRESSURE REDUCERS TO BE COMPLETED BY M.E.P. ENGINEER. DOMESTIC WATER PIPE SIZES WILL DETERMINE THE FINAL WATER METERING OPTIONS. METER MAY BE SMALLER THAN PROPOSED WATER MAIN. WATER METERING, PRESSURE REDUCER AND BACKFLOW PREVENTION TO BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARDS. CONTRACTOR TO FOLLOW METERING GUIDELINES OF THE PORTLAND WATER DISTRICT AND CITY OF PORTLAND.
 7. GAS UTILITIES: PROJECT GAS LOAD, GAS UTILITY DESIGN, AND FINAL GAS SERVICE LOCATION AND METERS TO BE DEFINED BY M.E.P. AND IN ACCORDANCE WITH UNTIL.
 8. ELECTRIC UTILITIES: ELECTRIC DESIGN TO BE FINALIZED BY M.E.P. ENGINEER. ELECTRICAL LOAD TO BE DETERMINED BY M.E.P. ENGINEER. METER LOCATION AND TRANSFORMER SIZE, IF NECESSARY DEFINED BY M.E.P. M.E.P. TO FINALIZE SERVICE CONNECTION TO BUILDING. ALL ELECTRIC CONSTRUCTION SHALL CONFORM TO CMP GUIDEBOOK OF STANDARD REQUIREMENTS, MOST RECENT EDITION. DESIGN SUBJECT TO FINAL APPROVAL FROM CMP.
 9. CABLE AND TELEPHONE PULLBOXES AND PEDESTAL LOCATIONS TO BE DETERMINED BY CHARTER COMMUNICATIONS AND FAIRPOINT PRIOR TO CONSTRUCTION. CONTRACTOR TO COORDINATE INSTALLATION OF UNDERGROUND UTILITIES WITH ALL UTILITY COMPANIES INVOLVED.



MINIMUM HORIZONTAL UTILITY SEPARATION					
UTILITY	UGE/T/C	WATER	SEWER	GAS	STORMWATER
UGE/T/C	-	6'	5'	4'	6'
WATER	6'	-	5*	6'	3'
SEWER	5'	5*	-	5'	10'
GAS	4'	6'	5'	-	3'
STORMWATER	6'	3'	10'	3'	-

*PERMISSIBLE ONLY IF SEWER IS LAID MIN. 18" BELOW WATER SERVICE; OTHERWISE, 10' OF HORIZONTAL SEPARATION MUST BE MAINTAINED.

ISSUED FOR
ABILITY TO SERVE
SITE PLAN APP.
CITY REVIEW

BY
DATE
PFI
8/28/20
PFI
8/16/20
PFI
11/10/20

UTILITY PLAN

MERCY HOSPITAL REDEVELOPMENT
ADDRESS:
NEWHEIGHT REDFERN, LLC
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

CLIENT/OWNER OF RECORD
MERCY HOSPITAL REDEVELOPMENT
ADDRESS:
NEWHEIGHT REDFERN, LLC
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04101
(207) 775-2655

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR UNAUTHORIZED, SHALL BE THE SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

FILE: 1140_CIVIL
JN: 1140
SCALE: AS NOTED
DESIGNED BY: PFI
DRAWN BY: KRB
CHECKED BY: WHS

11/10/20

PETER F. HEIL
No. 15318
LICENSED

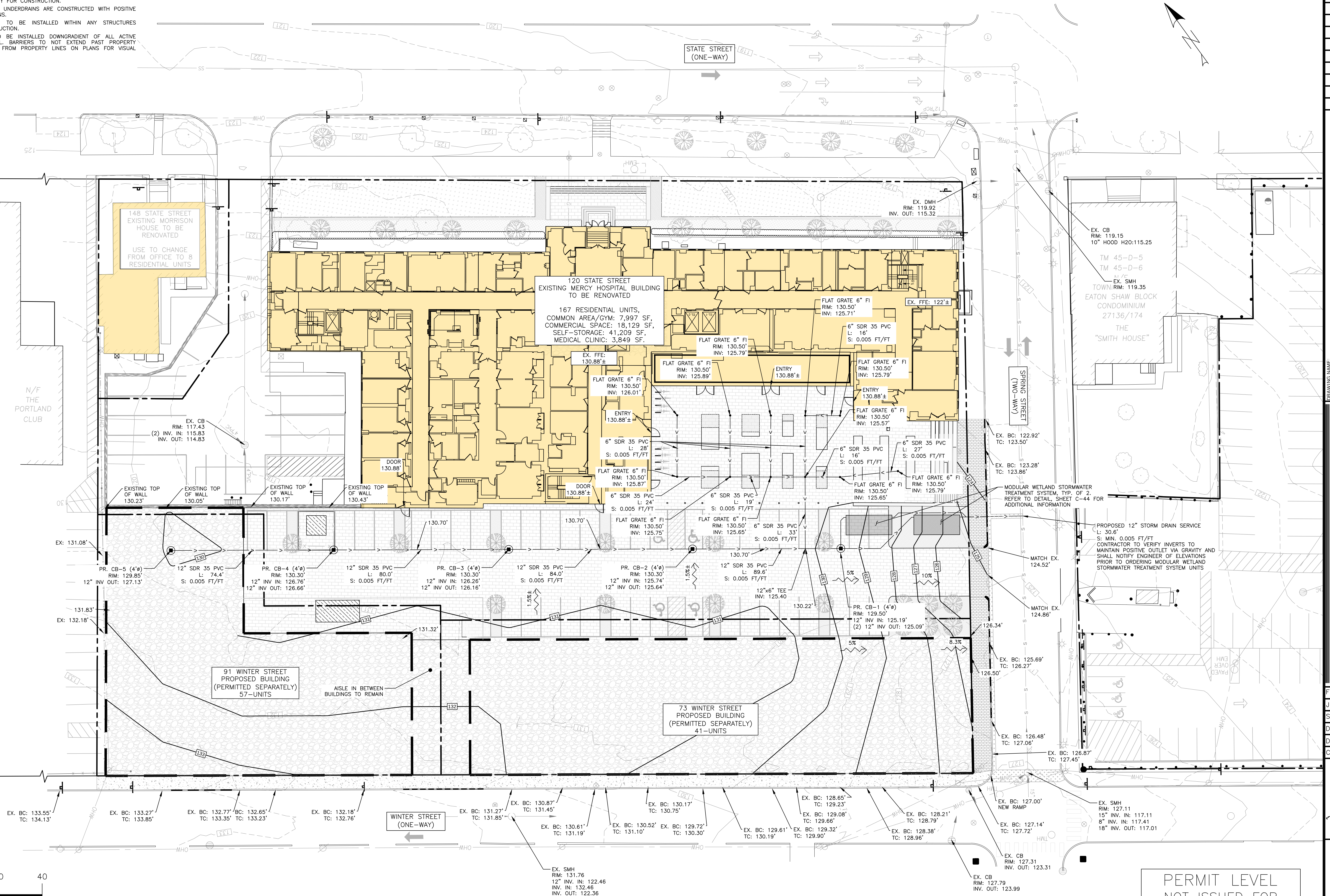
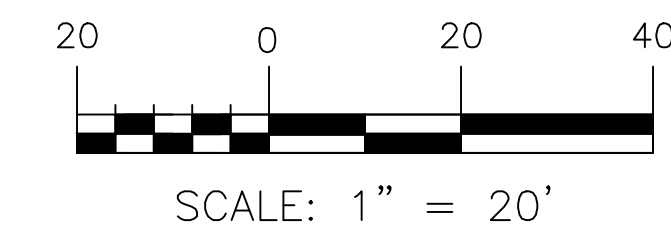
11/10/20

DRAWING NO.

C-20

GENERAL NOTES:

1. ALL WORK WITHIN THE CITY STREET RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
2. DESIGN OF TEMPORARY SOIL RESTRAINT MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR IF NECESSARY FOR CONSTRUCTION.
3. CONTRACTOR SHALL ENSURE THAT UNDERDRAINS ARE CONSTRUCTED WITH POSITIVE OUTLET TO PROPOSED CONNECTIONS.
4. CATCH BASIN INLET PROTECTION TO BE INSTALLED WITHIN ANY STRUCTURES DOWNGRADEMENT OF ACTIVE CONSTRUCTION.
5. SEDIMENTATION BARRIERS ARE TO BE INSTALLED DOWNGRADEMENT OF ALL ACTIVE CONSTRUCTION WORK PER DETAIL. BARRIERS TO NOT EXTEND PAST PROPERTY LINES; BARRIERS SHOWN OFFSET FROM PROPERTY LINES ON PLANS FOR VISUAL PURPOSES ONLY.



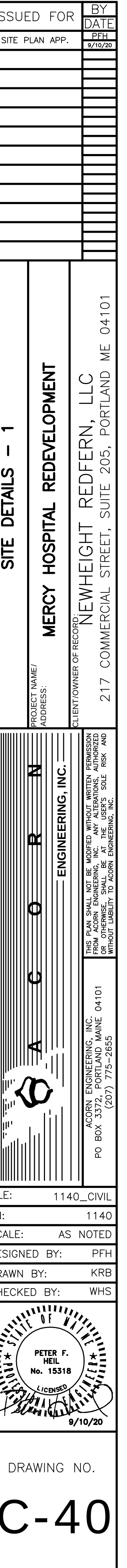
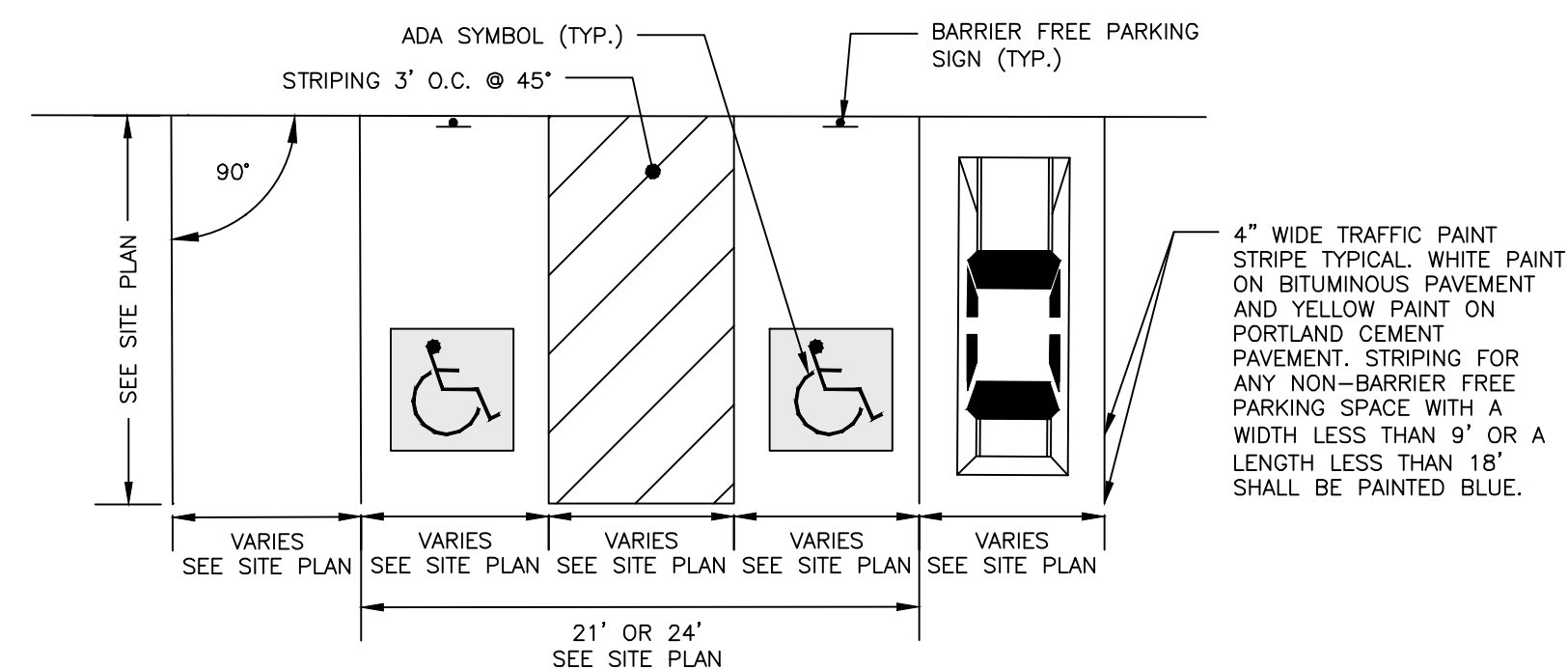
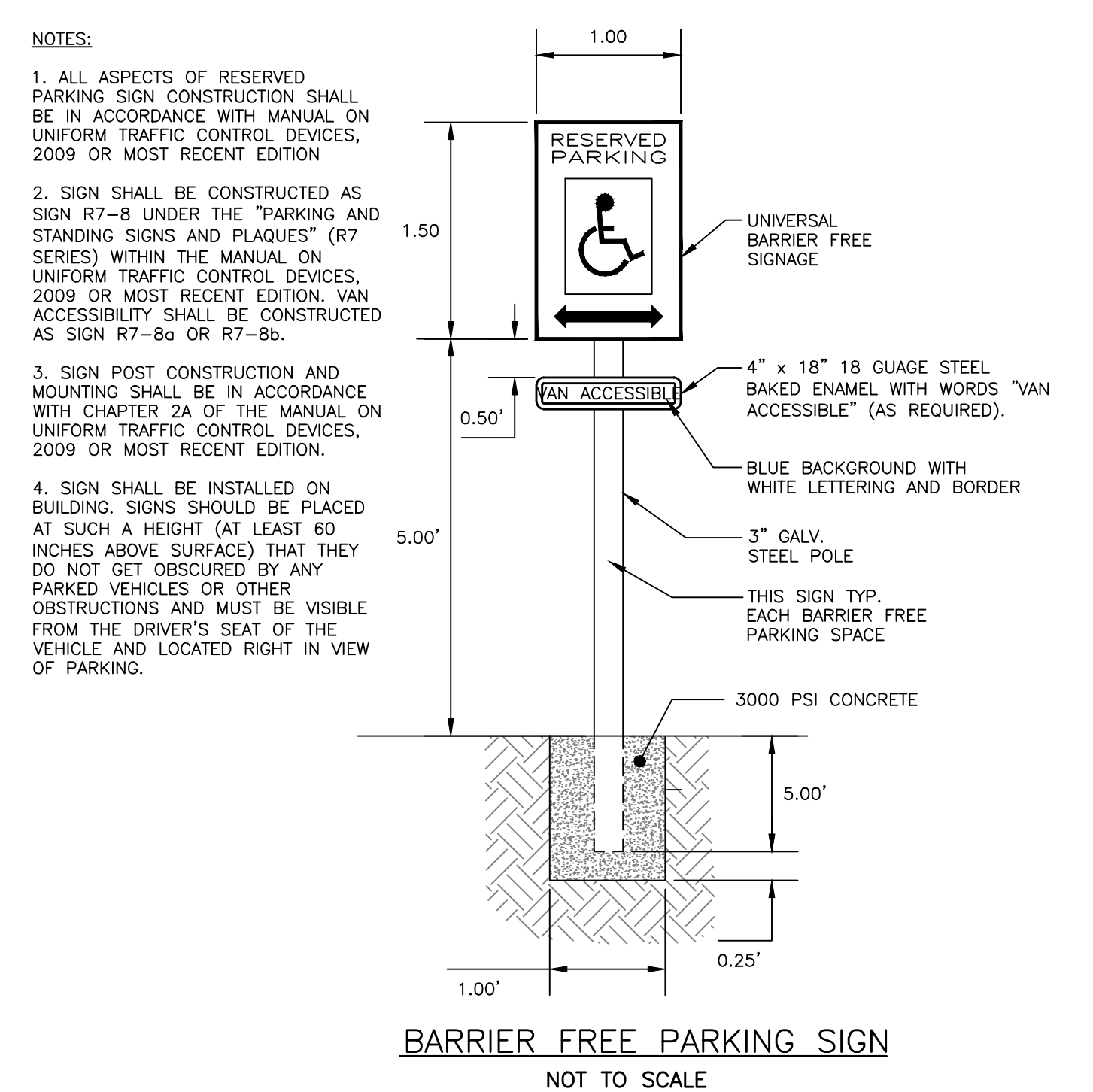
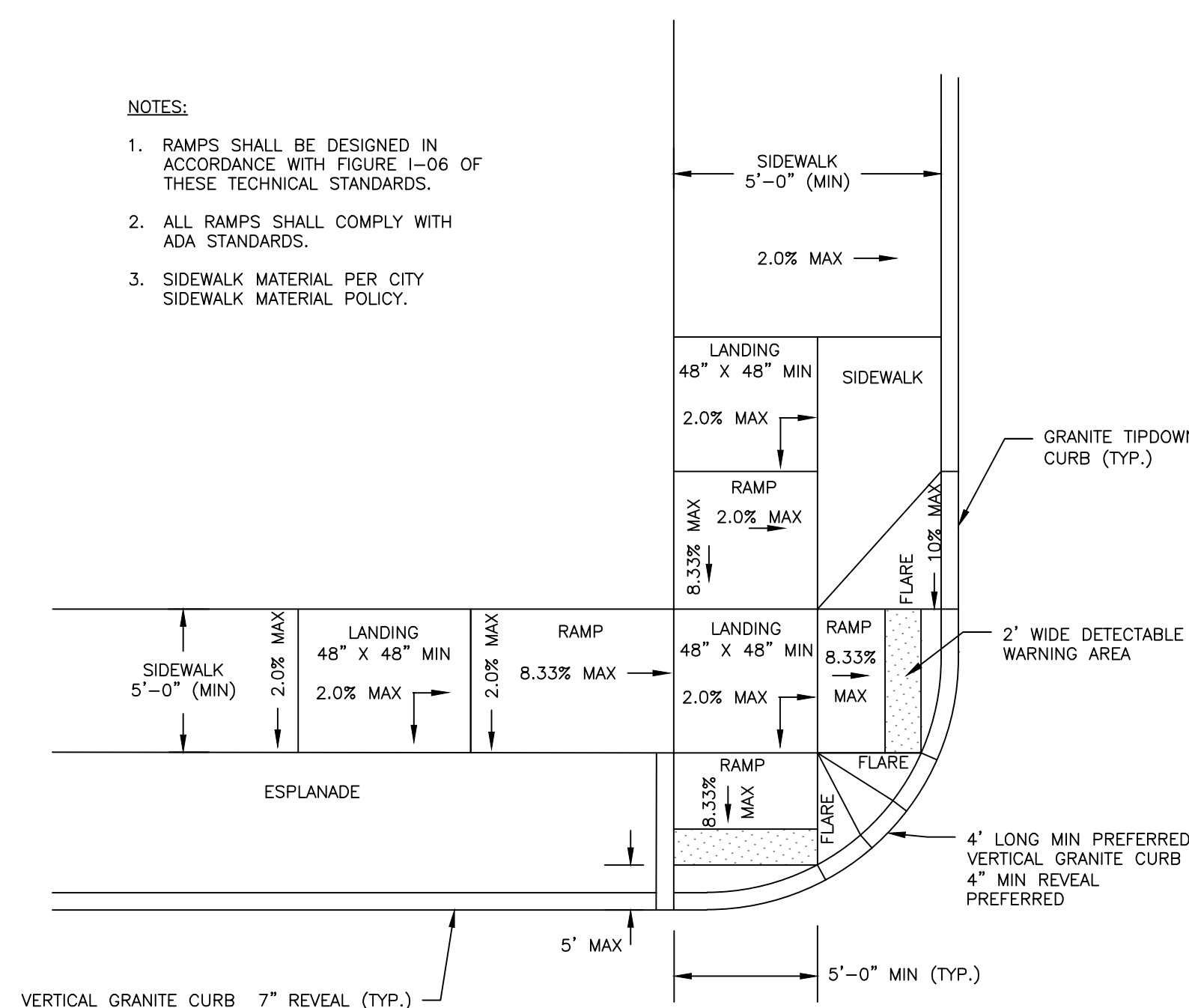
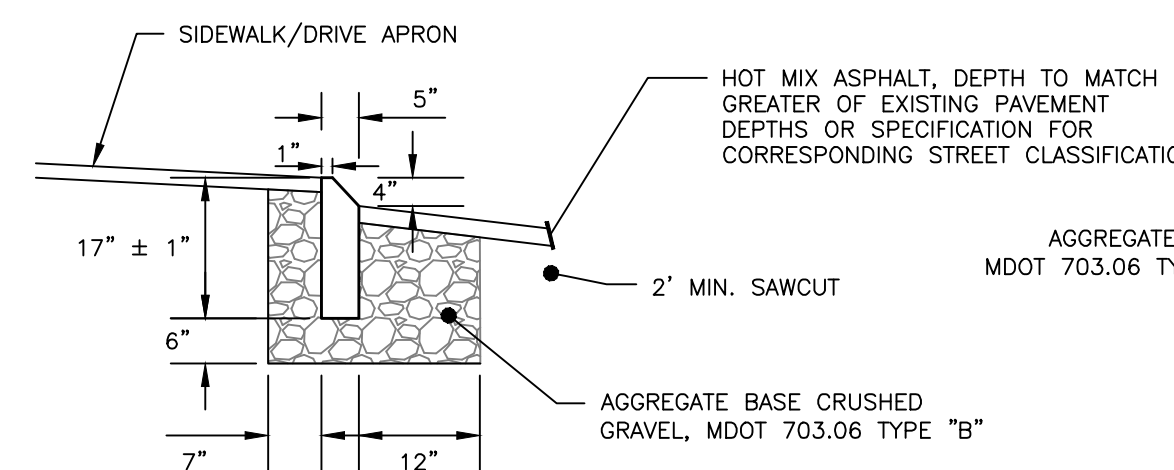
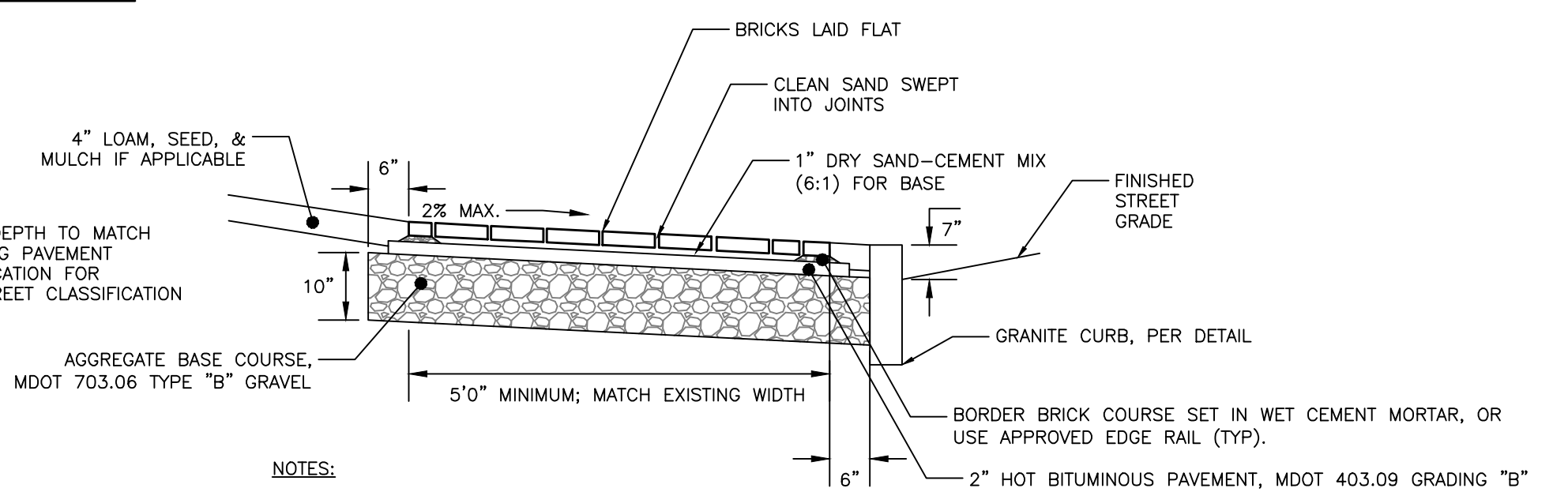
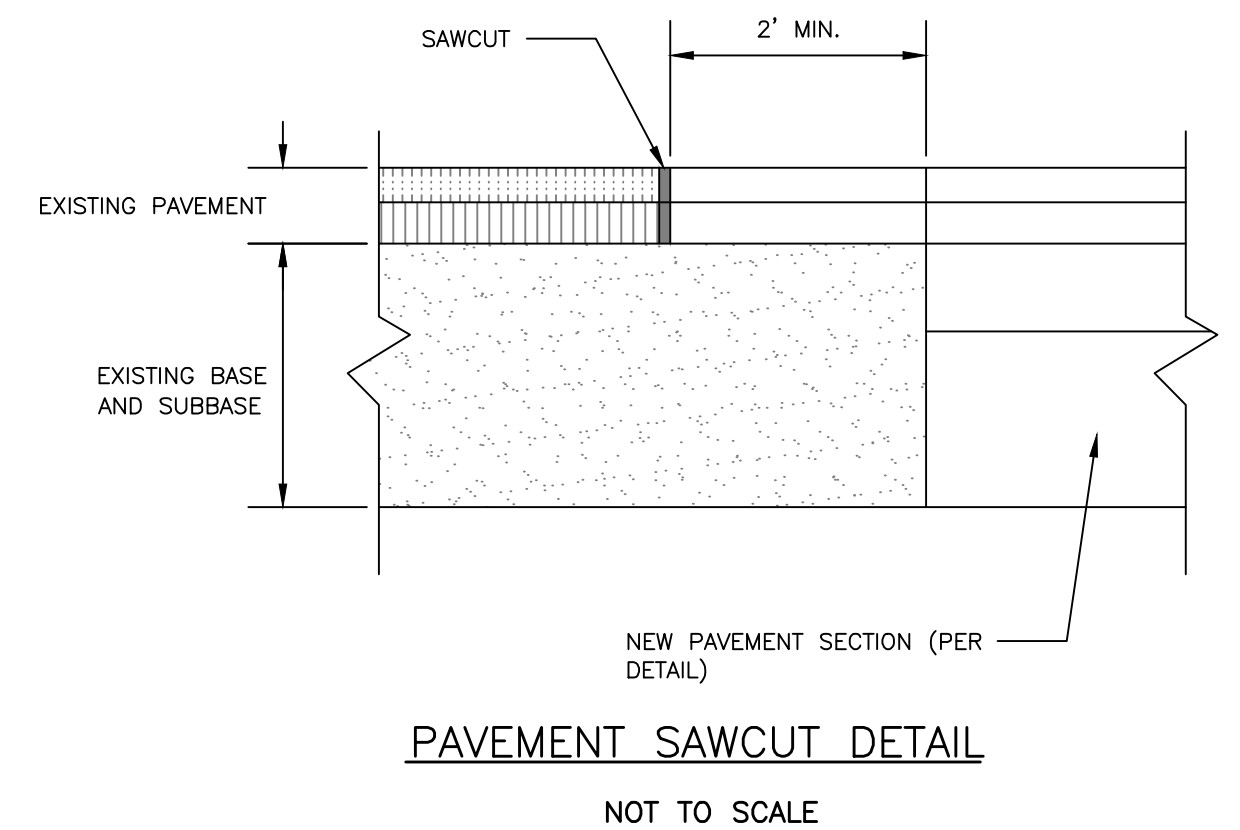
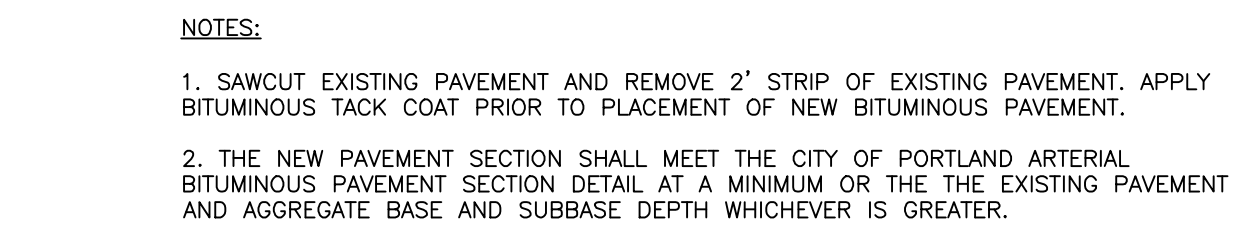
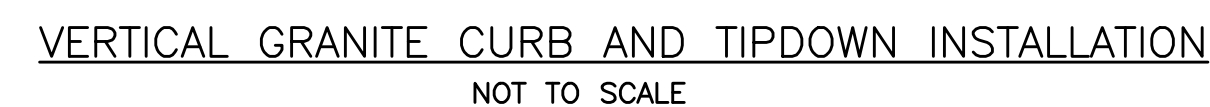
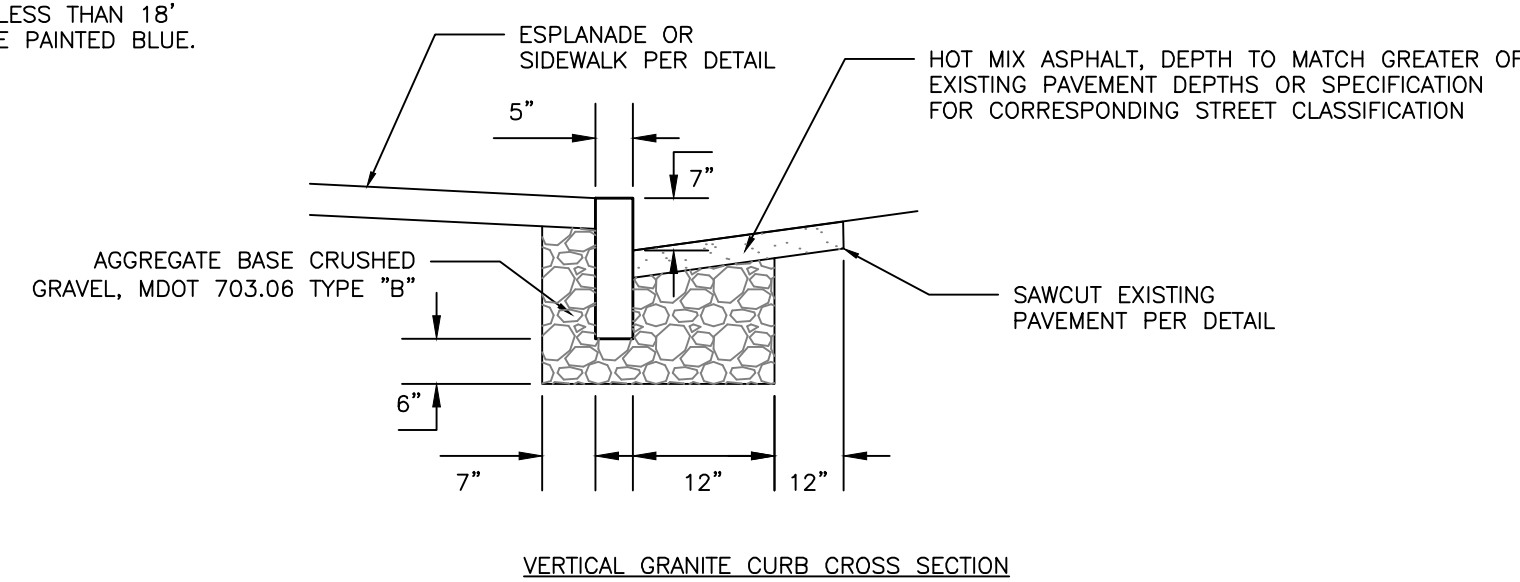
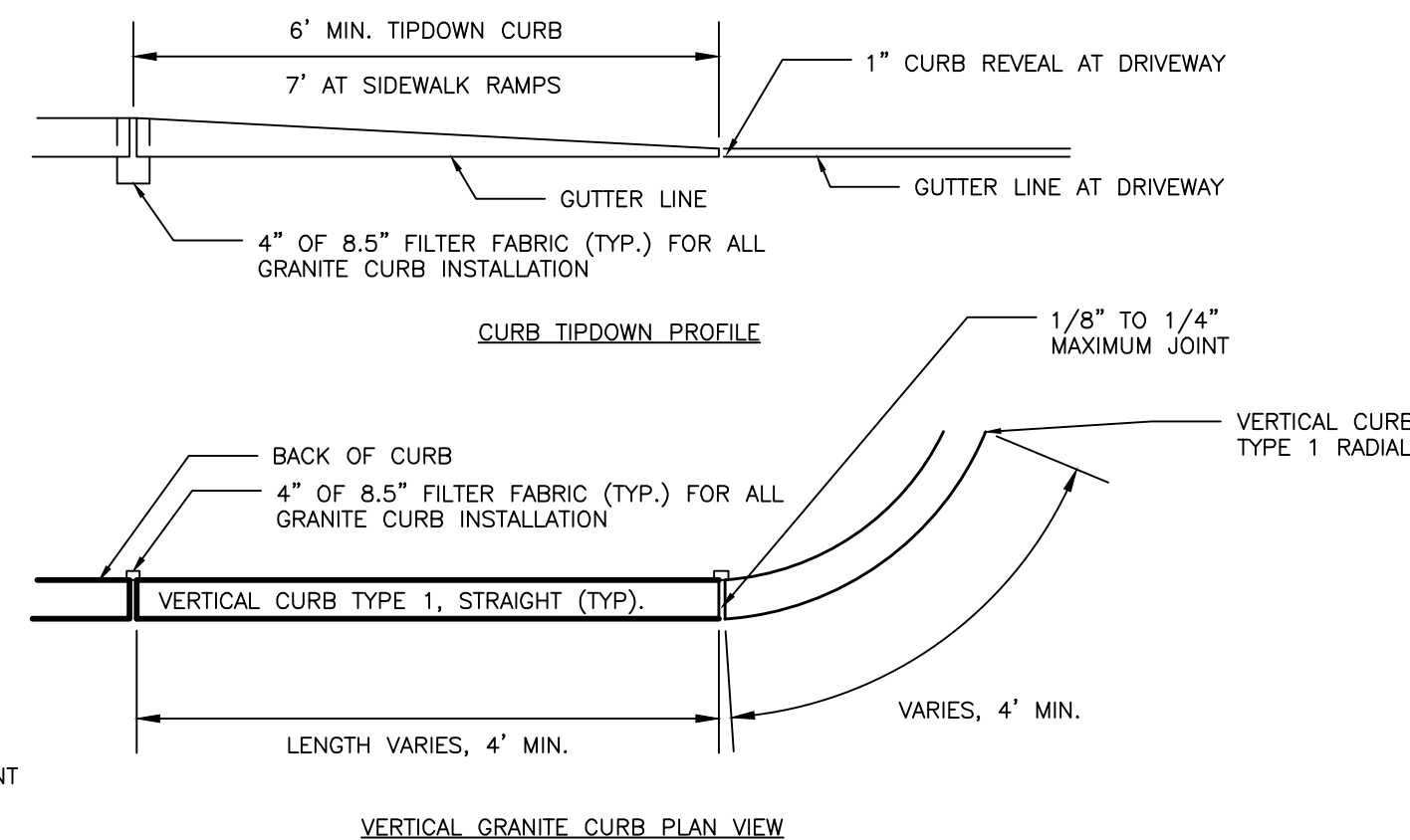
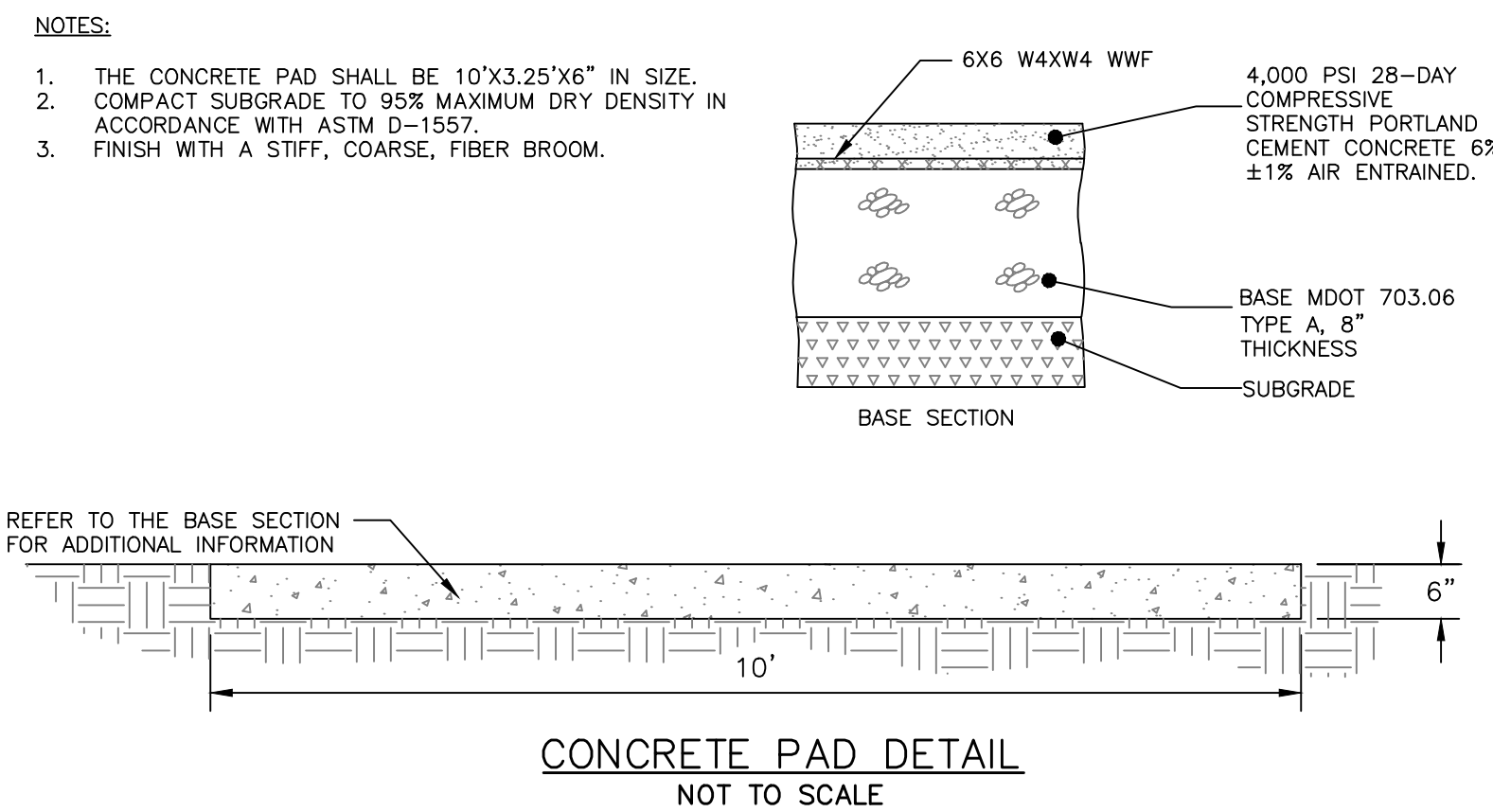
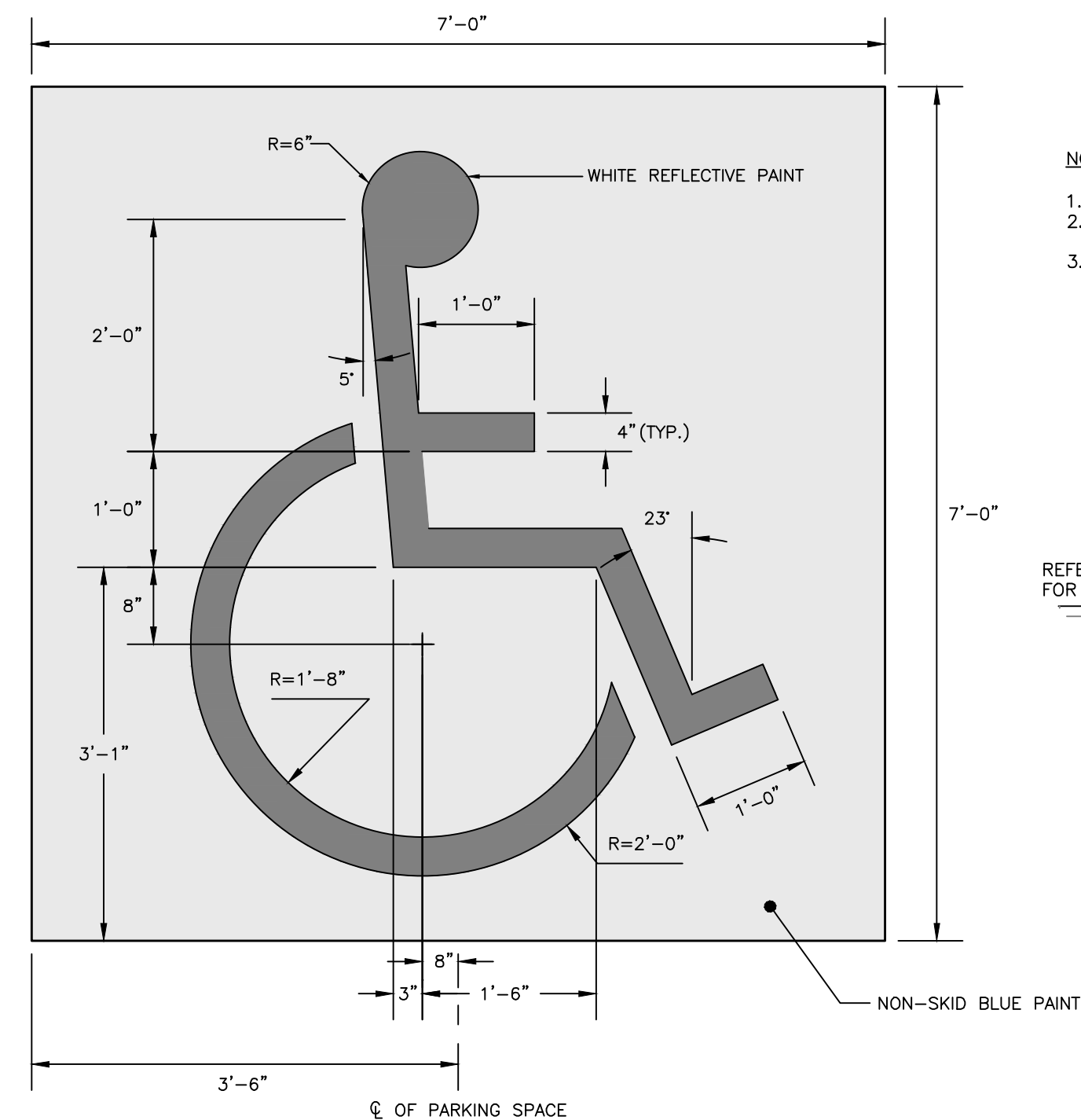
ISSUED FOR	BY
SITE PLAN APP.	DATE
CITY REVIEW	PFH
	9/16/26
	PFH
	11/10/26

GRADING PLAN	CLIENT/OWNER OF RECORD
MERCY HOSPITAL REDEVELOPMENT	NEWHEIGHT REDFERN, LLC
PROJECT NAME/ ADDRESS:	217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

ENGINEERING, INC.	ACORN ENGINEERING, INC.
REGISTERED PROFESSIONAL ENGINEER	REGISTERED PROFESSIONAL ENGINEER
MECHANICAL	MECHANICAL
NO. 15318	NO. 15318
11/10/20	11/10/20

FILE:	1140_CIVIL
JN:	1140
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	KRB
CHECKED BY:	WHS

DRAWING NO.	C-30
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[illegible]

SITE DETAILS - 2

MERCY HOSPITAL REDEVELOPMENT

OWNER OF RECORD: NEWHEIGHT REDFERN, LLC
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

DRAWING NAME:

PROJECT NAME/
ADDRESS.

ENGINEERING, INC.

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ACORN ENGINEERING, INC.
PO BOX 3372, PORTLAND MAINE 04101
(207) 775-2655

FILE: 1140 CIVIL

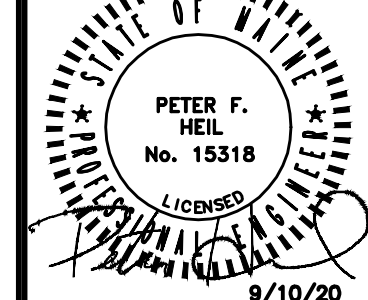
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SCALE: AS NOTED

DESIGNED BY: PFH

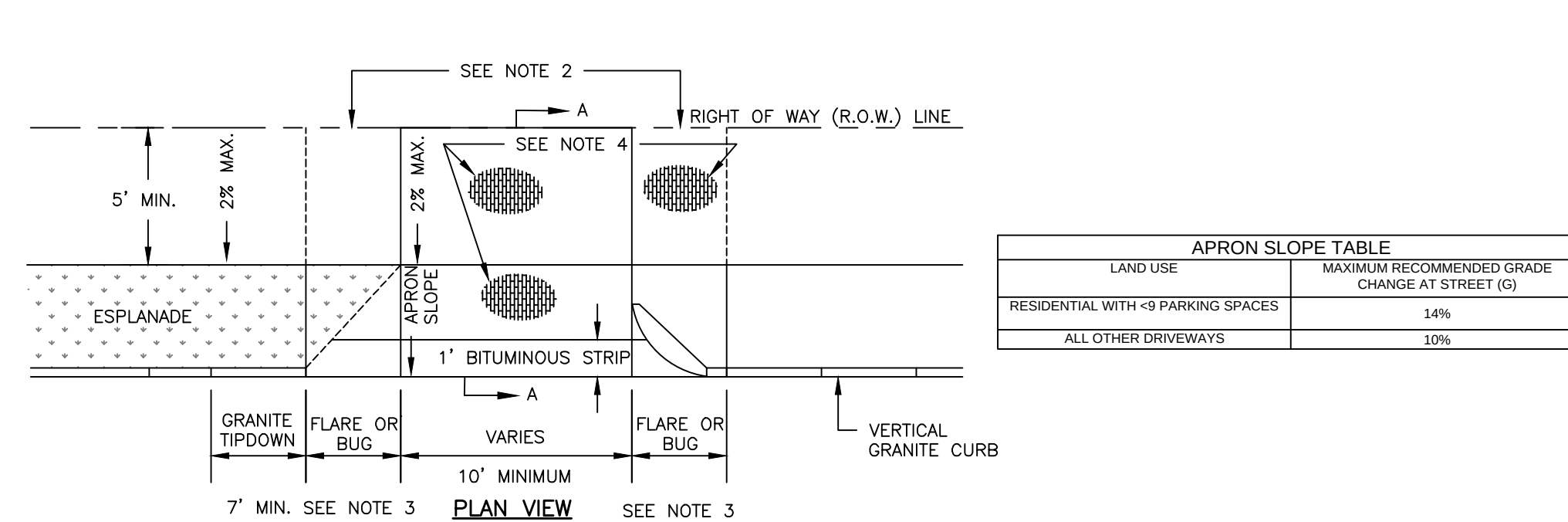
DRAWN BY: KRB

CHECKED BY: WHS

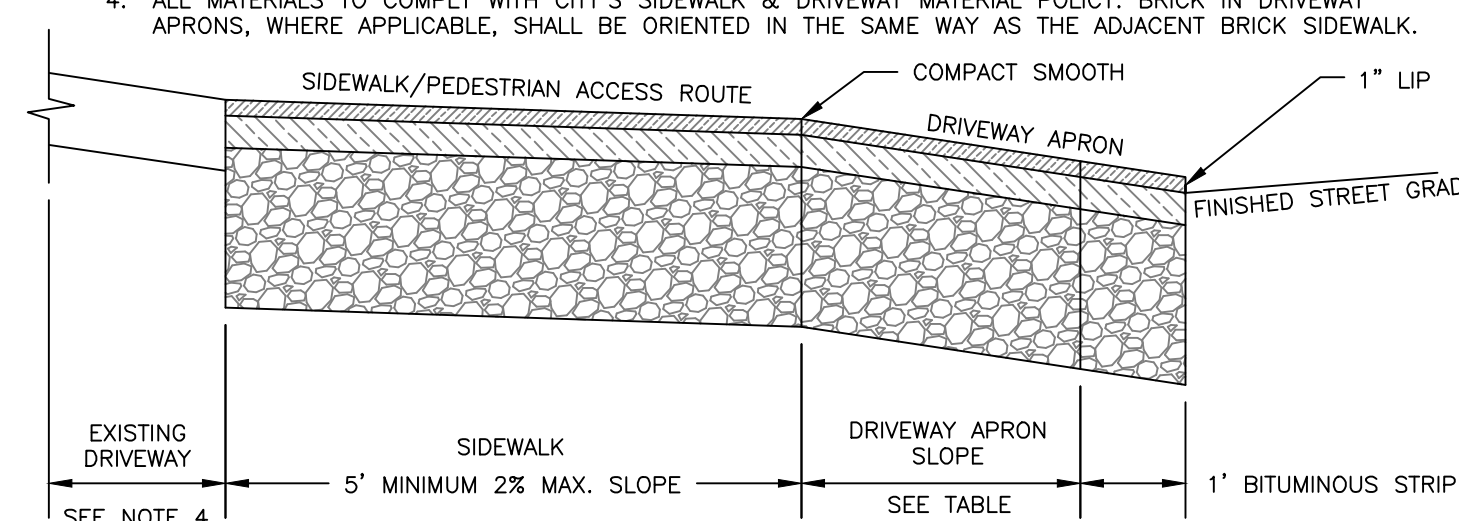


DRAWING NO.

C-41

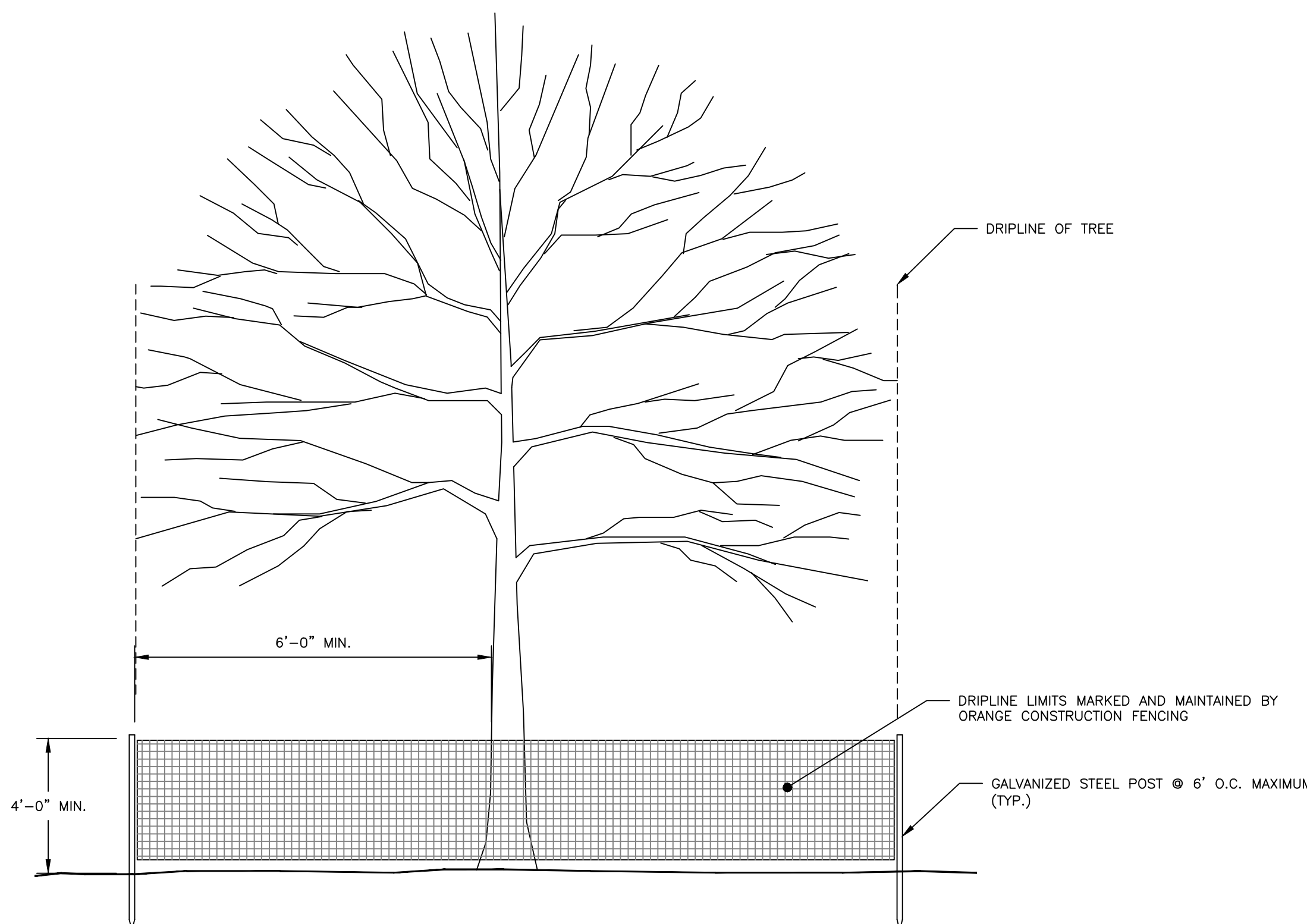


- NOTES:**
1. MATCH EXISTING GRADE AT R.O.W. LINE. WHERE REQUIRED TO MEET A.D.A. AND DRIVEWAY APRON SLOPE REQUIREMENTS, A CONSTRUCTION EASEMENT MAY BE REQUIRED.
 2. IF MATCHING THE EXISTING GRADE AT ROW CAUSES APRON SLOPE TO EXCEED RECOMMENDED %, SIDEWALK TRANSITION AREAS MAY BE ADDED, BUT SHALL NOT EXCEED 8.33%.
 3. TWO-FOOT RADII CORNER GRANITE PIECE ("BUGS") ARE REQUIRED AT LOW-VOLUME DRIVEWAYS UNLESS OTHERWISE DIRECTED BY DPW. AT OTHER DRIVEWAYS, STANDARD FLARE/TIPDOWN TREATMENTS SHALL BE USED.
 4. ALL MATERIALS TO COMPLY WITH CITY'S SIDEWALK & DRIVEWAY MATERIAL POLICY. BRICK DRIVEWAY APRONS, WHERE APPLICABLE, SHALL BE OF THE SAME TYPE AS THE DRIVEWAY BRICK SIDEWALK.



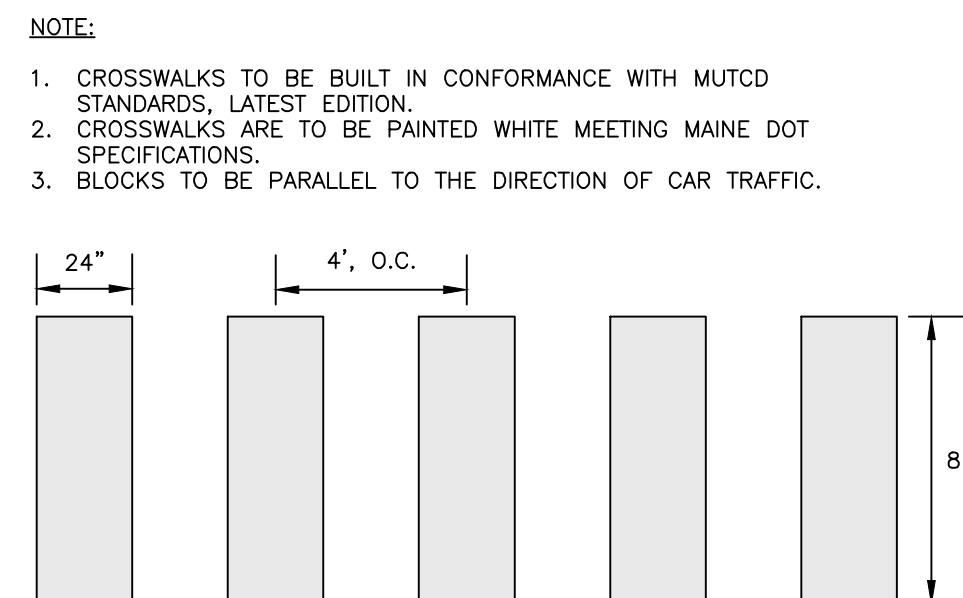
SECTION A-A

DRIVEWAY APRON
NOT TO SCALE

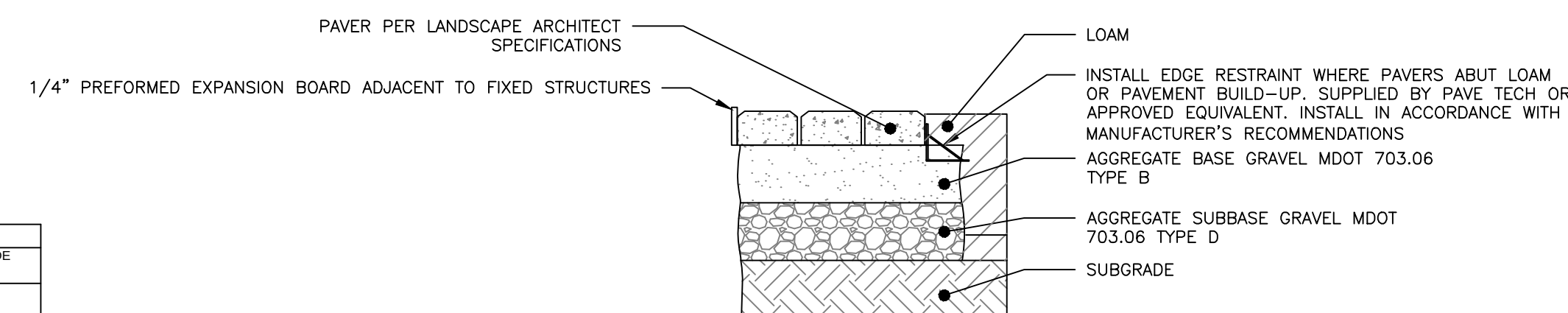


- NOTES:
1. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITY.
 2. INSTALL PROTECTIVE FENCING TO LIMIT OF DRIPLENE ON TREE OR A MINIMUM OF 6' FROM TRUNK WHEN NECESSARY, WITH PRIOR PERMISSION OF LANDSCAPE ARCHITECT.
 3. DO NOT STORE CONSTRUCTION EQUIPMENT, MATERIALS, TOOLS, ETC. WITHIN PROTECTIVE FENCING.
 4. MAINTAIN FENCING IN A NEAT AND ORDERLY FASHION THROUGHOUT CONSTRUCTION PERIOD.

TREE PROTECTION DETAIL
NOT TO SCALE



BLOCK CROSSWALK
NOT TO SCALE



- NOTES:
1. COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557
 2. SURFACE AND AGGREGATE MATERIALS SHALL MEET THE CITY OF PORTLAND STANDARDS IN ADDITION TO MDOT STANDARDS.

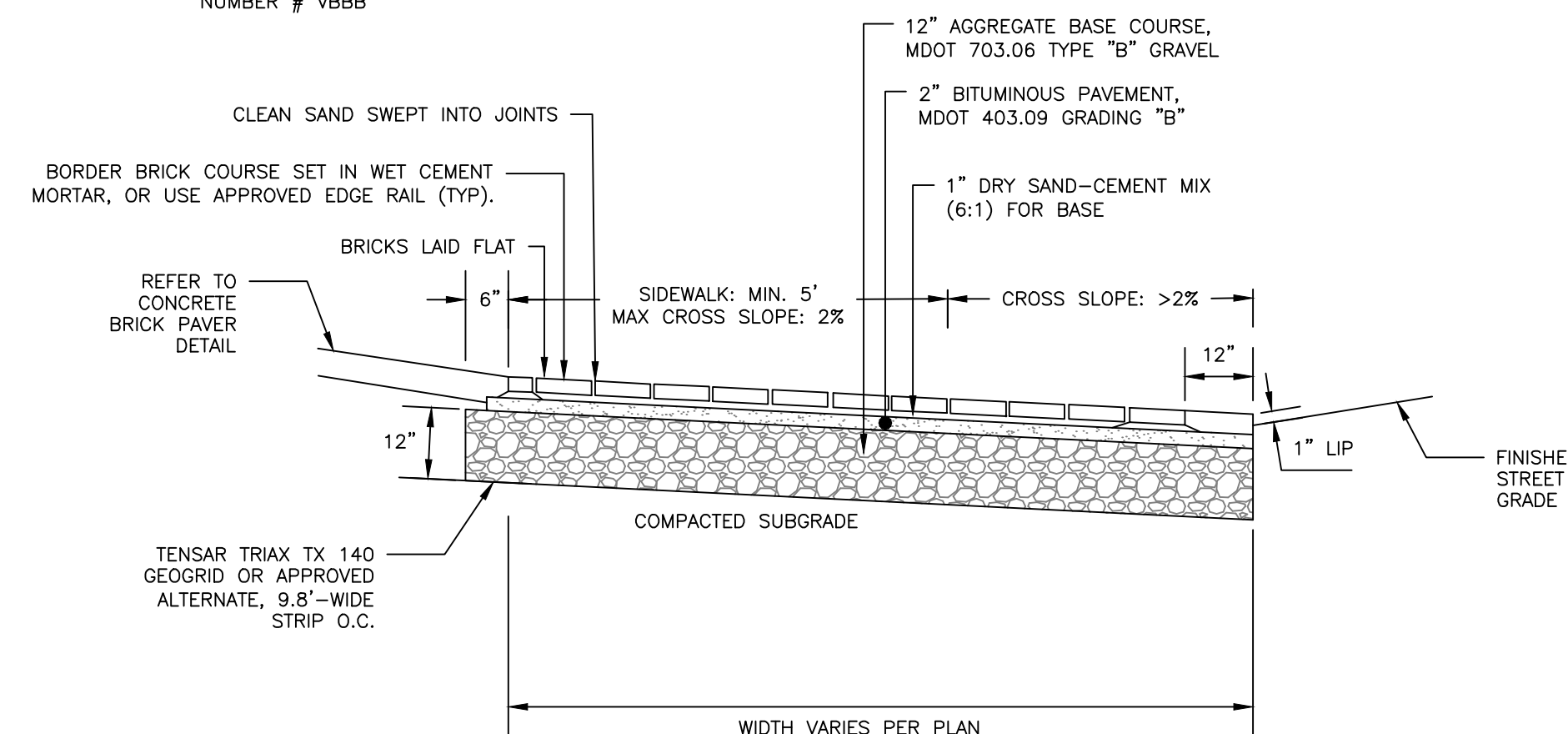
THICKNESS OF LAYERS	
STANDARD	LAYERS
3"	AGGREGATE BASE GRAVEL MDOT 703.06 TYPE B
15"	AGGREGATE SUBBASE GRAVEL MDOT 703.06 TYPE D

PAVER PROFILE
NOT TO SCALE

BRICKS TO BE USED:

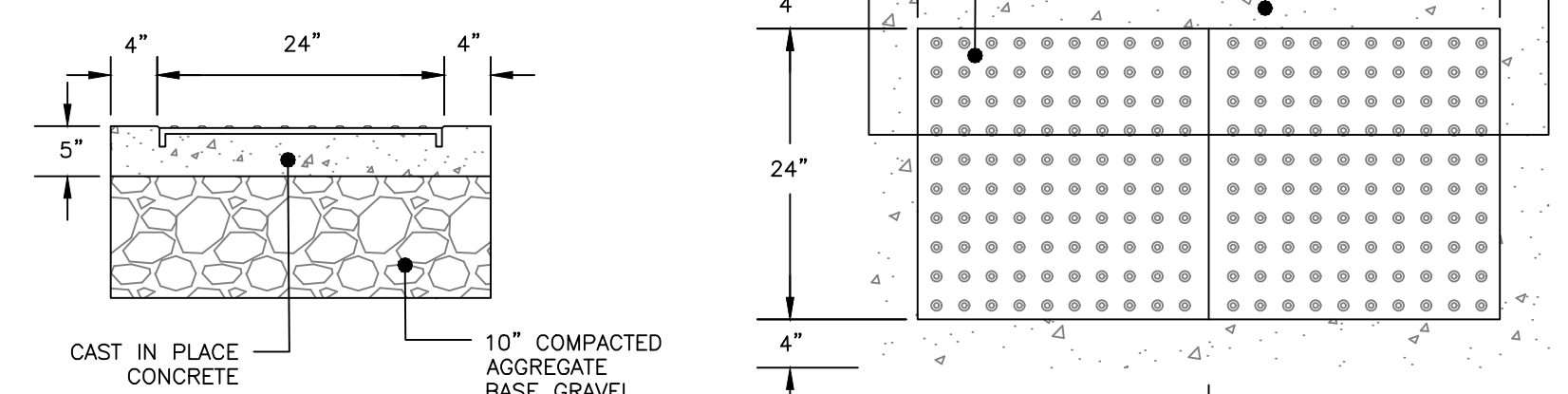
NEW CONSTRUCTION:
4"x8" PINE HALL PATHWAY PAVER BRICK; MFG. BY PINE HALL BRICK CO., MADISON, NORTH CAROLINA. LACHANCE ITEM #193623;. PINE HALL PATHWAY PAVER BRICK.

REPAIR/MAINTENANCE TO EXISTING BRICK SIDEWALKS:
VERMONT PAVER; SUPPLIED BY GAGNE AND SONS.
SPECIFICATION NUMBER: "VERMONT BACKER BRICK", ITEM
NUMBER # VBBB



BRICK DRIVEWAY APRON WITH BITUMINOUS BASE DETAIL
NOT TO SCALE

- NOTES:**
1. ALL DETECTABLE WARNING PLATES SHALL BE UNCOATED CAST IRON. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR INSTALLATION.
 2. CAST IN PLACE CONCRETE SHALL MEET SPECIFICATIONS FOR MDOT CLASS A STRUCTURAL CONCRETE. MINIMUM COMPRESSIVE STRENGTH 4,000 PSI. THE EXPOSED CONCRETE BORDER SHALL RECEIVE A UNIFORM BROOM FINISH PERPENDICULAR TO THE FLOW OF PEDESTRIAN TRAFFIC.
 3. TRUNCATED DOMES SHALL BE ALIGNED IN ROWS, PARALLEL AND PERPENDICULAR TO THE PREDOMINANT DIRECTION OF TRAVEL. TRUNCATED DOME BRICKS AND GRANITE PAVERS ARE NOT ALLOWED.
 4. SIZE: THE DETECTABLE WARNING PLATES SHALL EXTEND 24 INCHES MINIMUM IN THE DIRECTION OF TRAVEL AND THE FULL WIDTH OF THE CURB RAMP, LANDING, OR BLENDED TRANSITION TO THE STREET.
 5. ORIENTATION: THE DETECTABLE WARNING PANEL SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS 6 INCHES MINIMUM AND 8 INCHES MAXIMUM FROM THE CURB LINE. THE PANEL SHALL BE ORIENTED TO THE DIRECTION OF TRAVEL AS IDENTIFIED BY THE POINT OF EGRESS.



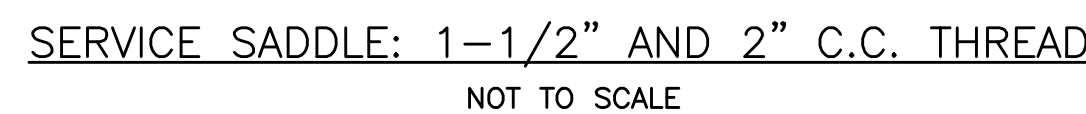
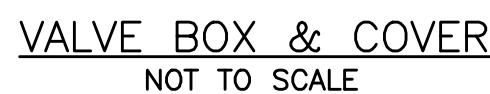
SECTION A-A

PLAN VIEW

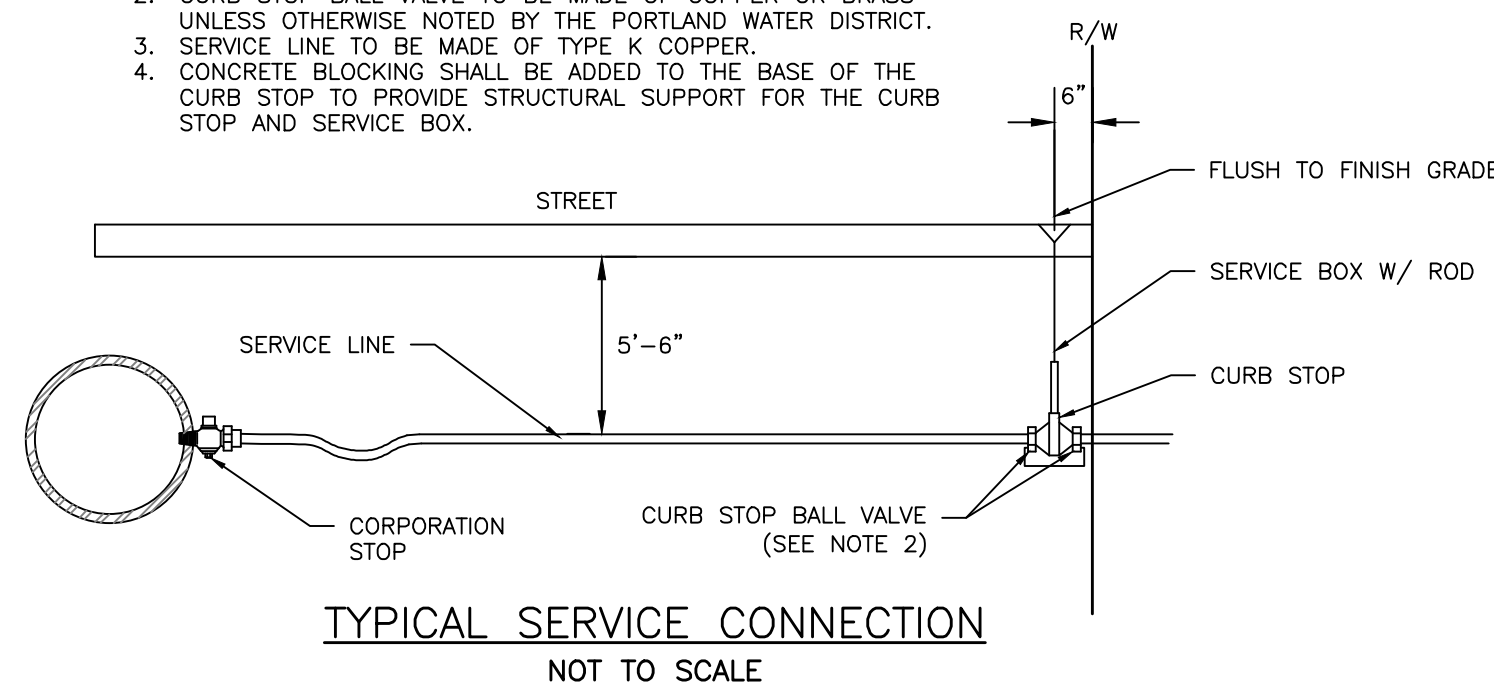
SIDEWALK RAMP DETECTABLE WARNING PANEL
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

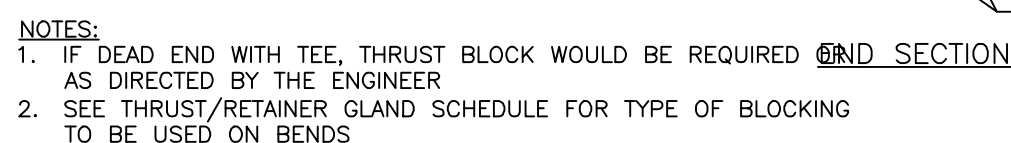
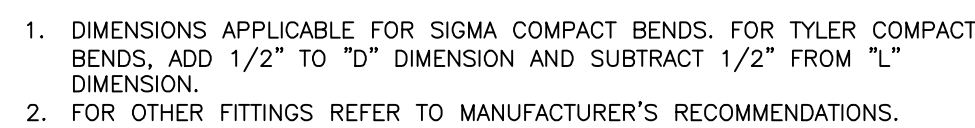
1. DIMENSIONS APPLICABLE FOR 5 1/4" BUFFALO VALVE BOXES
2. BASE SECTION MAY BE USED AS INTERMEDIATE SECTION



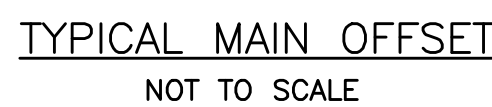
1. ALL MATERIALS AND INSTALLATION PROCEDURES MUST COMPLY WITH THE CITY OF PORTLAND WATER DISTRICT (PWD) SPECIFICATIONS.
2. CURB STOP BALL VALVE TO BE MADE OF COPPER OR BRASS UNLESS OTHERWISE NOTED BY THE PORTLAND WATER DISTRICT.
3. SERVICE LINE TO BE MADE OF TYPE K COPPER.
4. CONCRETE BLOCKING SHALL BE ADDED TO THE BASE OF THE CURB STOP TO PROVIDE STRUCTURAL SUPPORT FOR THE CURB STOP AND SERVICE BOX.



TAPPING SLEEVE AND VALVE
NOT TO SCALE



THRUST BLOCKING: REGULAR BEND
NOT TO SCALE



	6" PIPE			8" PIPE			12" PIPE		
H	D	L	D	L	D	L	D	L	
12	1' 6-1/2"	0' 10-1/2"	1' 7-1/2"	0' 9-1/2"	1' 11-1/2"	0' 5-1/2"			
13	1' 7-1/2"	0' 11-7/8"	1' 8-1/2"	0' 10-5/8"	2' 0'-0"	0' 6-7/8"			
14	1' 8-1/2"	1' 1'-5/16"	1' 9-1/2"	1' 0'-5/16"	2' 1'-1/2"	0' 8'-5/16"			
15	1' 9-1/2"	1' 1'-7/8"	1' 10-1/2"	1' 1'-7/8"	2' 2'-0"	0' 10-1/2"			
16	1' 10-1/2"	1' 4'-1/8"	1' 11-1/2"	1' 3'-1/8"	2' 3'-1/2"	0' 11-1/2"			
17	1' 11-1/2"	1' 5'-9/16"	2' 0'-1/2"	1' 4'-9/16"	2' 4'-1/2"	0' 1'-0"			
18	2' 0'-1/2"	1' 6'-15/16"	2' 1'-1/2"	1' 5'-15/16"	2' 5'-1/2"	1' 1'-15/16"			
19	2' 1'-1/2"	1' 7'-2"	2' 2'-1/2"	1' 7'-5/8"	2' 6'-1/2"	1' 2'-1/2"			
20	2' 2'-1/2"	1' 9'-13/16"	2' 3'-1/2"	1' 8'-13/16"	2' 7'-1/2"	1' 4'-13/16"			
21	2' 3'-1/2"	1' 11-3/16"	2' 4'-1/2"	1' 10'-3/16"	2' 8'-1/2"	1' 6'-3/16"			
22	2' 4'-1/2"	2' 0'-5/8"	2' 5'-1/2"	1' 11'-5/8"	2' 9'-1/2"	1' 7'-5/8"			
23	2' 5'-1/2"	2' 1'-2"	2' 6'-1/2"	2' 1'-2"	2' 10'-1/2"	1' 7'-2"			
24	2' 6'-1/2"	2' 3'-7/16"	2' 7'-1/2"	2' 2'-7/16"	2' 11-1/2"	1' 10'-7/16"			
25	2' 7'-1/2"	2' 4'-7/8"	2' 8'-1/2"	2' 3'-7/8"	3' 0'-1/2"	1' 11-7/8"			
26	2' 8'-1/2"	2' 6'-1/4"	2' 9'-1/2"	2' 5'-1/4"	3' 1'-1/2"	1' 11-1/4"			
27	2' 9'-1/2"	2' 7'-1/2"	2' 10'-1/2"	2' 6'-1/2"	3' 2'-1/2"	2' 2'-1/2"			
28	2' 10'-1/2"	2' 9'-1/8"	2' 11-1/2"	2' 8'-1/8"	3' 3'-1/2"	2' 4'-1/8"			
29	2' 11-1/2"	2' 10'-1/2"	3' 0'-1/2"	2' 9'-1/2"	3' 4'-1/2"	2' 5'-1/2"			
30	3' 0'-1/2"	2' 11-15/16"	3' 1'-1/2"	2' 10-15/16"	3' 5'-1/2"	2' 6'-15/16"			
31	3' 1'-1/2"	2' 12-1/2"	3' 2'-1/2"	2' 11-1/2"	3' 6'-1/2"	2' 7'-2"			
32	3' 2'-1/2"	3' 2'-3/4"	3' 3'-1/2"	3' 1'-3/4"	3' 7'-1/2"	2' 9'-3/4"			
33	3' 3'-1/2"	3' 4'-3/16"	3' 4'-1/2"	3' 3'-3/16"	3' 8'-1/2"	2' 11-3/16"			
34	3' 4'-1/2"	3' 5'-9/16"	3' 5'-1/2"	3' 4'-9/16"	3' 9'-1/2"	3' 0'-9/16"			
35	3' 5'-1/2"	3' 6'-1/2"	3' 6'-1/2"	3' 6'-1/2"	3' 10'-1/2"	3' 1'-2"			
36	3' 6'-1/2"	3' 8'-7/16"	3' 7'-1/2"	3' 7'-7/16"	3' 11-1/2"	3' 3'-7/16"			
37	3' 7'-1/2"	3' 9'-13/16"	3' 8'-1/2"	3' 8'-13/16"	4' 0'-1/2"	3' 4'-13/16"			
38	3' 8'-1/2"	3' 11-1/2"	3' 9'-1/2"	3' 10-1/2"	4' 1'-1/2"	3' 6'-1/4"			
39	3' 9'-1/2"	4' 0'-15/16"	3' 10'-1/2"	3' 11-1/16"	4' 2'-1/2"	3' 7'-1/2"			
40	3' 10'-1/2"	4' 2'-1/16"	3' 11-1/2"	4' 1'-1/16"	4' 3'-1/2"	3' 9-1/16"			
41	3' 11-1/2"	4' 3'-1/2"	4' 0'-1/2"	4' 2'-1/2"	4' 4'-1/2"	3' 10-1/2"			
42	4' 0'-1/2"	4' 4'-5/16"	4' 1'-1/2"	4' 3'-5/16"	4' 5'-1/2"	3' 11-1/2"			
43	4' 1'-1/2"	4' 6'-5/16"	4' 2'-1/2"	4' 5'-5/16"	4' 6'-1/2"	4' 1'-5/16"			
44	4' 2'-1/2"	4' 7'-3/4"	4' 3'-1/2"	4' 6'-3/4"	4' 7'-1/2"	4' 2'-3/4"			
45	4' 3'-1/2"	4' 9'-7/8"	4' 4'-1/2"	4' 8'-7/8"	4' 8'-1/2"	4' 4'-7/8"			
46	4' 4'-1/2"	4' 11-1/8"	4' 5'-1/2"	4' 10-1/8"	4' 9'-1/2"	4' 5'-1/8"			
47	4' 5'-1/2"	4' 11-15/16"	4' 6'-1/2"	4' 10-15/16"	4' 10'-1/2"	4' 6'-15/16"			
48	4' 6'-1/2"	5' 1'-3/8"	4' 7'-1/2"	5' 0'-3/8"	4' 11-1/2"	4' 8'-3/8"			
49	4' 7'-1/2"	5' 2'-13/16"	4' 8'-1/2"	5' 1'-13/16"	5' 0'-1/2"	4' 9'-13/16"			
50	4' 8'-1/2"	5' 3'-7/16"	4' 9'-1/2"	5' 2'-7/16"	5' 1'-1/2"	4' 10-7/16"			
51	4' 9'-1/2"	5' 5'-5/8"	4' 10'-1/2"	5' 4'-5/8"	5' 2'-1/2"	5' 0'-5/8"			
52	4' 10'-1/2"	5' 7'-1/16"	4' 11-1/2"	5' 6'-1/16"	5' 3'-1/2"	5' 2'-1/16"			
53	4' 11-1/2"	5' 8'-7/16"	5' 0'-1/2"	5' 7'-7/16"	5' 4'-1/2"	5' 3'-7/16"			
54	5' 1'-1/2"	5' 11-1/8"	5' 1'-1/2"	5' 10-1/8"	5' 5'-1/2"	5' 4'-1/8"			
55	5' 1'-1/2"	5' 11-5/16"	5' 2'-1/2"	5' 10-5/16"	5' 6'-1/2"	5' 5'-5/16"			

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

[illegible]

DRAWING NAME: UTILITY DETAILS - 1

PROJECT NAME/ ADDRESS: MERCY HOSPITAL REDEVELOPMENT

CLIENT/OWNER OF RECORD: NEWHEIGHT REDFERN, LLC
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101

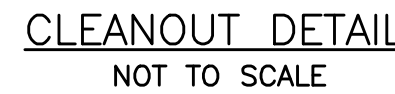

A C O R N **ENGINEERING, INC.**
 ACORN ENGINEERING, INC.
 PO BOX 3372, PORTLAND MAINE 04101
 (207) 775-2855

FILE:	1140_CIVIL
JN:	1140
SCALE:	AS NOTED
DESIGNED BY:	PFH
DRAWN BY:	KRB
CHECKED BY:	WHS

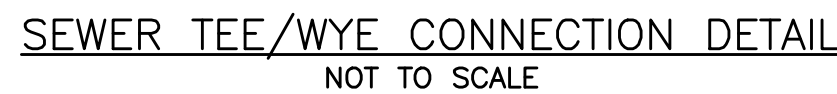
DRAWING NO.

C-42

1. REFER TO THE UTILITY PLAN FOR ADDITIONAL INFORMATION



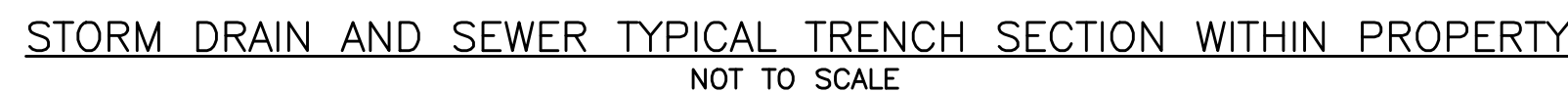
1. LOCATION WITH WARNING TAPE SHALL BE INSTALLED OVER CENTERLINE OF PIPE AT A MAXIMUM OF 24 INCHES BELOW FINISH GRADE.
2. SITE CONTRACTOR TO COORDINATE CONNECTION OF SEWER LATERAL TO STRUCTURE PLUMBING WITH ARCHITECTURAL CONTRACTOR.
3. CONNECTION OF PROPOSED SEWER LATERAL TO STRUCTURE PLUMBING SHOULD INCORPORATE USE OF SIMILAR PIPE MATERIALS. IN THE CASE OF DISSIMILAR PIPES BEING USED, A FERNCO FLEXIBLE COUPLING SHALL BE USED.



1. ANY ALTERNATE TRENCHING METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY.
2. ALL CONSTRUCTION METHODS SHALL CONFORM TO THE CITY OF PORTLAND TECHNICAL STANDARDS FIGURE II-2.
3. ALL TRENCHES SHALL BE PROTECTED BY THE CITY OF PORTLAND TECHNICAL STANDARD FIGURE II-2 AND O.S.H.A. SAFETY STANDARDS. ALL SUCH TRENCH PROTECTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. WHERE APPLICABLE, PERFORATIONS IN STORM DRAIN (PERF. SD) SHALL BE ORIENTED UP.
5. ALL STORM DRAINS SHALL BE PVC SD 36 IN PS 46-RATING OR IN ACCORDANCE WITH THE CITY OF PORTLAND TECHNICAL MANUAL, SECTION 2 – SANITARY SEWER AND STORM DRAIN – PART 2.5.2.
6. IN PAVED AREAS, THE CONTRACTOR SHALL NOT MIX WITH EXISTING PAVEMENT OR WITH EXISTING WATER OF EXISTING CONDITIONS OR THE REQUIREMENTS FOR THE CORRESPONDING STREET CLASSIFICATION.
7. THIS DETAIL SHALL BE APPLIED ONLY TO PIPE TRENCHES WITHIN OF THE CITY OF PORTLAND R.O.W.
8. STORM DRAIN COVER, BETWEEN 2" AND 36" SHALL INCLUDE 4" OF RIGID INSULATION, COVER BETWEEN 36" AND 48" SHALL INCLUDE 7" RIGID INSULATION, OTHER UTILITIES: 48" OF RIGID INSULATION. EACH FOOT ABOVE MINIMUM DEPTH.
9. DEPTH OF BITUMINOUS/PAVEMENT AND AGGREGATE COURSES SHALL BE DETERMINED BY THE CITY OF PORTLAND TECHNICAL STANDARD FIGURE II-2. ALL CRUSHER STONE SHALL BE PLACED AND COMPACTED UNDER THE HAUNCHES OF THE PIPE; BUT IN ALL CASES DIMENSION B SHALL BE AT LEAST 9".
10. DIMENSION A IS THE MAXIMUM WIDTH ALLOWED FOR CALCULATING PAVEMENT QUANTITIES UNDER GRANULAR BORROW, CRUSHER STONE OR CRUSHER STONE/AGGREGATE. DIMENSION C IS THE MAXIMUM ROCK EXCAVATION. DIMENSION A SHALL BE BASED ON PIPE DIAMETER D, AS SET FORTH IN THE TABLE BELOW.



1. BRACING AND SHEETING OR OTHER TRENCH PROTECTION TO BE PROVIDED TO MEET APPLICABLE STATE AND O.S.H.A. SAFETY STANDARDS. ALL SUCH TRENCH PROTECTION TO BE THE RESPONSIBILITY OF THE CONTRACTOR.
2. TRENCH COVER SHALL BE PROVIDED BY THE CONTRACTOR AND SHALL INCLUDE 2" RIGID INSULATION COVER BETWEEN 3' AND 4' SHALL INCLUDE 2" RIGID INSULATION. OTHER UTILITIES: ADD 2" OF RIGID INSULATION FOR EACH FOOT ABOVE MINIMUM DEPTH.
3. INSTALL WARNING TAPE DIRECTLY ABOVE UTILITIES AT THE TOP OF SUBGRADE.
4. MINIMUM COVER
 - 4.1. 2'-0" - STORM DRAIN
 - 4.2. 5'-0" - SEWER
5. NO TREES SHALL BE PLANTED WITHIN 5' OF A SEWER PIPE OR SERVICE.
6. THIS DETAIL SHALL BE APPLIED ONLY TO DRAINAGE PIPE TRENCHES OUTSIDE OF THE CITY OF PORTLAND ROW.
7. THICKNESS AS NOTED BY SURFACE DETAILS
8. ALL PROPOSED TREES PLANTED WITHIN 10' OF A STORM OR SEWER PIPE SHALL BE PLANTED AT A DEPTH NO GREATER THAN 3'.
9. THE APPLICABLE LANDSCAPE FABRIC SHALL CREATE A ROOT BARRIER AROUND THE PIPES. CONTRACTOR SHALL COORDINATE WITH THE LANDSCAPE ARCHITECT'S DRAWINGS.

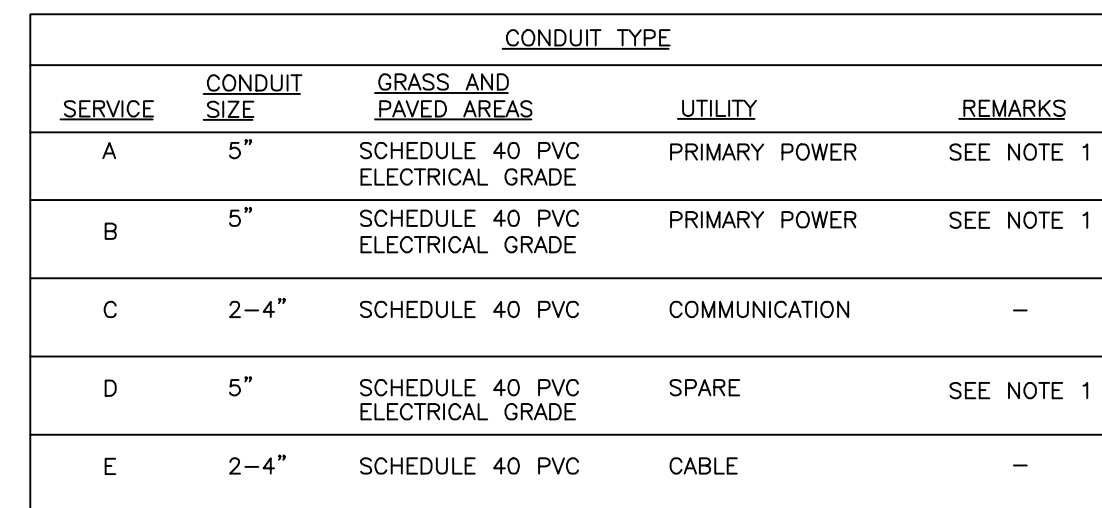
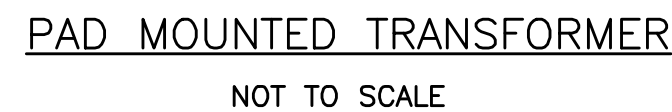


ALLOWABLE PIPE MATERIALS:

- REINFORCED CONCRETE PIPE (RCP) MIN. STRENGTH OF CLASS III
- PVC RING TYPE SEWER (SDR 35) OR EQUIVALENT, MIN PS-46 RATING
- PVC RING TYPE SEWER PIPE MEETING ASTM F 789
- DUCTILE IRON PIPE (DIP)
- ADS N-12 HP TRIPLE-WALL MIN PS-46 RATING
- ADS SANITITE HP MIN. PS-46

NOTES:

1. WHERE DANGER OF PLOW OR TRAFFIC DAMAGE EXISTS, BARRIERS CONSISTING OF CONCRETE FILLING 6 INCH IPS STEEL POSTS SET 10 FEET APART SHALL BE PROVIDED FOR PROTECTION (PRESSURE TREATED 6X6 INCH MIN. TIMBER POSTS MAY BE SUBSTITUTED IN RESIDENTIAL AREAS). POSTS SHALL NOT INTERFERE WITH TRANSFORMER ACCESS. BARRIERS SHALL BE LOCATED NEAR THE CORNERS OF THE TRANSFORMER.
2. THE SETBACKS DEPT CLEARANCES FROM OBSTRUCTIONS INCLUDING TREES, SHRUBS, AND FENCES.
3. THERE SHALL BE NO OPENING IN BUILDING WALL IN BACK OF, BESIDE, OR OVER THE TRANSFORMER UNLESS THE TRANSFORMER IS A MIN. OF 10 FEET FROM THE BUILDING.
4. SIDE WINDING FROM DOORS OR WINDOWS SHALL NOT BE LESS THAN 10 FEET.
5. THERE SHALL BE A MIN. OF 10 FEET BETWEEN THE TRANSFORMER AND ANY OTHER EQUIPMENT SUCH AS RELIEF VALVE, GAS VENT DISCHARGE, GAS FILLING CONNECTION, OR PROPANE TANK, SOME INSURANCE COMPANIES MAY REQUIRE INCREASED CLEARANCES.
6. TRANSFORMER SHALL BE LOCATED FAR ENOUGH AWAY FROM BUILDING OVERHANDS SO THAT THEY WILL NOT BE SUBJECT TO DAMAGE BY FALLING ICE AND SNOW.
7. IF THE TRANSFORMER IS TO BE INSTALLED IMMEDIATELY UPON THE INSTALLATION OF THE CABLE IN THE PLD, THE DEVELOPER SHALL PROVIDE AND INSTALL A CMP APPROVED CONCRETE, STEEL, OR FIBERGLASS COVER OVER THE PLD OPENING TO ELIMINATE EXPOSURE OF THE CABLE.



1. ONE CONDUIT CAPPED FOR SPARE, PROVIDE GALVANIZED STEEL LONG SWEEP AT RISER POLE AND EXTEND GALVANIZED CONDUIT TO 10" ABOVE GRADE AT POLE WITH STAND-OFF BRACKETS.
2. MINIMUM SEPARATION OF 24 INCHES BETWEEN PRIMARY CABLE/CONDUIT AND GAS LINES SHALL BE MAINTAINED.
3. CONDUITS WITHIN THE CITY RIGHT-OF-WAY SHALL BE ENCASED IN CONCRETE.
4. FINAL SIZE OF CONDUITS TO BE SPECIFIED BY MEP, ELECTRICIAN, OR DESIGN/BUILD ELECTRICAL CONTRACTOR.



PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

UTILITY DETAILS - 2

MERCY HOSPITAL REDEVELOPMENT

OWNER OF RECORD: NEWHEIGHT REDFERN, LLC
217 COMMERCIAL STREET, SUITE 205, PORTLAND ME 04101



A C O R _____ ENGINEERING, INC.

STATE OF MAINE
PETER F. HEIL
No. 15318
LICENSED
9/10/20

DRAWING NO.

C-43



CONCEPT SKETCH

11.09.2020 LEVEL III SITE PLAN
09.10.2020 LEVEL III SITE PLAN

SHEET INDEX
LANDSCAPE DRAWINGS

▪	L0-00	COVER SHEET
▪	L0-01	NOTES
▪	L1-00	LAYOUT PLAN
▪	L2-00	MATERIALS PLAN
▪	L3-00	PLANTING PLAN
▪	L4-00	DETAILS
▪	L4-01	DETAILS
▪	L4-02	DETAILS
▪	L4-03	SITE FURNISHINGS
▪	L4-04	SITE FURNISHINGS
▪	L4-05	SITE FURNISHINGS

VICINITY MAP:



PROJECT LOCATION



SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS DATE

LEVEL III SITE PLAN	11.09.2020

ISSUE DATE

LEVEL III SITE PLAN
SEPTEMBER 10, 2020

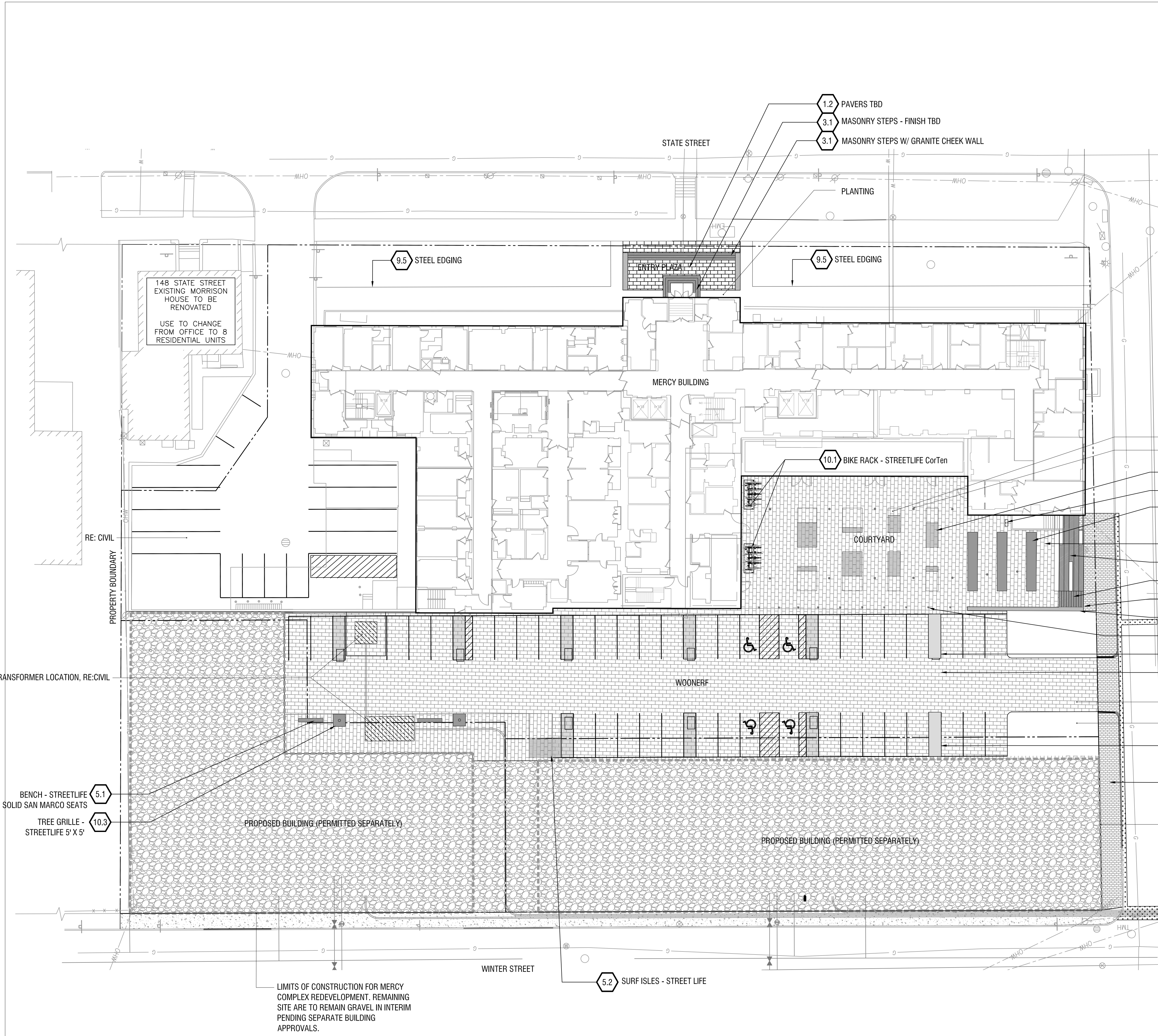
SHEET TITLE

COVER / SHEET INDEX

SHEET INFORMATION

L 0-00

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION



SITE KEYNOTES:

1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0	RAILINGS, BARRIERS, FENCING	DETAIL / SHEET
1.1	PAVERS - TBD	1/L4-00	6.1	HANDRAIL	1/L4-01
2.0	JOINTING		7.0	SITE LIGHTING	
XX	NOT USED AT THIS TIME	XXX-XX	8.0	DRAINAGE	
3.0	STEPS		XX	NOT USED AT THIS TIME	XXX-XX
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	9.0	PLANTING AND LANDSCAPE	
4.0	SITE WALLS/ EMBANKMENTS		9.1	DECIDUOUS TREE PLANTING	1/L4-02
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.2	MULTI-STEM TREE PLANTING	2/L4-02
4.2	WEATHERED STEEL WALL	2/L4-00	9.3	SHRUB PLANTING	3/L4-02
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.4	PERENNIAL PLANTING	4/L4-02
5.0	SITE FURNITURE		9.5	STEEL EDGING	5/L4-02
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	10.0	MISCELLANEOUS ELEMENTS	
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.1	BIKE RACK - STREETLIFE CorTen	1/L4-04
			10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18'	2/L4-04
			10.3	TREE GRILLE - STREETLIFE 5' X 5'	2/L4-04
			10.4	TREE GRATE - NENNAH MODEL R-8810	3/L4-04
			10.5	WASTE DISPOSAL CONTAINERS	1/L4-05

PLANTING

RE: CIVIL

- 5.2 SURF ISLES - STREET LIFE
- 10.5 WASTE DISPOSAL CONTAINERS, TYP.
- 10.2 TREE GRILLE - STREETLIFE CUSTOM 4' X 24'

- 1.1 PAVERS - TBD
- 4.3 TIERED SEATING - FINISH TBD
- 3.1 MASONRY STEPS - FINISH TBD
- 6.1 HANDRAIL
- 4.1 MASONRY WALL - FINISH TBD
- 10.5 BOLLARD - TBD
- 10.2 TREE GRILLE - STREETLIFE CUSTOM 5' X 18'
- 1.1 PAVERS - TBD

RE: CIVIL GRADING

PLANTING

- 10.2 TREE GRILLE - STREETLIFE CUSTOM 5' X 18'

- 1.2 PORTLAND BRICK PAVING, TYP.

LIMITS OF CONSTRUCTION FOR MERCY
COMPLEX REDEVELOPMENT. REMAINING
SITE ARE TO REMAIN GRAVEL IN INTERIM
PENDING SEPARATE BUILDING
APPROVALS.

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS DATE

LEVEL III SITE PLAN 11.09.2020

ISSUE DATE

LEVEL III SITE PLAN
SEPTEMBER 10, 2020

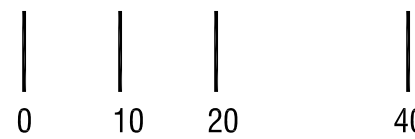
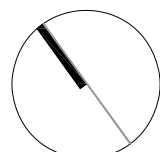
SHEET TITLE

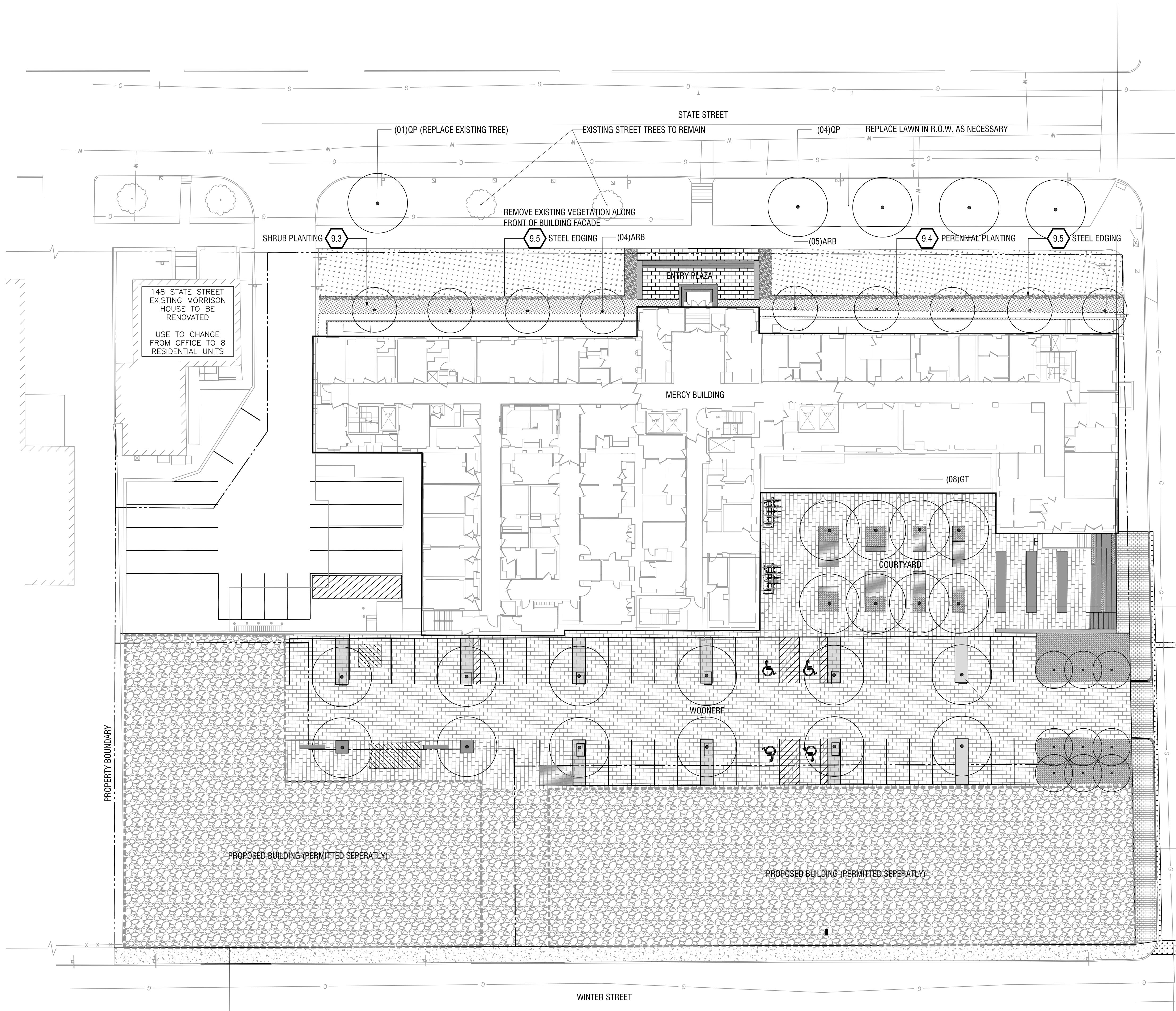
MATERIALS PLAN

SHEET INFORMATION

L 2-00

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION





SITE KEYNOTES:

1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0	RAILINGS, BARRIERS, FENCING	DETAIL / SHEET
1.1	PAVERS - TBD	1/L4-00	6.1	HANDRAIL	1/L4-01
2.0	JOINTING		7.0	SITE LIGHTING	
2.1	XX NOT USED AT THIS TIME	XXX-XX	7.1	BY OTHERS	
3.0	STEPS		8.0	DRAINAGE	
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	8.1	XX NOT USED AT THIS TIME	XXX-XX
4.0	SITE WALLS/ EMBANKMENTS		9.0	PLANTING AND LANDSCAPE	
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.1	DECIDUOUS TREE PLANTING	1/L4-02
4.2	WEATHERED STEEL WALL	2/L4-00	9.2	MULTI-STEM TREE PLANTING	2/L4-02
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.3	SHRUB PLANTING	3/L4-02
5.0	SITE FURNITURE		9.4	PERENNIAL PLANTING	4/L4-02
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	9.5	STEEL EDGING	5/L4-02
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.0	MISCELLANEOUS ELEMENTS	
			10.1	BIKE RACK - STREETLIFE Co7on	1/L4-04
			10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18'	2/L4-04
			10.3	TREE GRILLE - STREETLIFE 5' x 5'	2/L4-04
			10.4	TREE GRATE - NENNAH MODEL R-8810	3/L4-04
			10.5	WASTE DISPOSAL CONTAINERS	1/L4-05

PLANTING LEGEND

SYMBOL	ABBR.	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	SPACING
--------	-------	----------------	-------------	------	------	---------

TREES-DECIDUOUS

GT	GLEDITSIA TRIACANTHOS 'SKYCOLE'	SKYLINE HONEYLOCUST	20	3" CAL.	PER PLAN
ARB	ACER RUBRUM 'BOWHALL'	BOWHALL RED MAPLE	9	3" CAL.	PER PLAN
OPP	QUERCUS PALUSTRIS 'PRINGREEN'	GREEN PILLAR OAK	9	3" CAL.	PER PLAN
QP	QUERCUS PALUSTRIS	PIN OAK	5	3" CAL.	PER PLAN

GRASSES / PERENNIALS

TBD		TBD	TBD	#2	2' O.C.
-----	--	-----	-----	----	---------

GROUND COVER

GALUUM ODORATUM	SWEET WOODRUFF	TBD	#1	2' O.C.
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LOW SHRUBS

RHUS AROMATICA 'GRO-LOW'	GROW LOW SUMAC	TBD	#5	2' O.C.
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HEDGE

LIGUSTRUM	PRIVET	TBD	#5	2' O.C.
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BULBS

ALUUM	PURPLE SENSATION	TBD	BULB
-------	------------------	-----	------

LAWN

SURF ISLE PLANTINGS
COMPRISED OF ALUUM BULBS
AND BONDE AMBITION BLUE
GRAMMA GRASS

(03)QPP

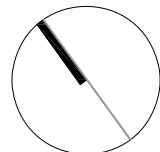
(12)GT

(06)QPP

LIMITS OF CONSTRUCTION FOR MERCY
COMPLEX REDEVELOPMENT. REMAINING
SITE ARE TO REMAIN GRAVEL IN INTERIM
PENDING SEPARATE BUILDING
APPROVALS.

LIMITS OF CONSTRUCTION FOR MERCY
COMPLEX REDEVELOPMENT. REMAINING
SITE ARE TO REMAIN GRAVEL IN INTERIM
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APPROVALS.

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION



0 10 20 40

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS

DATE

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SEPTEMBER 10, 2020

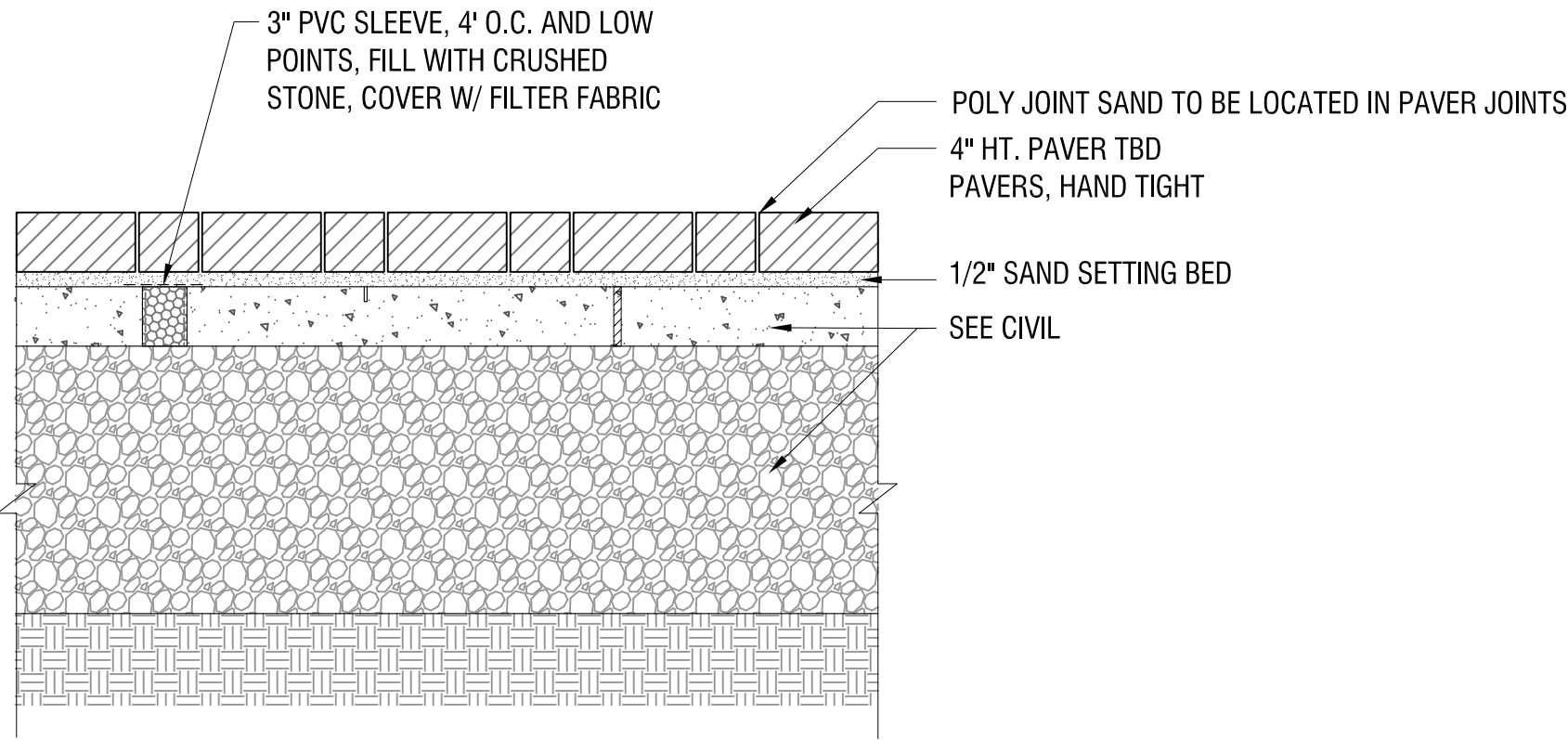
SHEET TITLE

PLANTING PLAN

SHEET INFORMATION

L 3-00

SITE KEYNOTES:					
1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0	RAILINGS, BARRIERS, FENCING	DETAIL / SHEET
1.1	PAVERS - TBD	1/L4-00	6.1	HANDRAIL	1/L4-01
2.0	JOINTING		7.0	SITE LIGHTING	
X.X	NOT USED AT THIS TIME	X/XX-XX		BY OTHERS	
3.0	STEPS		8.0	DRAINAGE	
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	X.X	NOT USED AT THIS TIME	X/XX-XX
4.0	SITE WALLS/ EMBANKMENTS		9.0	PLANTING AND LANDSCAPE	
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.1	DECIDUOUS TREE PLANTING	1/L4-02
4.2	WEATHERED STEEL WALL	2/L4-00	9.2	MULTI-STEM TREE PLANTING	2/L4-02
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.3	SHRUB PLANTING	3/L4-02
			9.4	PERENNIAL PLANTING	4/L4-02
			9.5	STEEL EDGING	5/L4-02
5.0	SITE FURNITURE		10.0	MISCELLANEOUS ELEMENTS	
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	10.1	BIKE RACK - STREETLIFE CorTen	1/L4-04
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18"	2/L4-04
			10.3	TREE GRILLE - STREETLIFE 5' X 5'	2/L4-04
			10.4	TREE GRATE - NENNAH MODEL R-8810	3/L4-04
			10.5	WASTE DISPOSAL CONTAINERS	1/L4-05



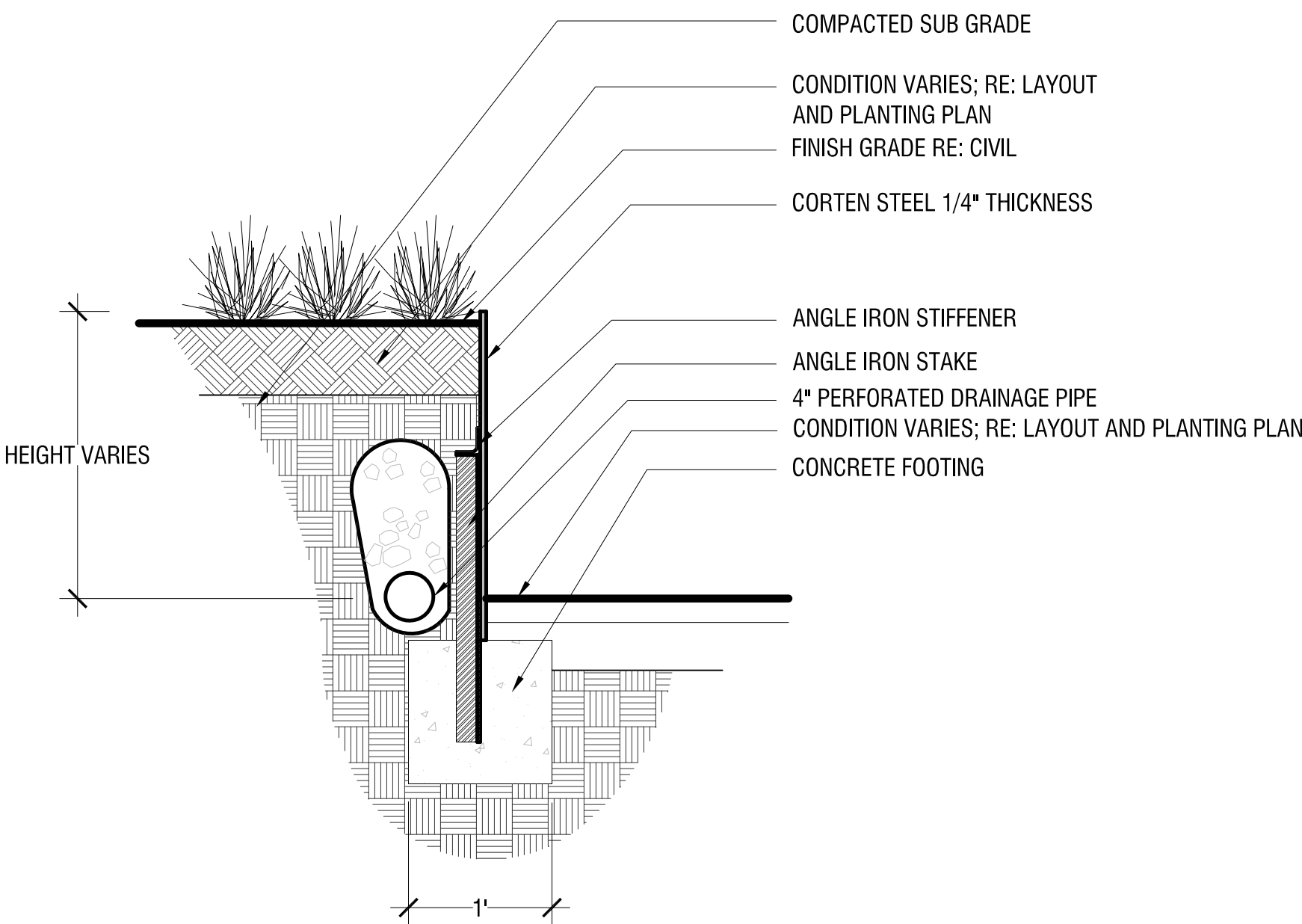
- NOTES:
- METAL EDGE RESTRAINT TO BE USED WHERE PAVERS MEET SOFTSCAPE, PLASTIC EDGE RESTRAINT IS NOT TO BE USED.

1

CONCRETE PAVER - TBD

1.3

1":1'-0"

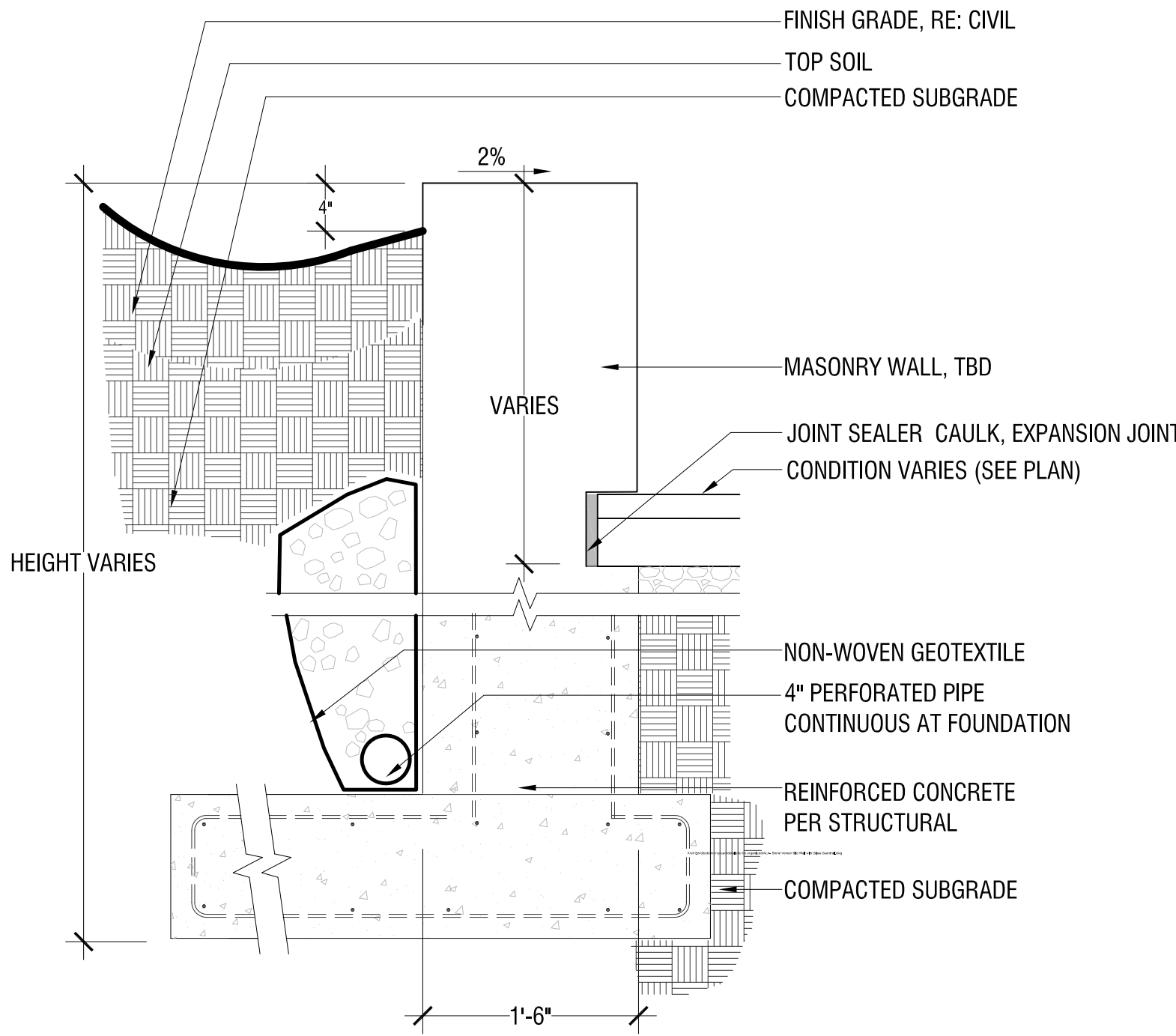


2

WEATHERED STEEL WALL

4.2

1": 2'-0"



3

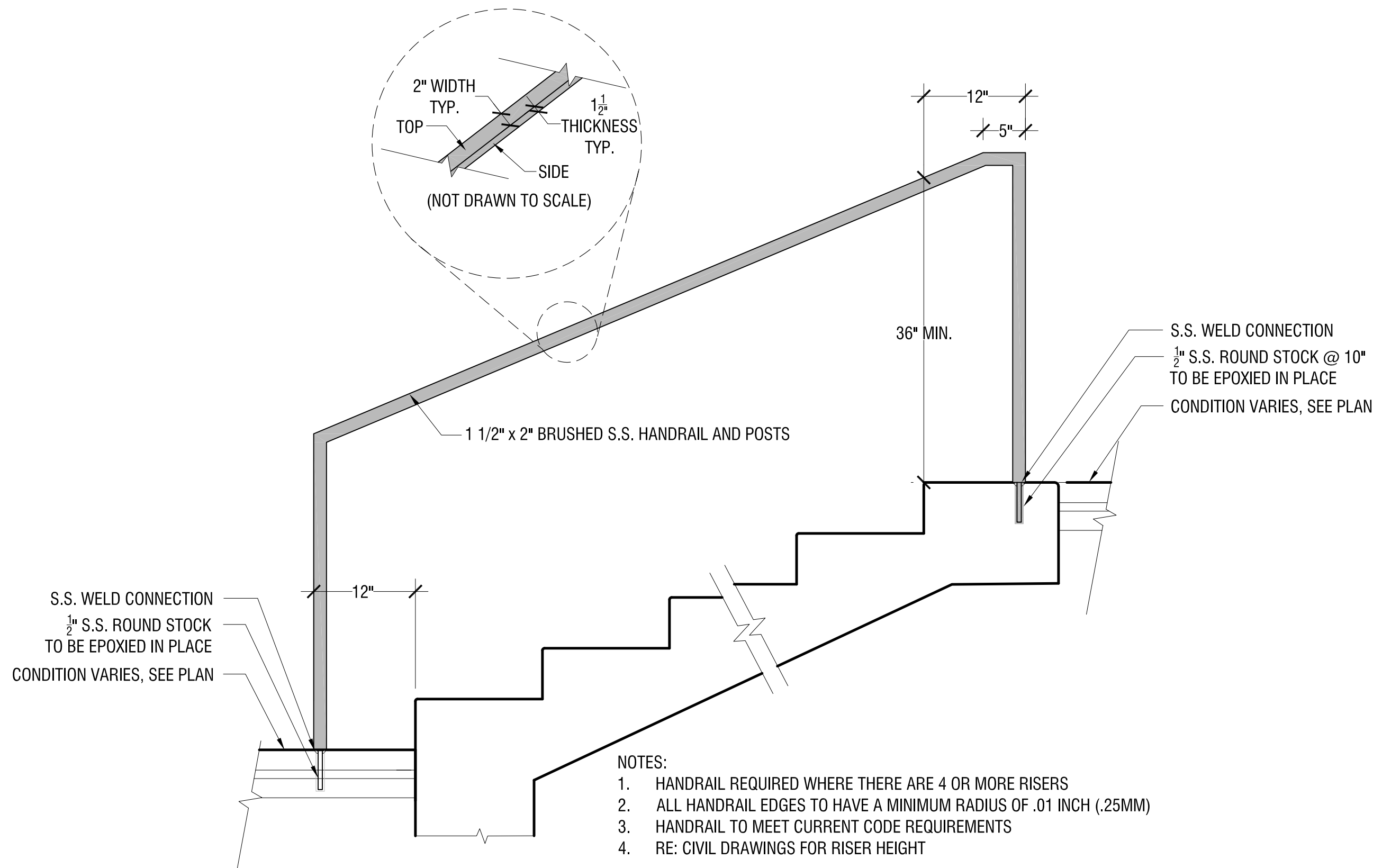
MASONRY WALL

4.1

1":1'-0"

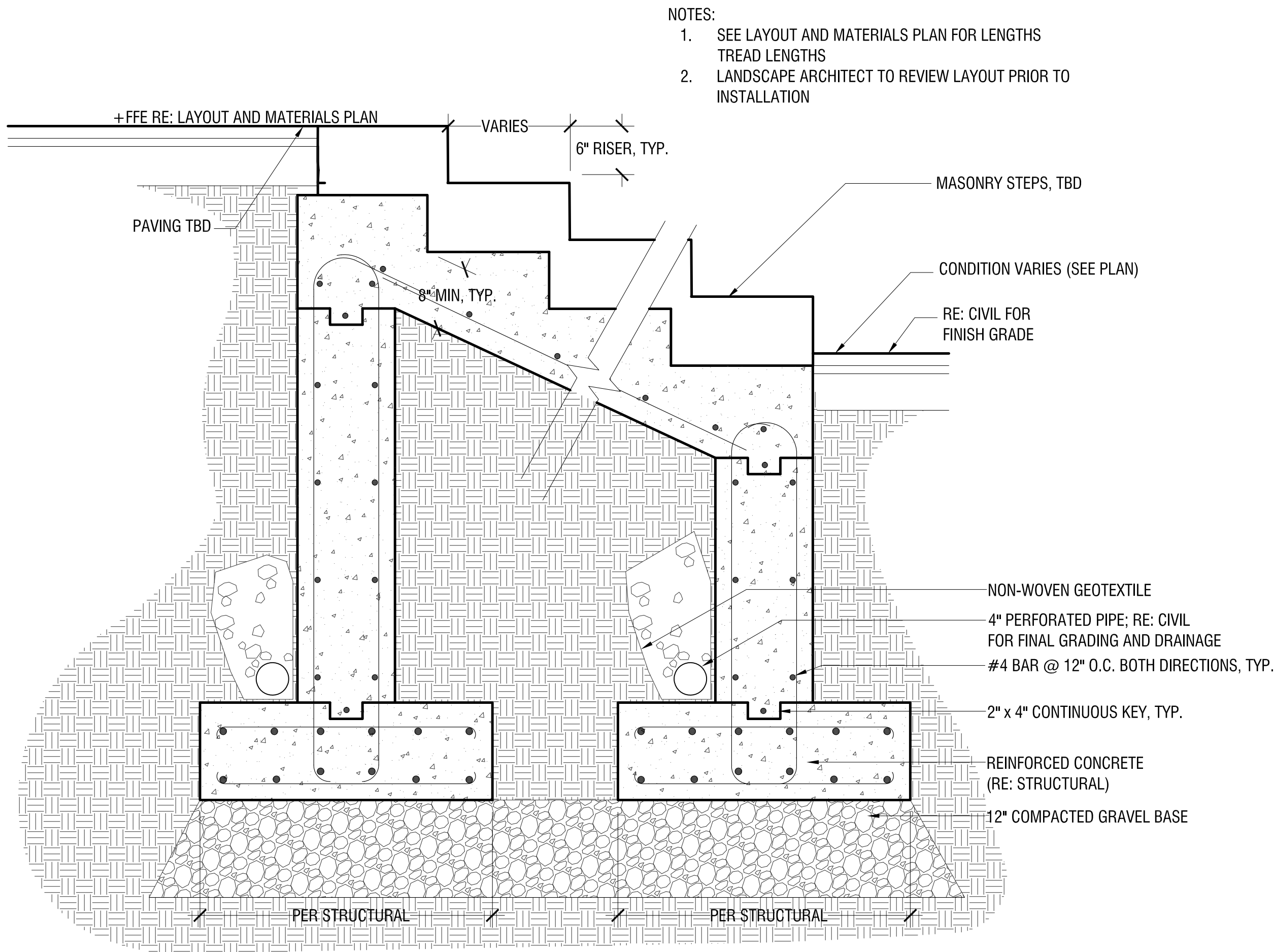
PERMIT LEVEL
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CONSTRUCTION

REVISIONS	DATE



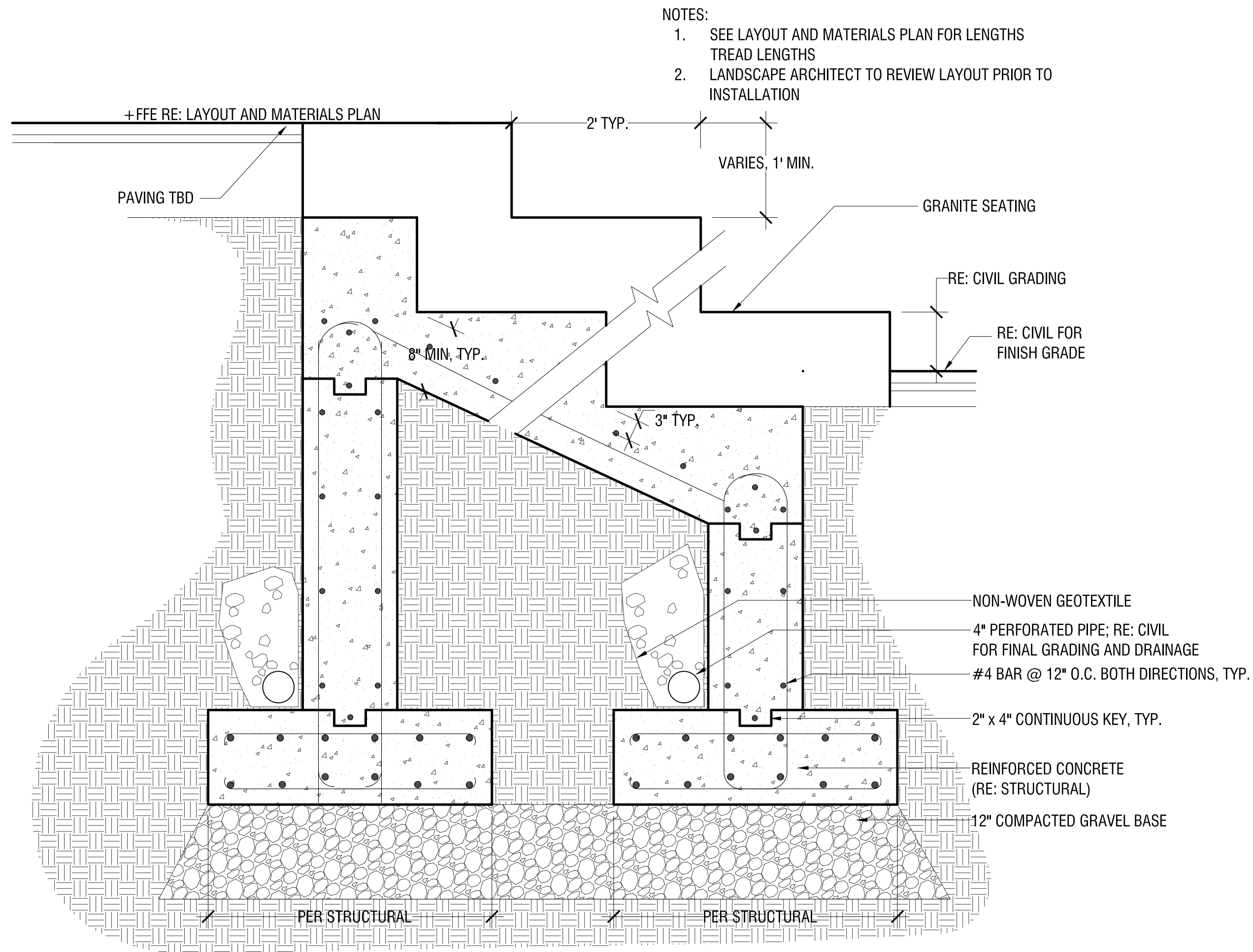
1 HANDRAIL
1":1'-0"

6.1



2 MASONRY STEP
1":1'-0"

3.1



3 TIERED SEATING
1":1'-0"

4.3

SITE KEYNOTES:

1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0	RAILINGS, BARRIERS, FENCING	DETAIL / SHEET
1.1	PAVERS - TBD	1/L4-00	6.1	HANDRAIL	1/L4-01
2.0	JOINTING		7.0	SITE LIGHTING	
2.1	NOT USED AT THIS TIME	X/XX-XX	8.0	DRAINAGE	
3.0	STEPS		9.0	PLANTING AND LANDSCAPE	
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	9.1	DECIDUOUS TREE PLANTING	1/L4-02
4.0	SITE WALLS/ EMBANKMENTS		9.2	MULTI-STEM TREE PLANTING	2/L4-02
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.3	SHRUB PLANTING	3/L4-02
4.2	WEATHERED STEEL WALL	2/L4-00	9.4	PERENNIAL PLANTING	4/L4-02
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.5	STEEL EDGING	5/L4-02
5.0	SITE FURNITURE		10.0	MISCELLANEOUS ELEMENTS	
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	10.1	BIKE RACK - STREETLIFE CorTen	1/L4-04
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18'	2/L4-04
			10.3	TREE GRILLE - STREETLIFE 5' X 5'	2/L4-04
			10.4	TREE GRATE - NENNAH MODEL R-8810	3/L4-04
			10.5	WASTE DISPOSAL CONTAINERS	1/L4-05

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS DATE

ISSUE DATE

LEVEL III SITE PLAN
SEPTEMBER 10, 2020

SHEET TITLE

DETAILS

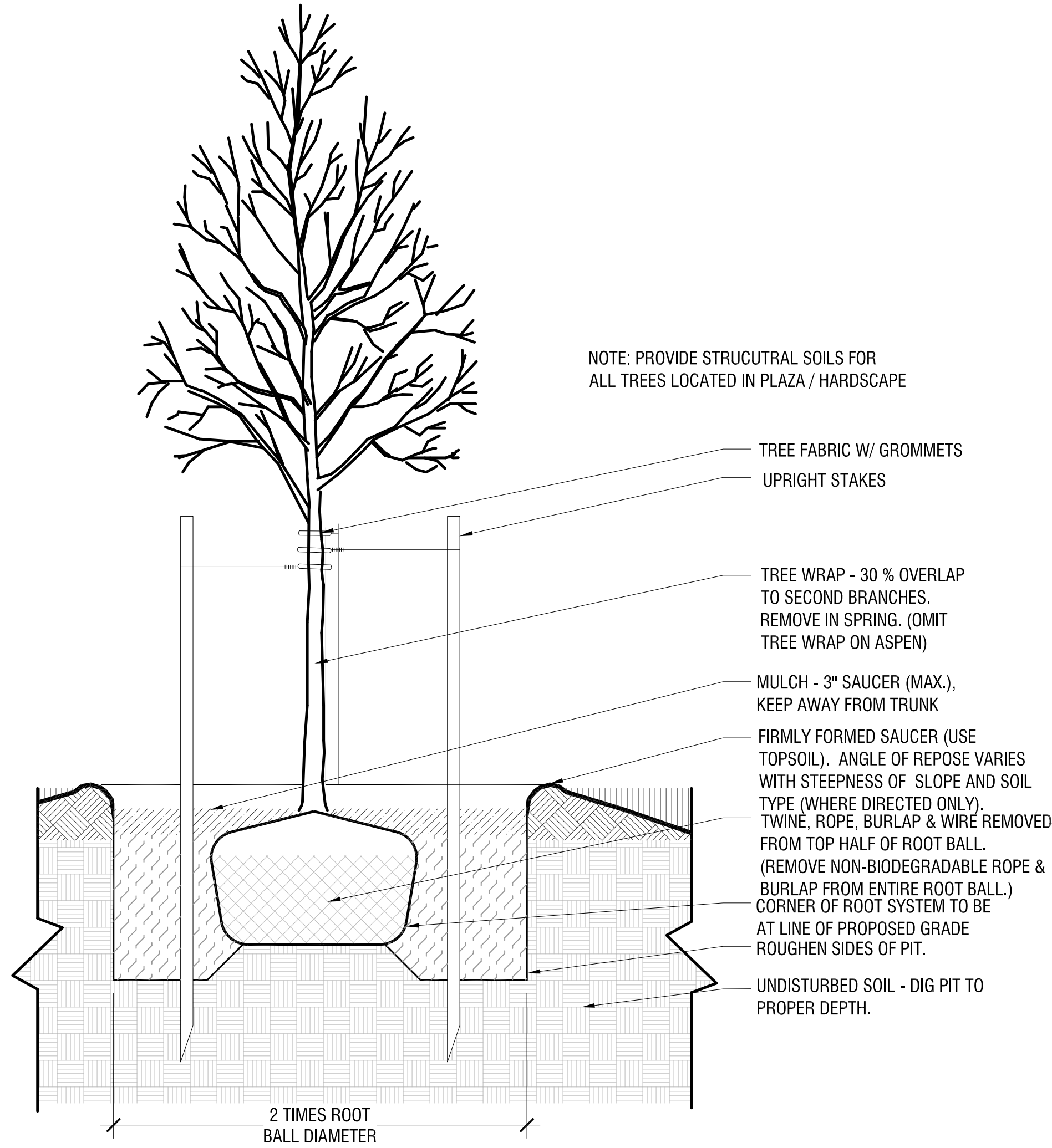
SHEET INFORMATION

L 4-01

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

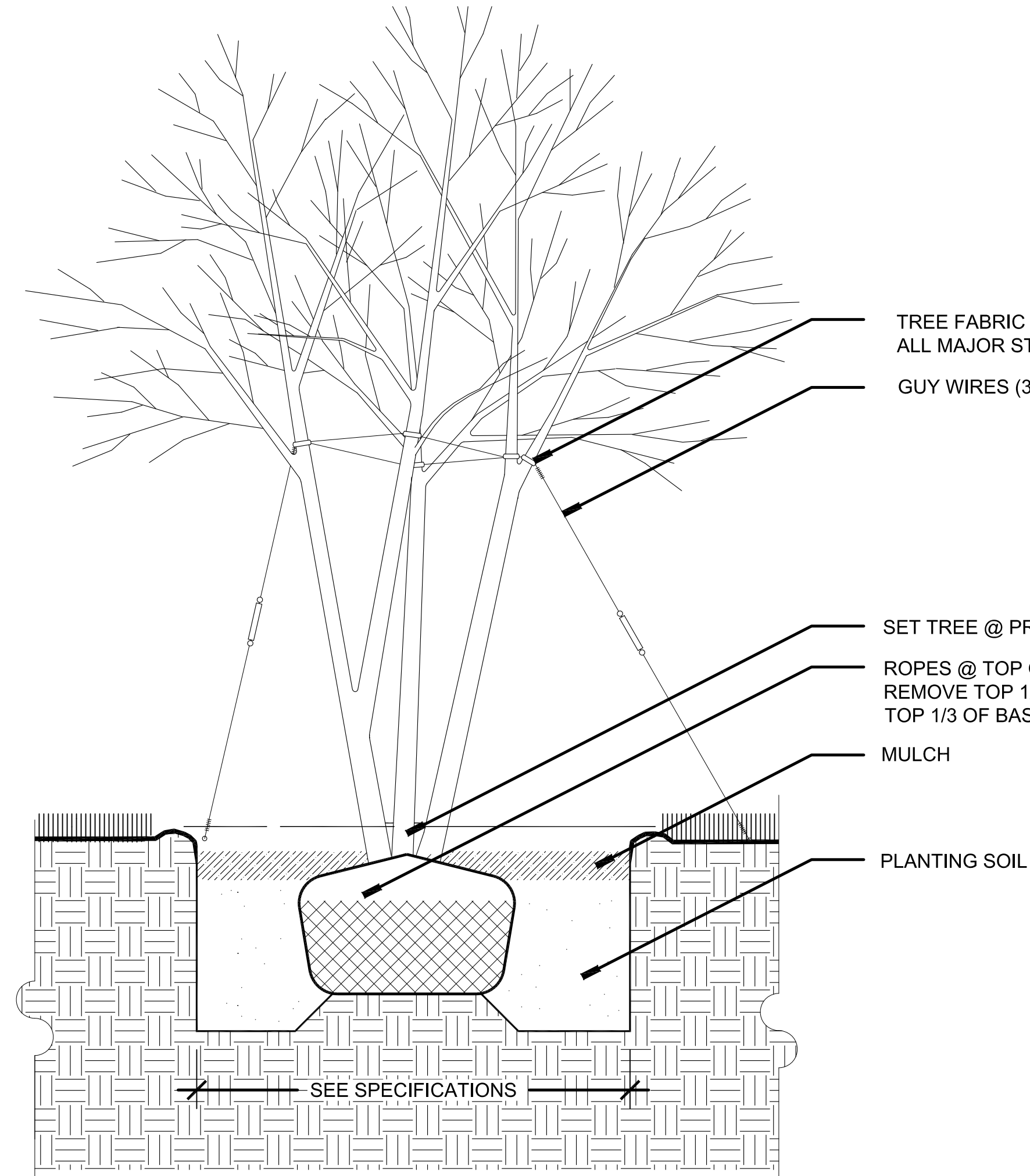
SITE KEYNOTES:

1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0	RAILINGS, BARRIERS, FENCING	DETAIL / SHEET
1.1	PAVERS - TBD	1/L4-00	6.1	HANDRAIL	1/L4-01
2.0	JONTING		7.0	SITE LIGHTING	
X.X	NOT USED AT THIS TIME	X/XX-XX	BY OTHERS		
3.0	STEPS		8.0	DRAINAGE	
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	X.X	NOT USED AT THIS TIME	X/XX-XX
4.0	SITE WALLS/ EMBANKMENTS		9.0	PLANTING AND LANDSCAPE	
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.1	DECIDUOUS TREE PLANTING	1/L4-02
4.2	WEATHERED STEEL WALL	2/L4-00	9.2	MULTI-STEM TREE PLANTING	2/L4-02
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.3	SHRUB PLANTING	3/L4-02
5.0	SITE FURNITURE		9.4	PERENNIAL PLANTING	4/L4-02
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	9.5	STEEL EDGING	5/L4-02
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.0	MISCELLANEOUS ELEMENTS	
			10.1	BIKE RACK - STREETLIFE Co/Ten	1/L4-04
			10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18"	2/L4-04
			10.3	TREE GRILLE - STREETLIFE 5' x 5'	2/L4-04
			10.4	TREE GRATE - NENNAH MODEL R-8810	3/L4-04
			10.5	WASTE DISPOSAL CONTAINERS	1/L4-05



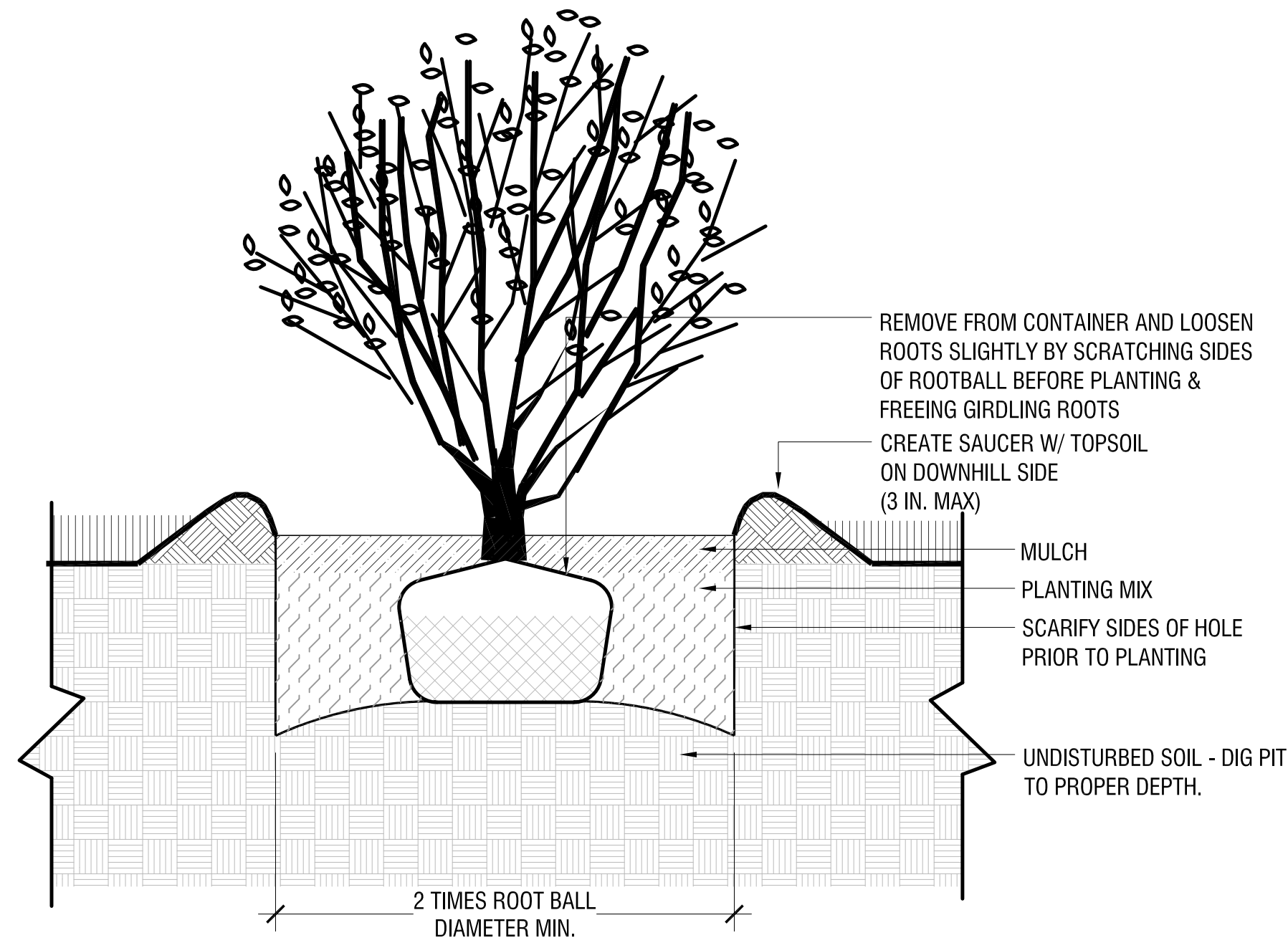
1 DECIDUOUS TREE PLANTING
1":1'-0"

9.1



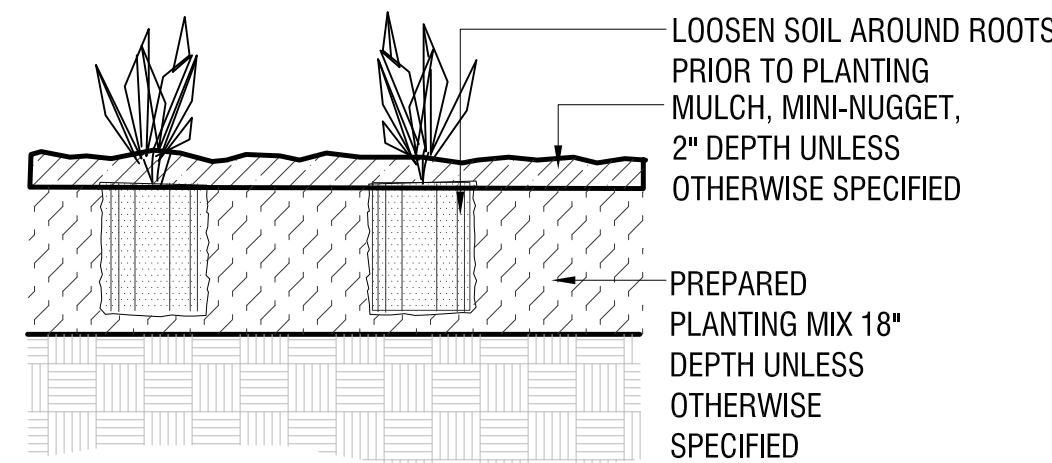
2 MULTI-STEM TREE PLANTING
1":1'-0"

9.2



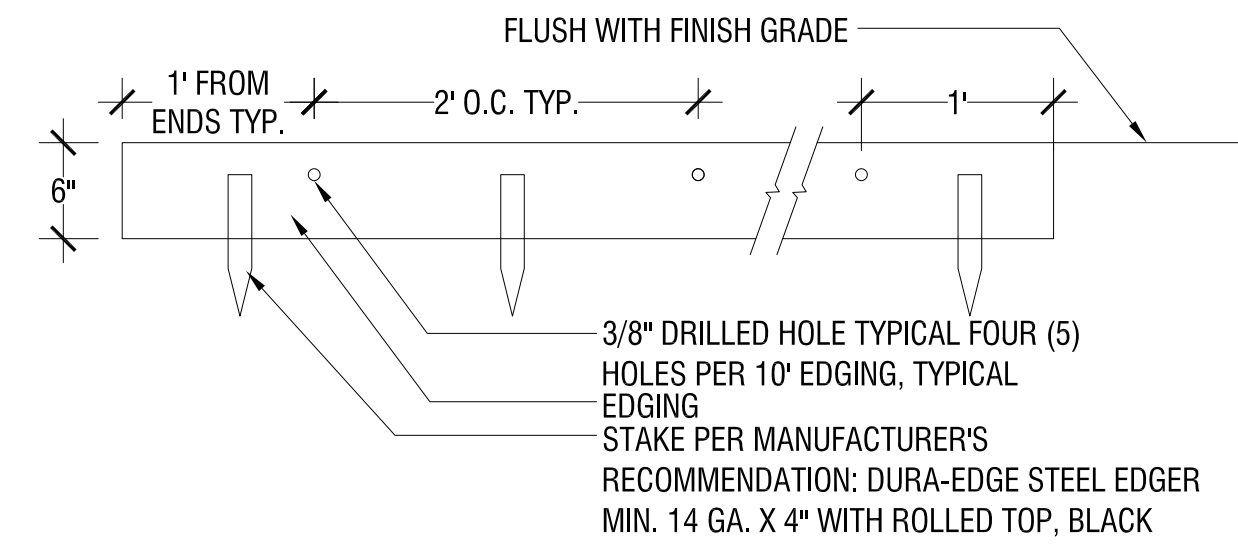
3 SHRUB PLANTING
1":1'-0"

9.3



4 PERENNIAL PLANTING
1":1'-0"

9.4



5 STEEL EDGING
1":1'-0"

9.5

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

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ISSUE DATE

LEVEL III SITE PLAN
SEPTEMBER 10, 2020

SHEET TITLE

PLANTING DETAILS

SHEET INFORMATION

L 4-02

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

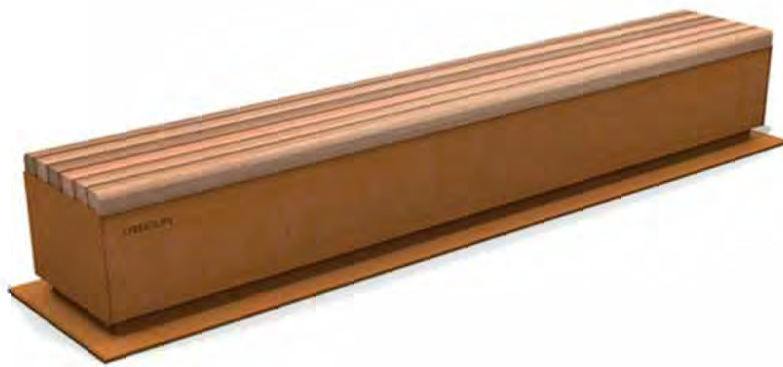
SITE KEYNOTES:			
1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0 RAILINGS, BARRIERS, FENCING
1.1	PAVERS - TBD	1/L4-00	6.1 HANDRAIL
			1/L4-01
2.0	JOINTING		7.0 SITE LIGHTING
X.X	NOT USED AT THIS TIME	X/XX-XX	BY OTHERS
			8.0 DRAINAGE
3.0	STEPS		X.X NOT USED AT THIS TIME
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	X/XX-XX
4.0	SITE WALLS/ EMBANKMENTS		9.0 PLANTING AND LANDSCAPE
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.1 DECIDUOUS TREE PLANTING
4.2	WEATHERED STEEL WALL	2/L4-00	9.2 MULTI-STEM TREE PLANTING
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.3 SHRUB PLANTING
			9.4 PERENNIAL PLANTING
			9.5 STEEL EDGING
5.0	SITE FURNITURE		10.0 MISCELLANEOUS ELEMENTS
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	10.1 BIKE RACK - STREETLIFE CorTen
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.2 TREE GRILLE - STREETLIFE CUSTOM 5' X 18"
			10.3 TREE GRILLE - STREETLIFE 5' x 5'
			10.4 TREE GRATE - NENNAH MODEL R-8810
			10.5 WASTE DISPOSAL CONTAINERS
			1/L4-04
			2/L4-04
			2/L4-04
			3/L4-04
			4/L4-02
			5/L4-02
			1/L4-05

Product Sheet

Solid San Marco Seats

STREETLIFE®

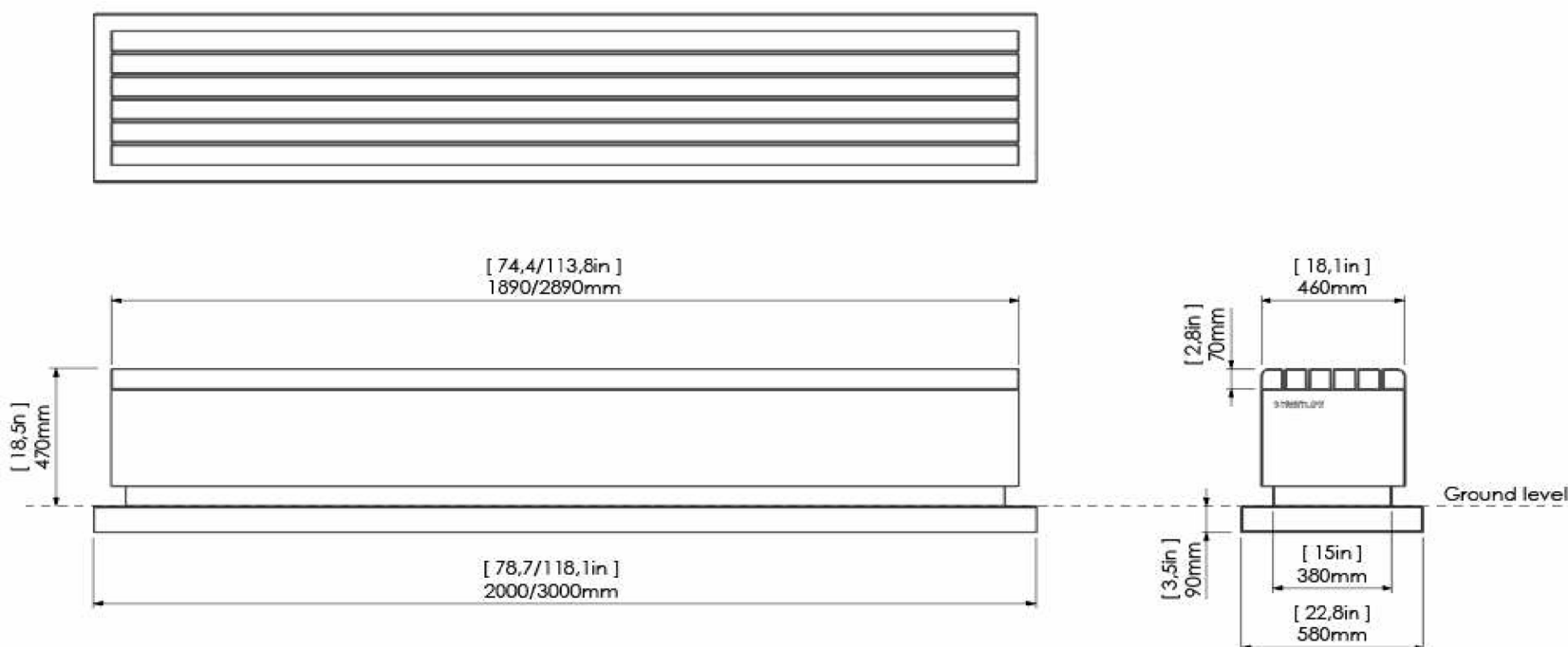
Bench with 6 wooden slats on a weathering steel base



Product Code	SOL-SAM-L6-200-CT SOL-SAM-L6-300-CT	
Dimensions	ca. 189/200x46/58x47 cm (l1/l2xw1/w2xh)	7' LENGTH
	ca. 289/300x46/58x47 cm (l1/l2xw1/w2xh)	10' LENGTH
Material	Steel base: laser cut structure, made of CorTen steel (weathering steel) ca. 4mm 0,16" thick	
	Seat: timber FSC® 100% Hardwood (Cumaru)	
	Slats dim. 70x70mm 2.8x2.8"	
Optional	Double powder coating in TwoTone CorTen, a coating with a CorTen look	
Delivery	Ground base, bench with seating and mounting tools separate	

Installation

The ground base can be installed flush with the ground level. The seating element can be installed on top of the base. The standard depth of the base below ground level is 9cm | 3,5".



*General dimensions, metric units are leading

Design: Streetlife
Protected by int. Modeldepos & Patents

1

BENCH
N.T.S.

5.1

2

SURF ISLES
N.T.S.

Product Sheet

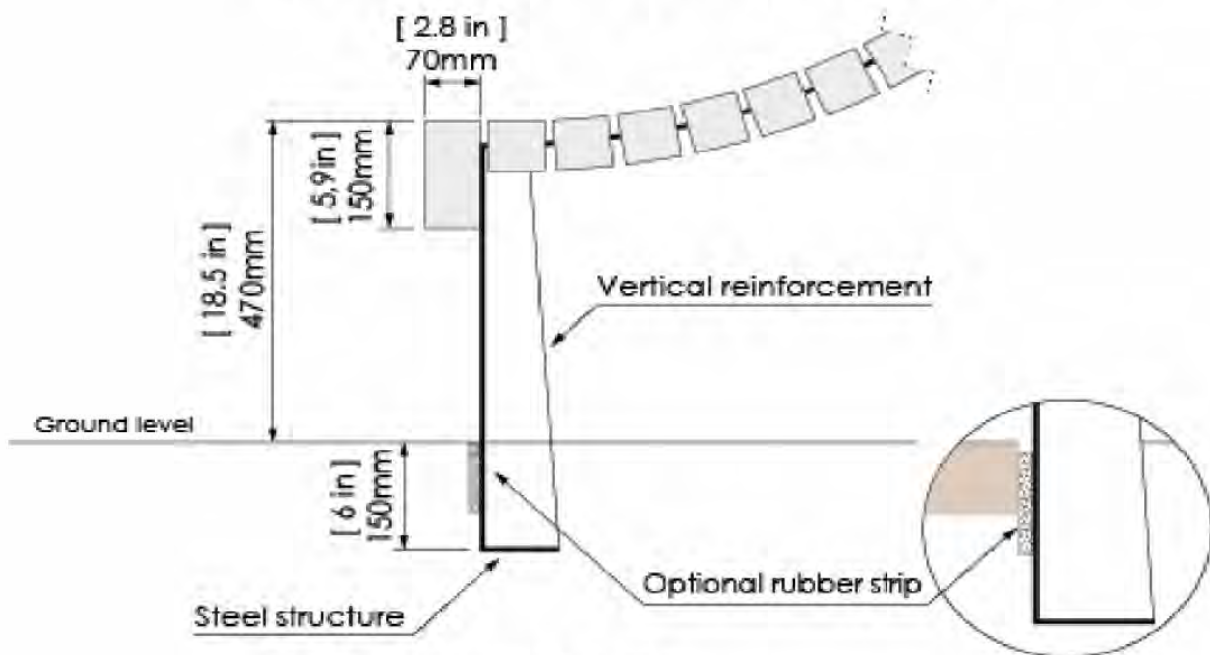
Surf Isle

STREETLIFE®

Timber and steel seating platform modular system, in general for root-fixed installation
(ca. 150mm deep into paving/soil)

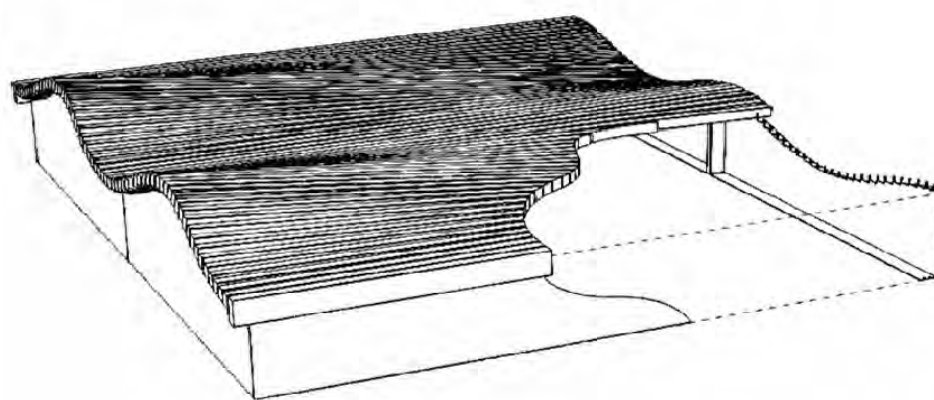


Product Code	SI-Custom-CT / SI-Custom-PC
Dimensions	Custom dimensions, max single span 3m. (when wider staggered joints and additional supports) Degree of curvature to be agreed in consultation
Material	Wall section: laser cut comb-structure, made of corten steel (weathering steel) 4mm thick
	Timber: Untreated FSC® 100% Cumaru hardwood Solid Slats dim. 70x70mm with 8mm spacing End slats dim. 150x70mm
Optional	Double powder coating finish in RAL colour
Rendering	
Installation	The construction does not required separate foundation. The standard depth of the wall below ground level is 15cm 6". A semi-permeable rubber strip can be installed around the steel wall to prevent rust stains on the pavement.
	The product will be delivered in pre-assembled modules (typically ca. 300cm 118"), to be bolted together on site.



*Metric units are leading

Design: Streetlife
Protected by int. Modeldepos & Patents



5.2

ALA
ACETO LANDSCAPE ARCHITECTS
207 221 3390 | ACETOLA.COM

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS	DATE

ISSUE DATE

LEVEL III SITE PLAN
SEPTEMBER 10, 2020

SHEET TITLE

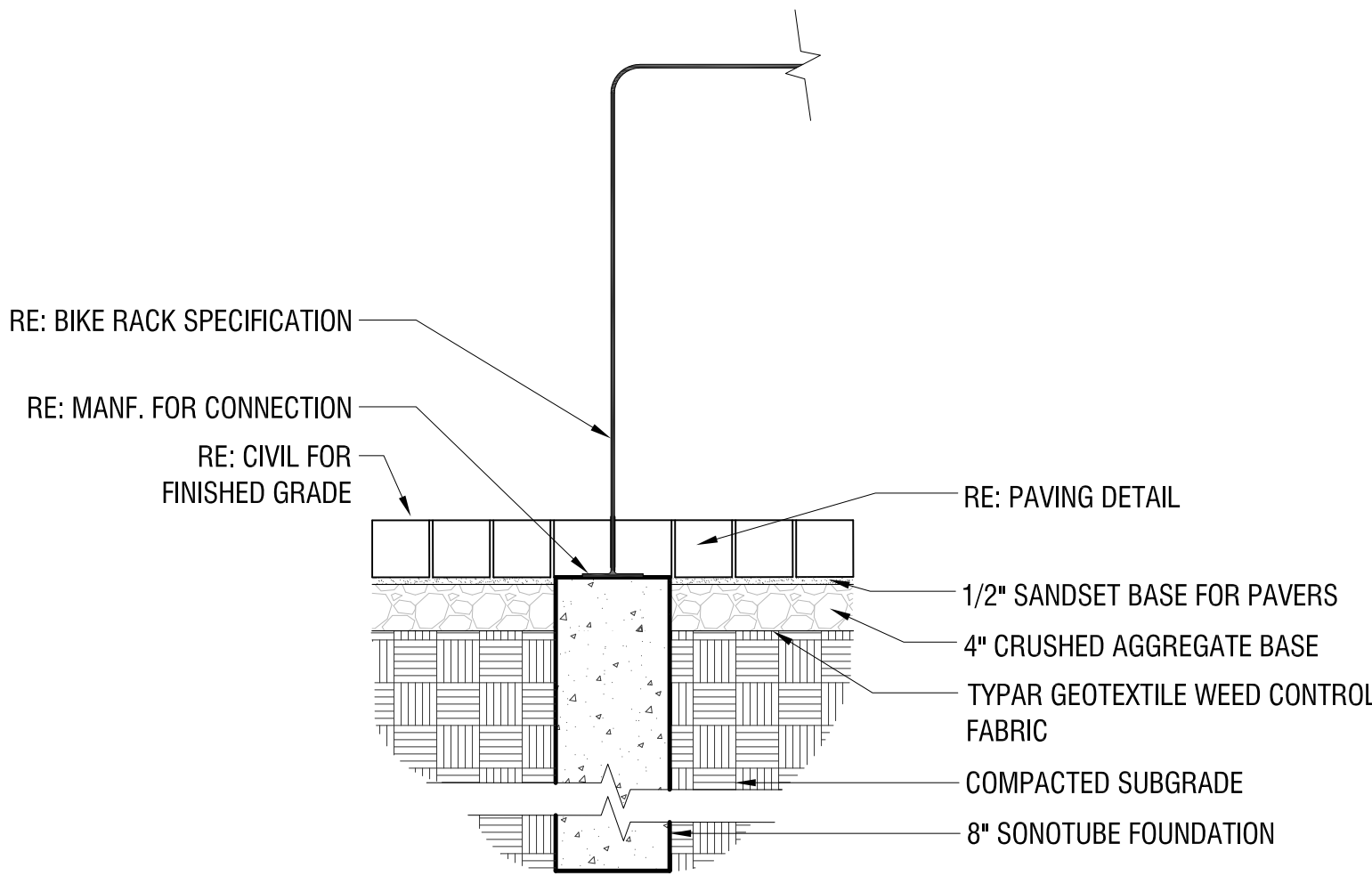
SITE FURNISHINGS

SHEET INFORMATION

L 4-03

SITE KEYNOTES:									
1.0	PAVEMENTS, RAMPS, CURBS		DETAIL / SHEET		6.0	RAILINGS, BARRIERS, FENCING		DETAIL / SHEET	
1.1	PAVERS - TBD		1/L4-00		6.1	HANDRAIL		1/L4-01	
2.0	JOINTING				7.0	SITE LIGHTING			
	XX NOT USED AT THIS TIME		X/XX-XX		8.0	DRAINAGE			
3.0	STEPS				X.X	NOT USED AT THIS TIME		X/XX-XX	
3.1	MASONRY STEPS - FINISH TBD		2/L4-01		9.0	PLANTING AND LANDSCAPE			
4.0	SITE WALLS/ EMBANKMENTS				9.1	DECIDUOUS TREE PLANTING		1/L4-02	
	4.1 MASONRY WALL - FINISH TBD		3/L4-00		9.2	MULTI-STEM TREE PLANTING		2/L4-02	
	4.2 WEATHERED STEEL WALL		2/L4-00		9.3	SHRUB PLANTING		3/L4-02	
	4.3 TIERED SEATING - FINISH TBD		X/LX-XX		9.4	PERENNIAL PLANTING		4/L4-02	
					9.5	STEEL EDGING		5/L4-02	
5.0	SITE FURNITURE				10.0	MISCELLANEOUS ELEMENTS			
	5.1 BENCH - STREETLIFE SOLID SAN MARCO SEATS		1/L4-03		10.1	BIKE RACK - STREETLIFE CorTen		1/L4-04	
	5.2 SURF ISLES - STREETLIFE		2/L4-03		10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18"		2/L4-04	
					10.3	TREE GRILLE - STREETLIFE 5' x 5'		2/L4-04	
					10.4	TREE GRATE - NENNAH MODEL R-8810		3/L4-04	
					10.5	WASTE DISPOSAL CONTAINERS		1/L4-05	

STREETLIFE®



- NOTES:
- SONOTUBE FOOTING TO BE 4 FT. DEPTH OR BELOW FROST LINE, WHICHEVER IS GREATER

1

BIKE RACK
N.T.S.

10.1

2

TREE GRILLE
N.T.S.

10.2

10.3

3

TREE GRATE
N.T.S.

10.4

Product Sheet

Tree Grille Strips

STREETLIFE®

CorTen steel (weathering steel) tree grid incl. laser cut (standard or bespoke) pattern incl. ground level support frame



Product Code

TGR-CUSTOM

Dimensions

In consultation with client 18' LENGTH x 5' WIDTH ; 4.91' LENGTH X 4.91' WIDTH

Material

Steel: 8mm thick untreated CorTen steel (weathering steel)

Optional extras

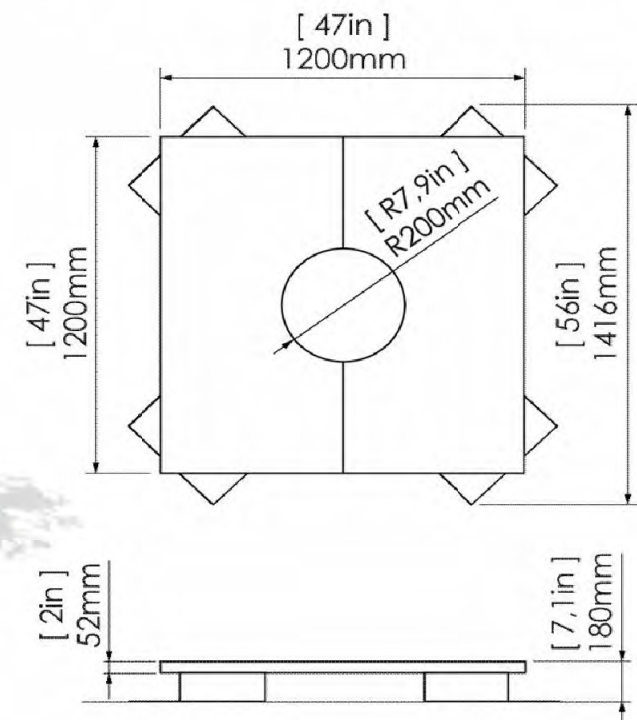
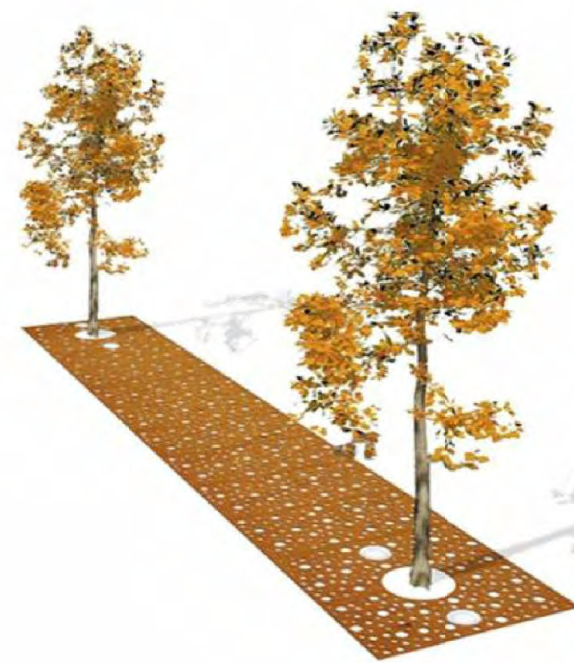
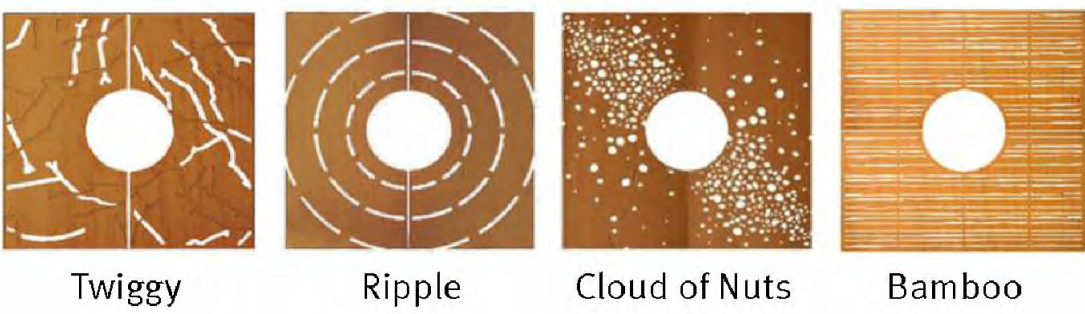
Tree guard, round or square
Tree hole

Delivery

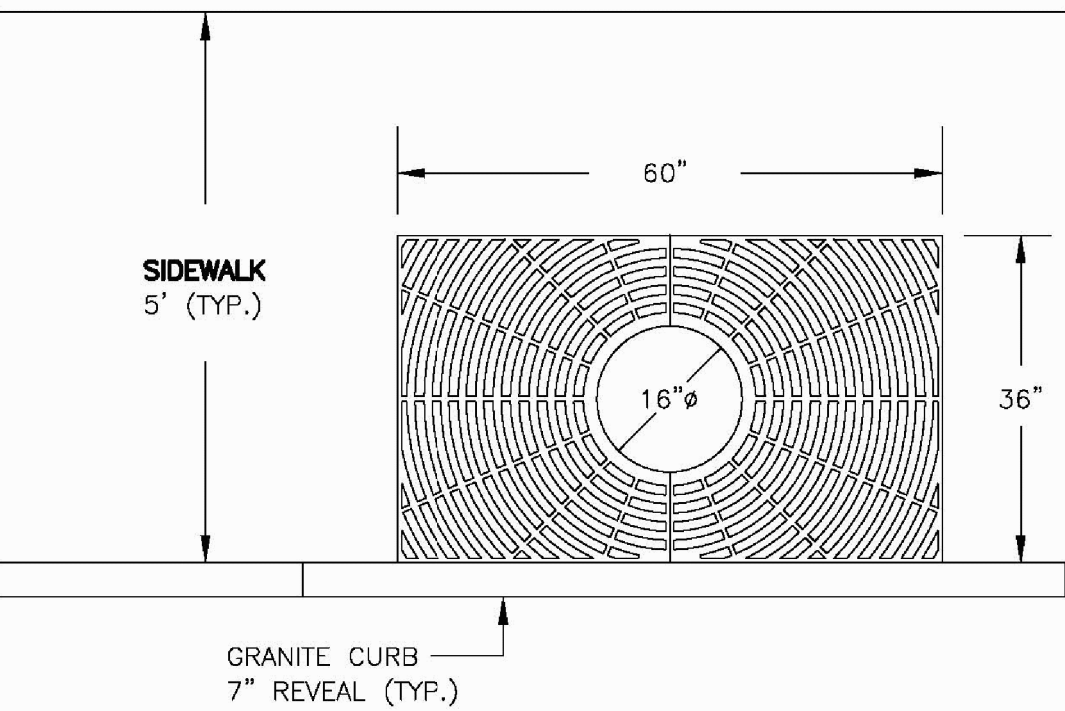
Frame, grid and mounting tools separate (knock down)

Handling instructions

Corten steel can be handled without wearing protective gear, however it can leave rust stains, which are not hazardous as such.



NOTES:
16"Ø EXPANDABLE TREE OPENING. 0.25" SLOT OPENINGS.
SIDEWALK MATERIAL PER CITY SIDEWALK MATERIAL POLICY.
WHEN THE TREE GRATE IS INSTALLED IN A CONCRETE SIDEWALK, A NOTCH MUST BE INSTALLED ALONG THE EDGE TO HOLD THE GRATE, WHEN INSTALLED IN A BRICK SIDEWALK IT REQUIRES A FRAME TO BE INSTALLED TO HOLD THE GRATE IN PLACE.



PLAN VIEW

EXPANDABLE TREE GRATE
NEENAH MODEL R-8810

NOT TO SCALE

<http://www.nfco.com/files/curbs/TreGratesCatalog22/venue.pdf>

DATE:
MARCH 2011
REVISED:

CITY OF PORTLAND, MAINE
TECHNICAL STANDARDS MANUAL

STDS FOR LANDSCAPING
AND PRESERVATION OF
EXISTING VEGETATION
SECTION IV

FIGURE:

EXPANDABLE TREE GRATE FOR

IV-4A

ALA
ACETO LANDSCAPE ARCHITECTS
207 221 3390 | ACETOLA.COM

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS

DATE

ISSUE DATE

LEVEL III SITE PLAN
SEPTEMBER 10, 2020

SHEET TITLE

SITE FURNISHINGS

SHEET INFORMATION

L 4-04

SITE KEYNOTES:					
1.0	PAVEMENTS, RAMPS, CURBS	DETAIL / SHEET	6.0	RAILINGS, BARRIERS, FENCING	DETAIL / SHEET
1.1	PAVERS - TBD	1/L4-00	6.1	HANDRAIL	1/L4-01
2.0	JOINTING		7.0	SITE LIGHTING	
X.X	NOT USED AT THIS TIME	X/XX-XX		BY OTHERS	
3.0	STEPS		8.0	DRAINAGE	
3.1	MASONRY STEPS - FINISH TBD	2/L4-01	X.X	NOT USED AT THIS TIME	X/XX-XX
4.0	SITE WALLS/ EMBANKMENTS		9.0	PLANTING AND LANDSCAPE	
4.1	MASONRY WALL - FINISH TBD	3/L4-00	9.1	DECIDUOUS TREE PLANTING	1/L4-02
4.2	WEATHERED STEEL WALL	2/L4-00	9.2	MULTI-STEM TREE PLANTING	2/L4-02
4.3	TIERED SEATING - FINISH TBD	X/LX-XX	9.3	SHRUB PLANTING	3/L4-02
			9.4	PERENNIAL PLANTING	4/L4-02
			9.5	STEEL EDGING	5/L4-02
5.0	SITE FURNITURE		10.0	MISCELLANEOUS ELEMENTS	
5.1	BENCH - STREETLIFE SOLID SAN MARCO SEATS	1/L4-03	10.1	BIKE RACK - STREETLIFE CorTen	1/L4-04
5.2	SURF ISLES - STREETLIFE	2/L4-03	10.2	TREE GRILLE - STREETLIFE CUSTOM 5' X 18'	2/L4-04
			10.3	TREE GRILL (E - STREETLIFE 5' x 5'	2/L4-04
			10.4	TREE GRATE - NENNAH MODEL R-8810	3/L4-04
			10.5	WASTE DISPOSAL CONTAINERS	1/L4-05

STREETLIFE®

Product Sheet

Box Bins Extra Slim

Waste disposal container in powder coated steel



Product Code

BB-S40-PC / BB-S40-CD-PC

Dimensions

ca.40×40×97 cm | 16×16×38 inches (l×w×h)
Volume ca. 120 liter | 3,3 cu.ft

Weight

41 kg / 90 lbs

Material

Walls: laser cut weathering steel finished in a double powder coating
Lid: ~~stainless steel~~ or weathering steel incl. lock

Optional

Steel walls with Casual Dots pattern (CD in product code)
Lid with Casual Dots Pattern
~~Raincover with opening~~, in stainless steel or ~~weathering steel~~

Delivery

Fully assembled

Cleaning & Maintenance

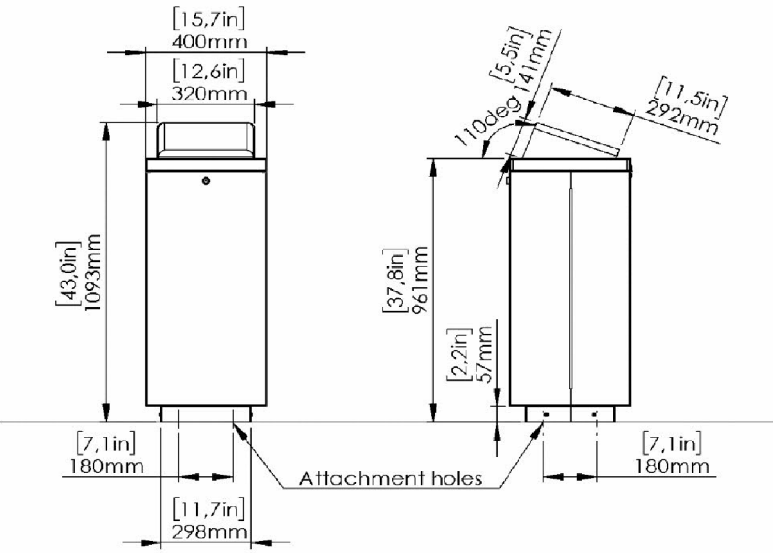
Powder coated steel: maintenance free, cleaning with clear water and brush or high pressure water cleaner

Rendering



Installation

The product can be surface mounted with 4 bolts from the inside to pavement on a concrete foundation block



*Metric units are leading
Design: Streetlife
Protected by int. Modeldepots & Patents

SEAL

PROJECT TITLE

MERCY
144 STATE STREET
PORTLAND, ME

PREPARED FOR

REVISIONS	DATE

ISSUE DATE

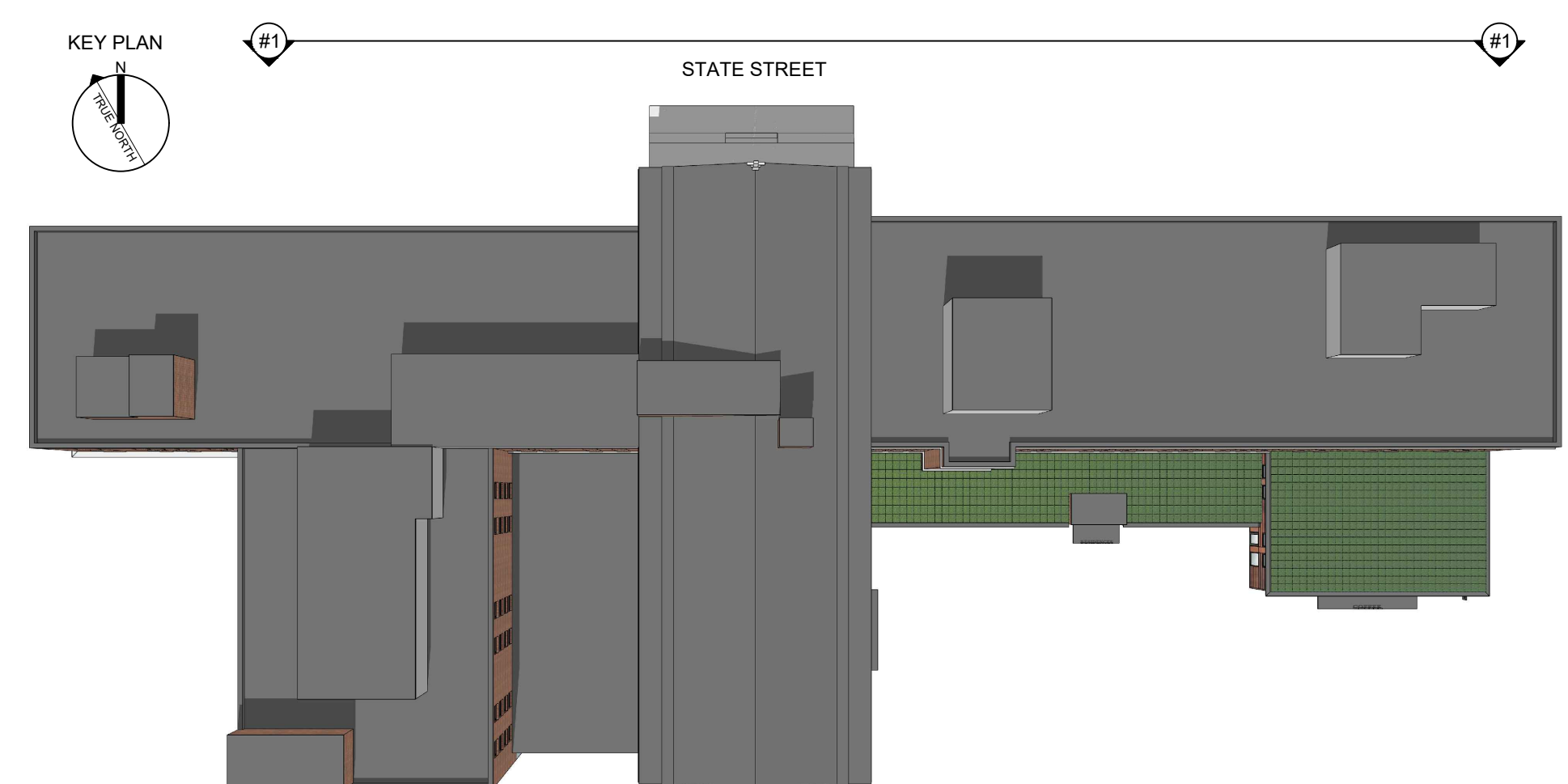
LEVEL III SITE PLAN
SEPTEMBER 10, 2020

SHEET TITLE

SITE FURNISHINGS

SHEET INFORMATION

L 4-05



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RESIDENCES AT MERCY HOSPITAL
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PORTLAND, MAINE 04101
207-767-5599
senatore@rsaarchitecture.com

CONSULTANTS:

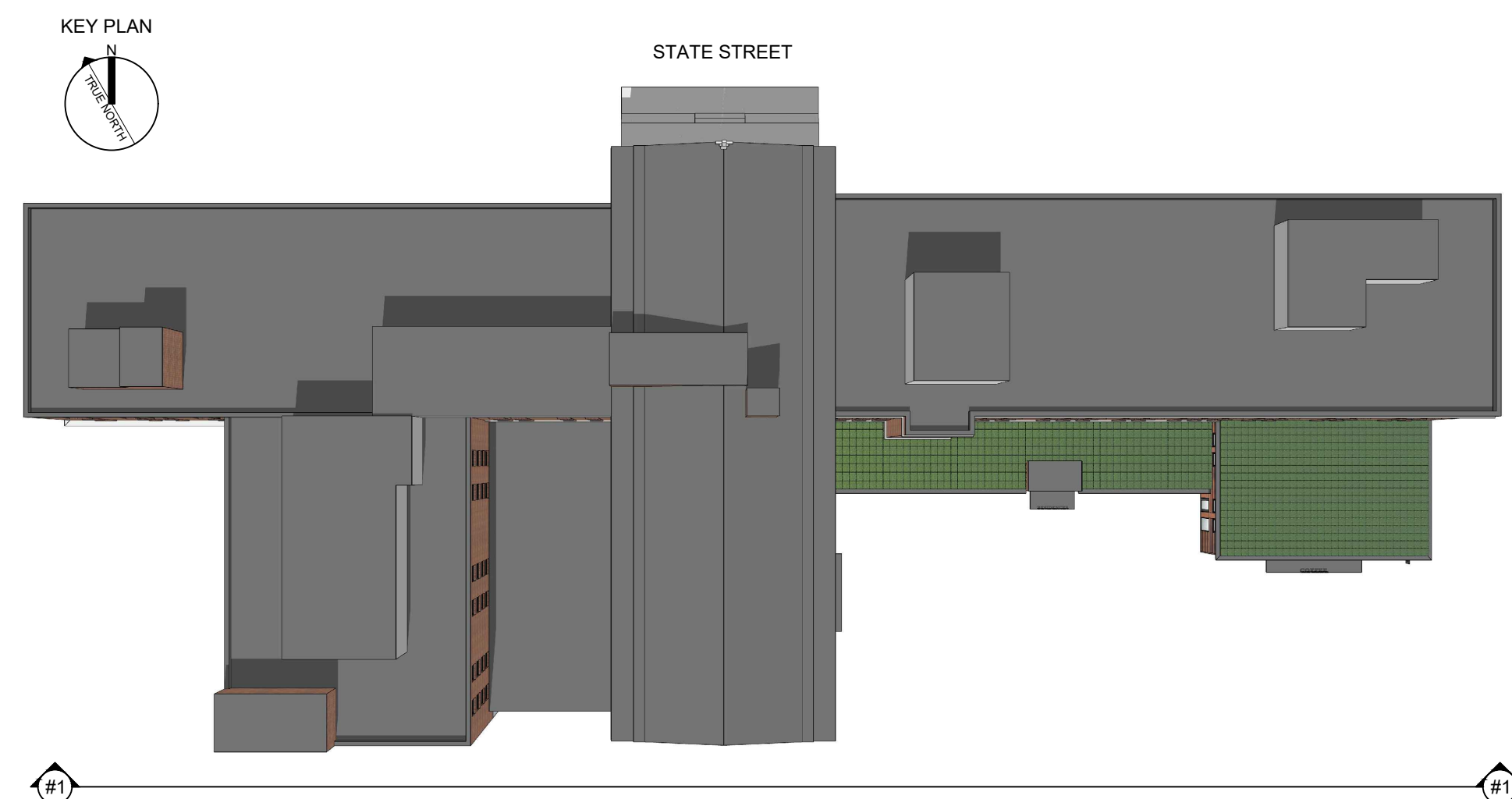
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10-09-2020*

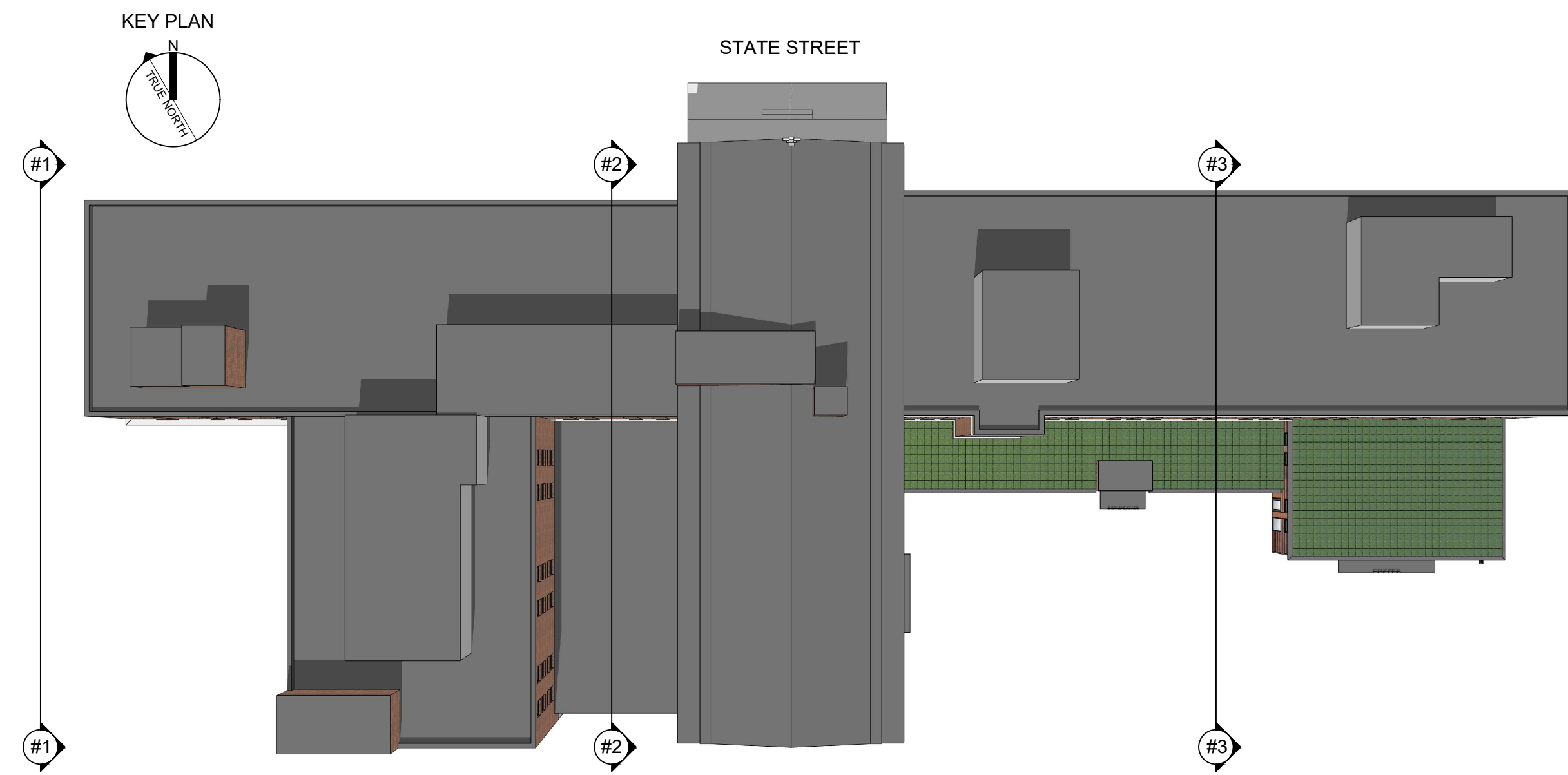
DATE:
PROJECT No. 2051
DRAWN BY: RRT, RJS, JPF
CHECKED BY: RJS
SCALE: AS NOTED
SHEET TITLE:
NORTH ELEVATION

1



1 SOUTH ELEVATION
1/8\" = 1'-0"





1 EAST ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"

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STATE STREET
PORTLAND, MAINE

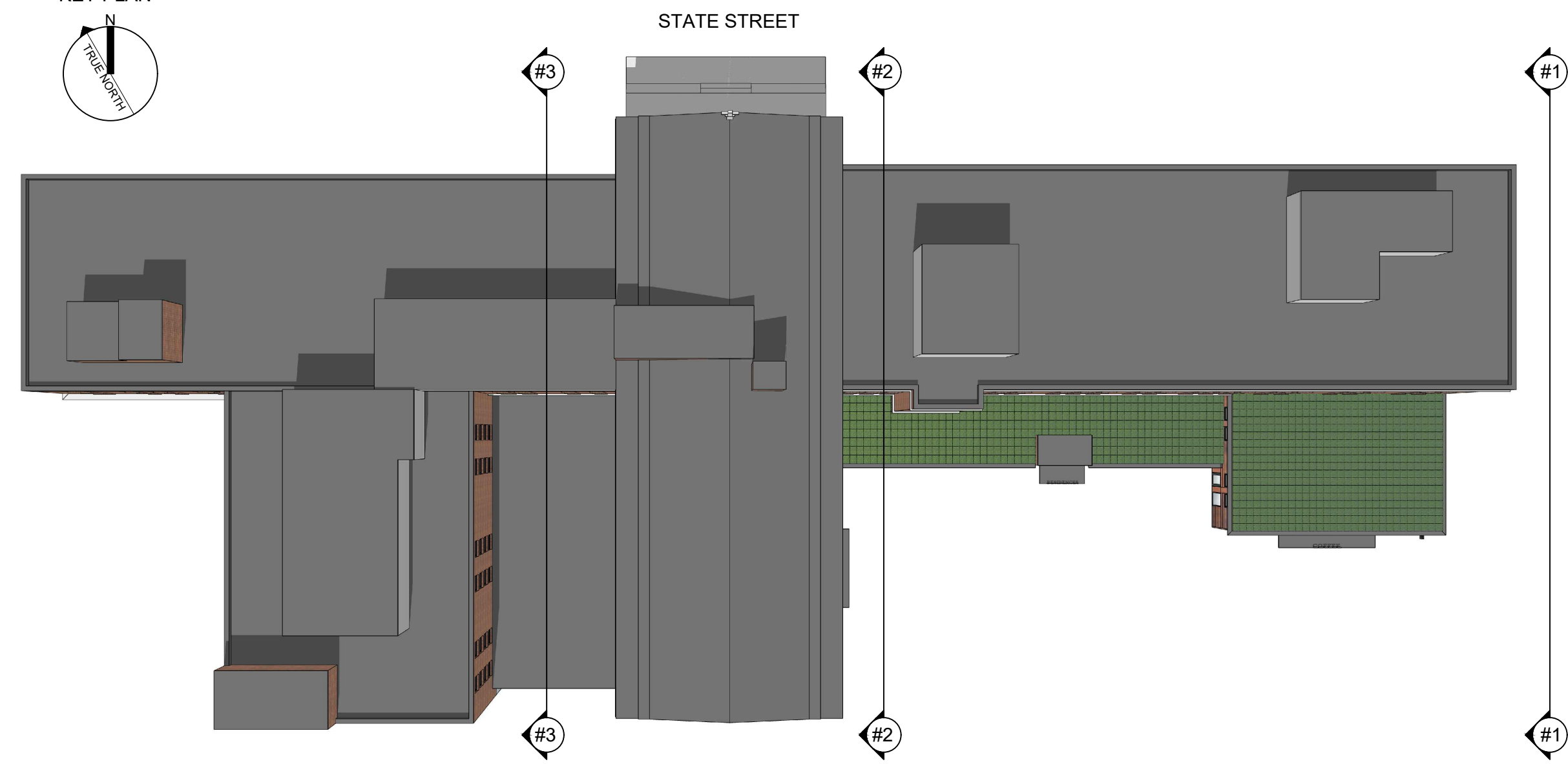
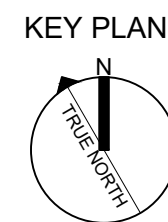
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DATE:
PROJECT No: 2051
DRAWN BY: RRT, RJS, JPF
CHECKED BY: RJS
SCALE: AS NOTED
SHEET TITLE:
WEST ELEVATIONS



1 EAST ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



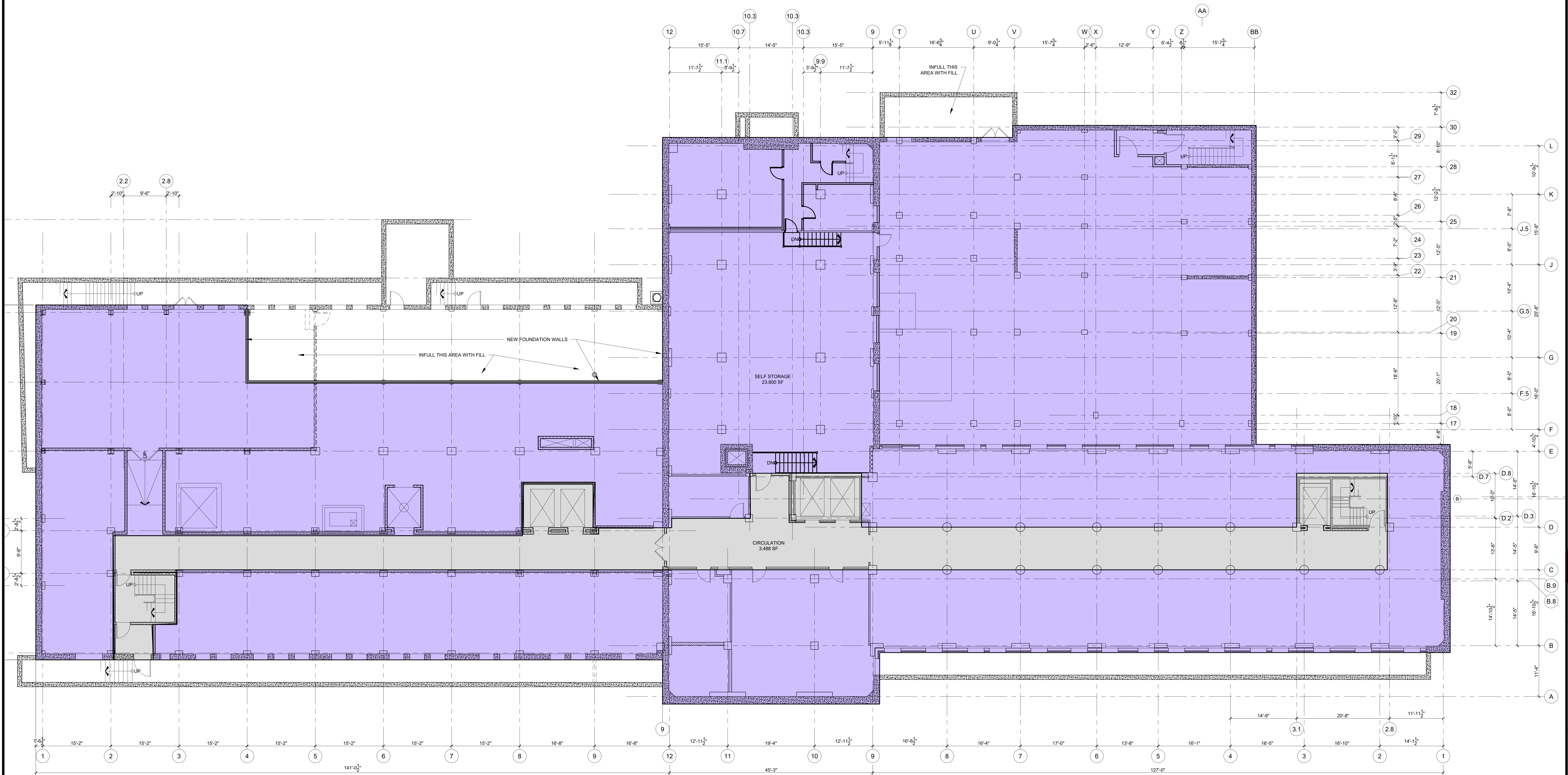
2 EAST ELEVATION
1/8" = 1'-0"



1 PERSPECTIVE VIEW 1
RJS



1 PERSPECTIVE VIEW



1 BASEMENT FLOOR PLAN
1/8" = 1'-0"

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REVISIONS:

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09.23.2020

DATE:

PROJECT No. 2051

DRAWN BY: RRT, RJS, JPF

CHECKED BY: RJS

SCALE: AS NOTED

SHEET TITLE:

BASEMENT

FLOOR PLAN

A-1-0B



1 GROUND FLOOR PLAN
1/8" = 1'-0"

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CONSULTANTS:

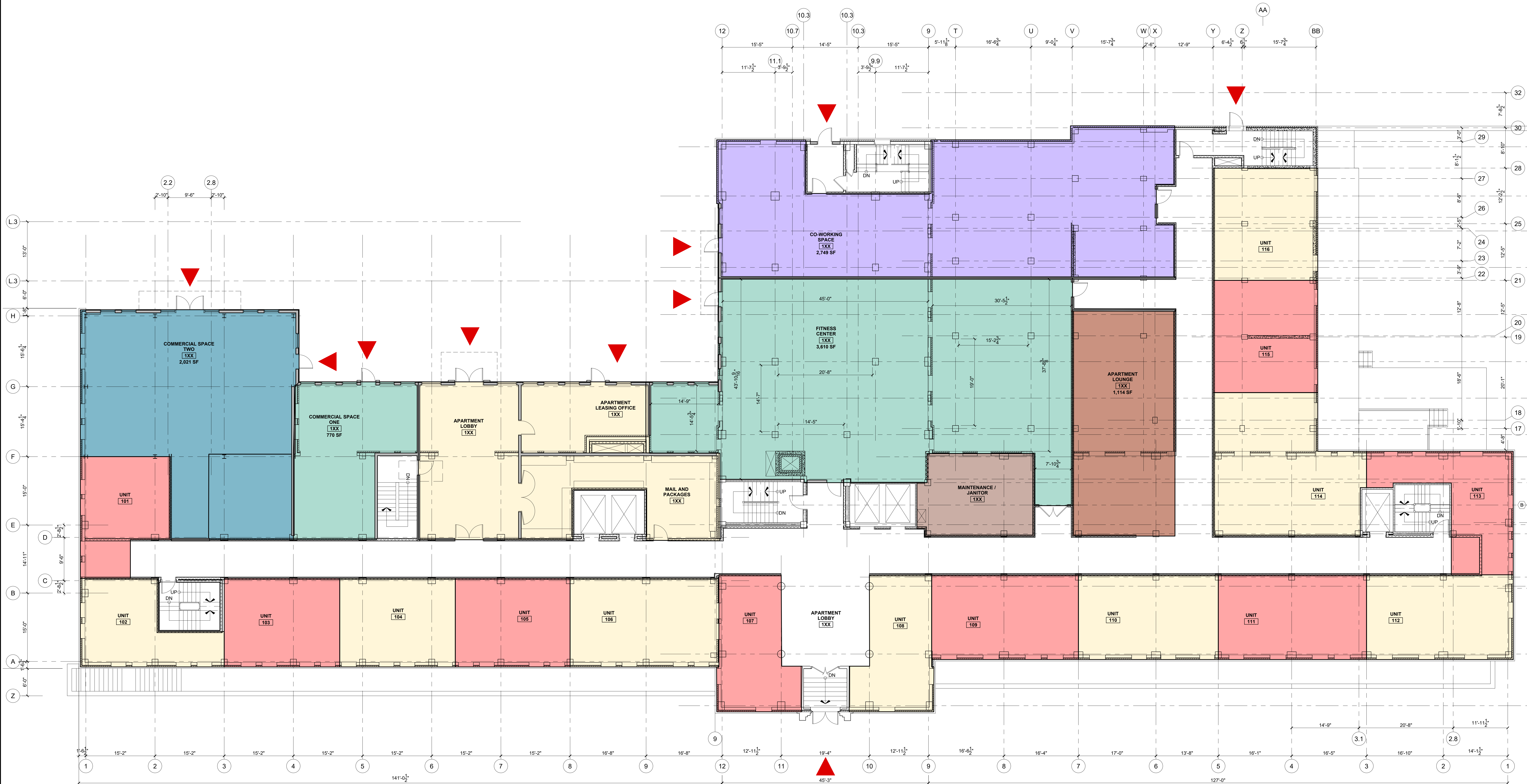
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DATE:
PROJECT No: 2051
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CHECKED BY: RJS
SCALE: AS NOTED
SHEET TITLE:
GROUND FLOOR
PLAN

A1-0

UNIT TABULATION			
	STUDIOS	ONE BEDROOM	TWO BEDROOM
BASEMENT			
GROUND FLOOR	0	8	1
FIRST FLOOR	6	11	
SECOND FLOOR	6	26	
THIRD FLOOR	6	24	
FOURTH FLOOR	6	24	
FIFTH FLOOR	6	24	
SIXTH FLOOR	5	13	
TOTALS	35	130	1
TOTAL UNITS			166



1 FIRST FLOOR PLAN
1/8" = 1'-0"

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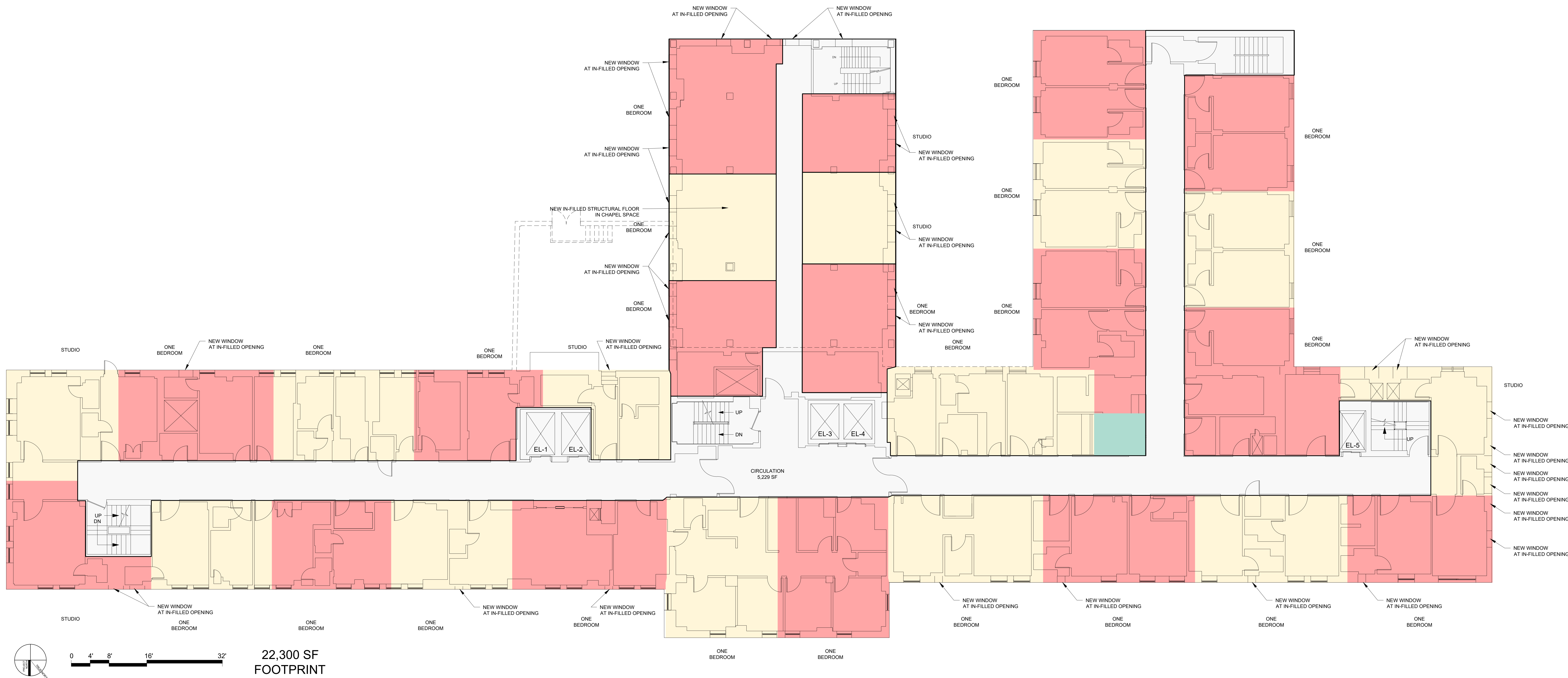
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DATE:
PROJECT No: 2051
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SCALE: AS NOTED
SHEET TITLE:
FIRST FLOOR
PLAN

A1-1











1 SIXTH FLOOR PLAN
1/8" = 1'-0"

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DATE:
PROJECT No: 2051
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CHECKED BY: RJS
SCALE: AS NOTED
SHEET TITLE:
SIXTH FLOOR
PLAN

A1-6

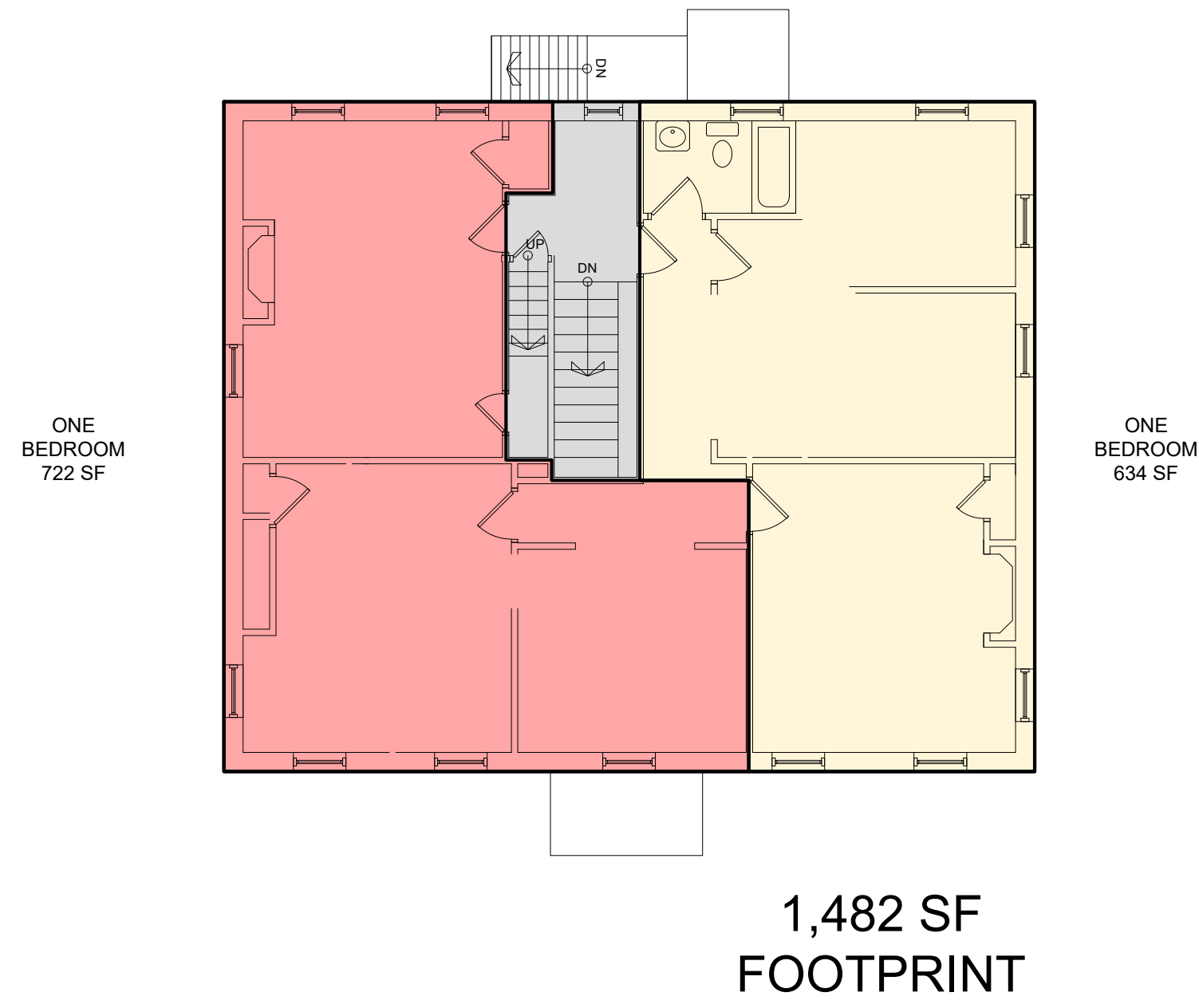




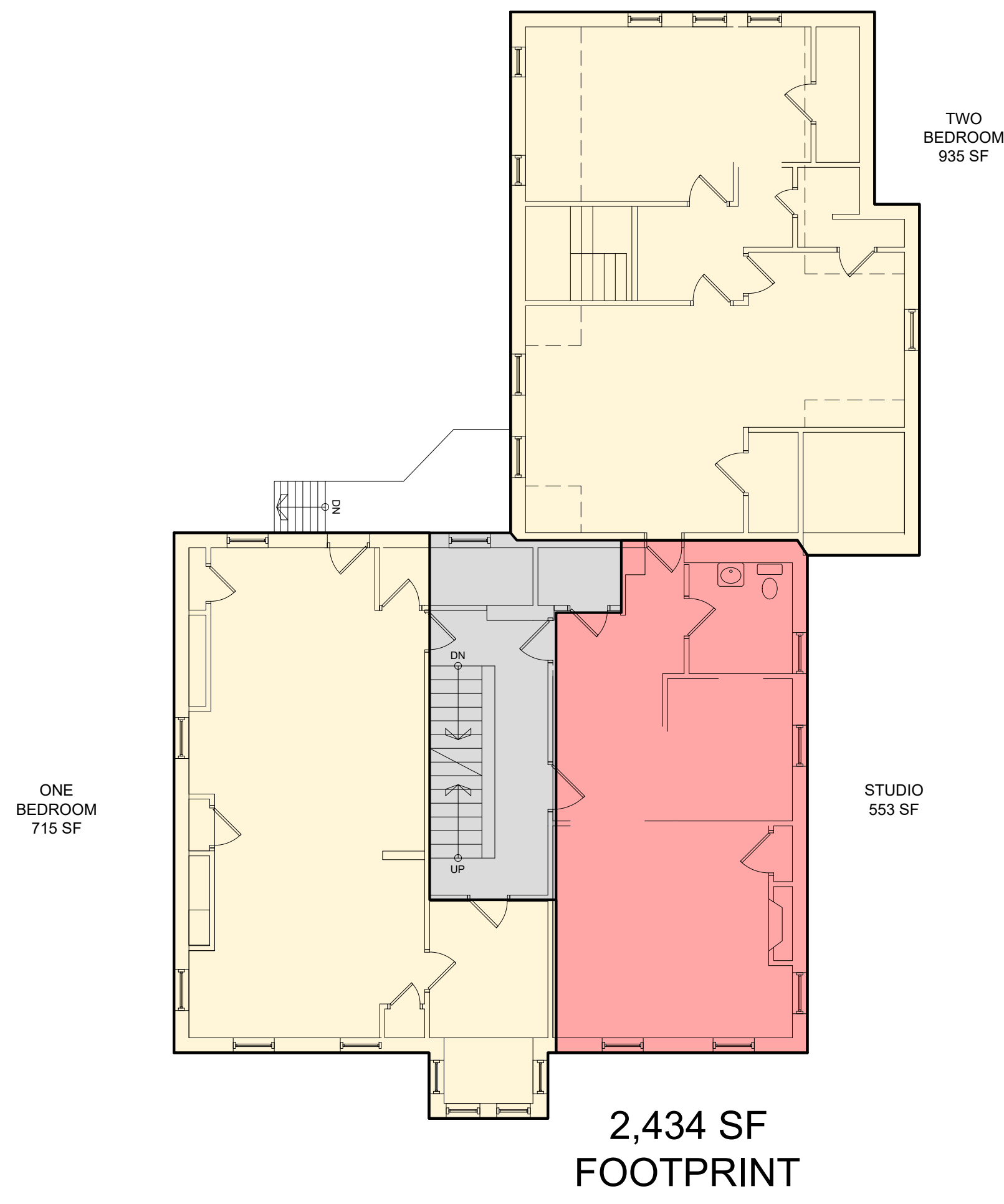




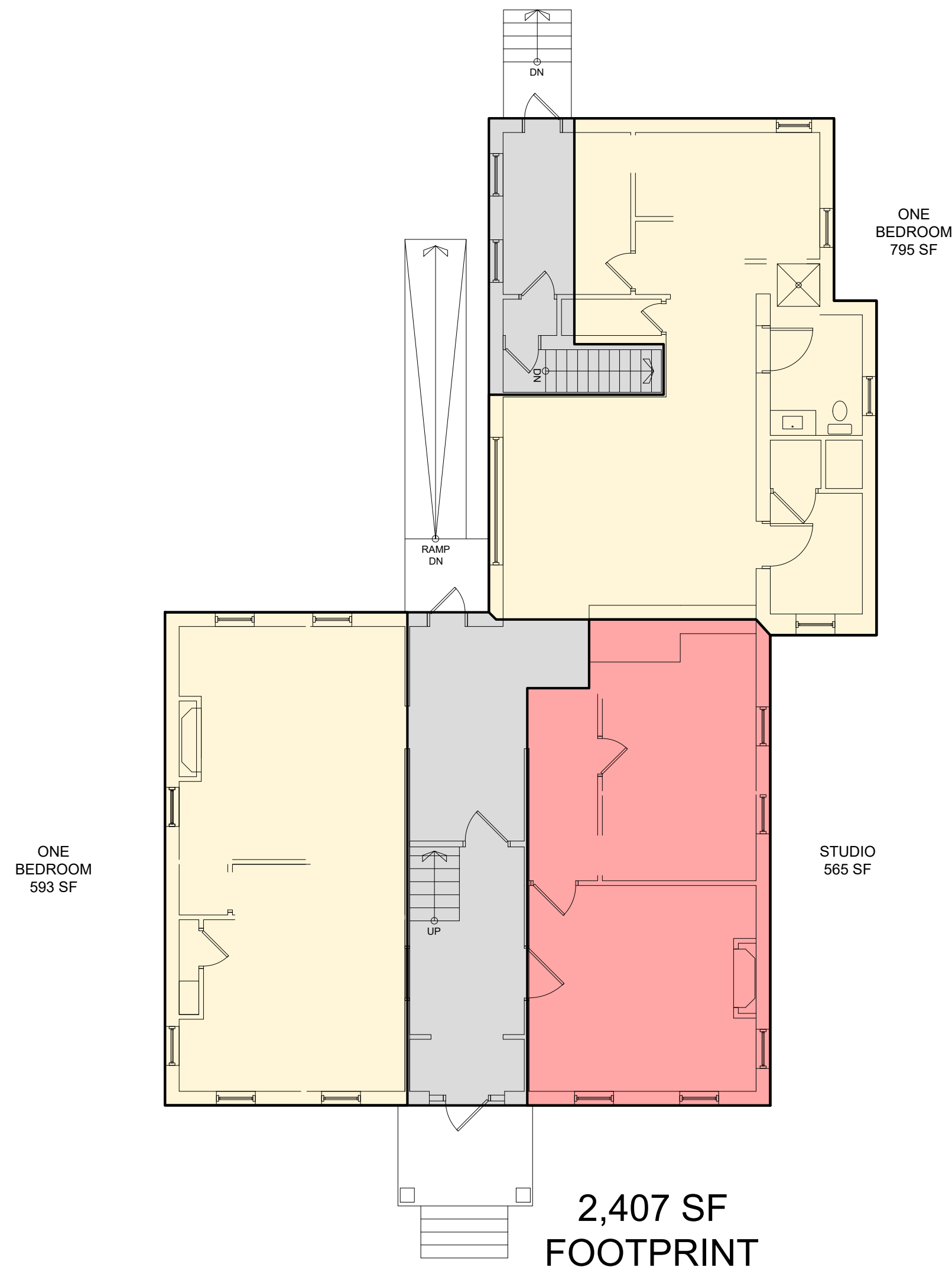




3 THIRD FLOOR PLAN
1/8" = 1'-0"



2 SECOND FLOOR PLAN
1/8" = 1'-0"



1 FIRST FLOOR PLAN
1/8" = 1'-0"

RESIDENCES AT MERCY HOSPITAL
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CONSULTANTS:

REVISIONS:

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09-23-2020

DATE:

PROJECT No: 1961

DRAWN BY: RRT, RJS, JPF

CHECKED BY: RJS

SCALE: AS NOTED

SHEET TITLE:
MORRISON
HOUSE FLOOR
PLANS

M1-0

PLANNING BOARD REPORT PORTLAND, MAINE

Zoning Text Amendment
385 Congress Street
ZN-001020-2020
Portland Opportunity Fund LLC, Applicant



Submitted to: Portland Planning Board
Public Hearing Date: 11/17/2020

Prepared by: Christian Roadman, Planner
Date Prepared: 11/13/2020



Fig. 1: Surrounding context of 385 Congress Street; subject property highlighted in teal

I. Introduction & Proposal Overview

Portland Opportunity Fund LLC seeks zoning text amendments to facilitate development at 385 Congress Street, which is zoned B-3 downtown business. The proposed text amendments (**Attachment 1**) would add congregate care facilities and intermediate care facilities as permitted uses to the B-3 zone (as well as the B-3b and B-3c zones, which share the same list of permitted uses). They would also edit the definition of congregate care facilities. The proposed definition emphasizes their purpose of facilitating aging-in-place, clarifies some language, and negates a concern with the previous definition expressed by the City Council.

The review of this proposed text change does not include site plan considerations. It is intended to determine if the Planning Board finds the addition of these two permitted uses consistent with the comprehensive plan and worthy of recommendation to the City Council. However, the applicant's intended development provides helpful context. They propose (**Attachment 2**) to "develop an elderly housing complex that would consist of a congregate care facility (independent living apartments) and an intermediate care facility that will be comprised of assisted living units and a memory care facility." If approval is granted by the Planning Board and City Council for a zoning text change, the applicant may follow with a Master Development Plan and/or Level III site plan for their broader development intentions.

In May, the Planning Board considered this applicant's request to add congregate care and intermediate care facilities to the list of permitted B-3 uses. However, that request did not amend the definition of congregate care facility. While the Planning Board recommended passage to the City Council, the Council expressed concern that the existing definition of congregate care facility may be too broad, and therefore allow unintended uses. While the proposed text amendment to the B-3 downtown business zone remains the same, a slightly narrower definition of congregate care facility is now proposed as a text change to the Land Use Code's definition of congregate care facility.

II. Zoning Analysis

Both congregate care facility and intermediate care facility are currently defined in the Land Use Code; only the definition of congregate care facility is proposed to change as part of this proposal. The existing definitions are as follows:

Congregate care facility:

"A residential development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include:

- (a) Transportation for essential support activities. This service shall be included in the base rent;*
- (b) Provision of at least one (1) meal per day;*
- (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent;*
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and*
- (e) Installation of emergency call buttons or systems in each congregate care living unit.*

The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses."

Intermediate care facility:

"A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care, residential care facility or

equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.”

Two points in the zoning code’s purpose statement for the B-3 zones are particularly relevant to the proposed change: “encourage increased housing opportunity downtown for a diverse residential population,” and “reinforce the role of the downtown as a meeting place for community residents and visitors alike from all walks of life and all socio economic groups.”

As noted by the applicant (**Attachment 2**), multi-family housing is already permitted in B-3 zones.

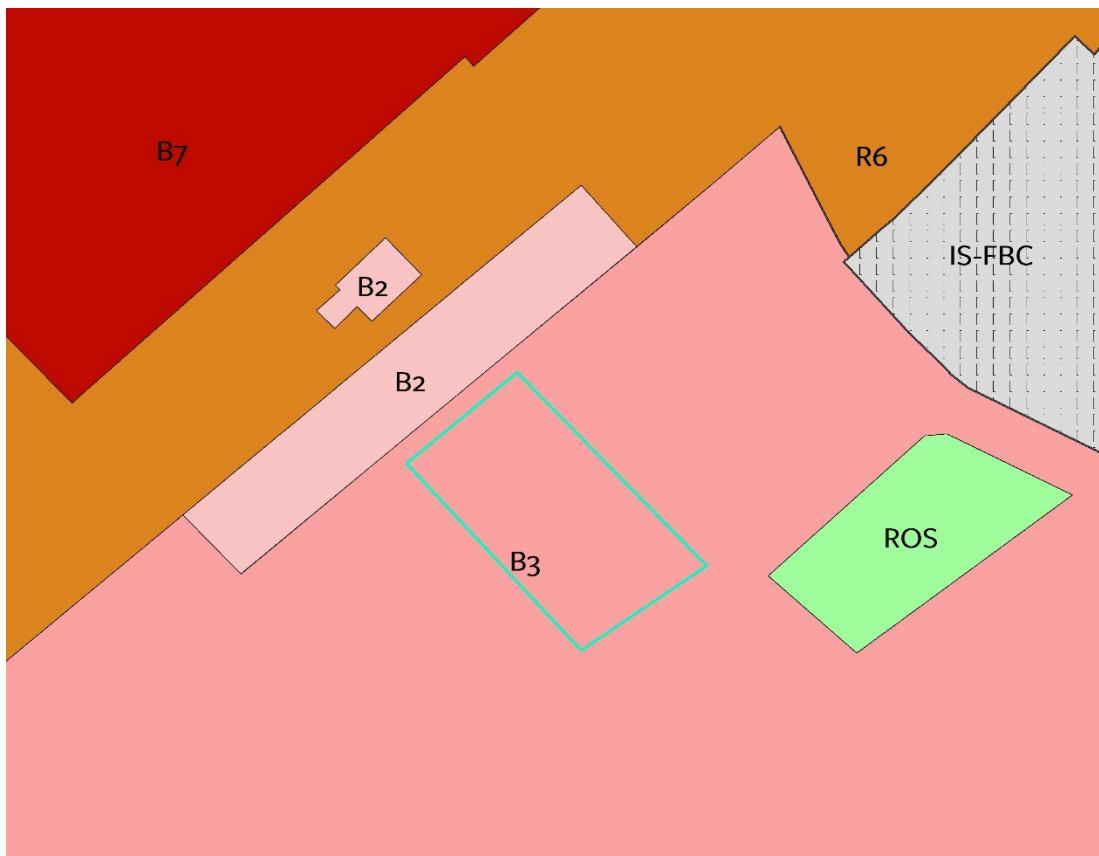


Fig. 2: Zoning context of 385 Congress Street; subject property highlighted in teal

II. Definition Change

The proposed new definition (**attachment 1**) of congregate care facility is:

A residential development intended to facilitate aging in place that includes individual dwelling units with support services which provide assistance to residents. The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses. A congregate care facility may also accommodate the needs of persons with disabilities and their spouses that are younger than 55 years of age, provided the majority of the residents are 55 years of age or older. Services to be provided shall include:

- (a) *Transportation for essential support activities;*
- (b) *Provision of at least one meal per day;*
- (c) *Programmed social activities which are facilitated by staff;*
- (d) *Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and*
- (e) *Installation of emergency call buttons or systems in each unit.*

The above definition emphasizes the use's function ("facilitate aging in place"), removes unclear, redundant, or unnecessarily specific items (e.g., "individual living or dwelling units," "(1)", "this service shall be provided in the base rent") and specifies the expected resident population ("provided the majority of the residents are 55 years of age or older").

III. Comprehensive Plan

[*Portland's Plan 2030*](#) identifies vision statements, policy goals for the City, and principles of future land use. Several of these are relevant to the proposed text amendment.

Vision statements:

Equitable:

"We will remain an open and inclusive city, celebrating diversity and providing a welcoming and safe place for residents and visitors alike."

"We will incorporate the needs of all our residents in planning for our future."

Dynamic:

"Portland will plan for a built environment that encourages an active citizenry."

Secure:

"We will be committed to accessible housing and healthy food for all our residents."

Connected:

"We will foster accessible linkages between where we live, work, shop, and play."

Policy goals:

Environment: *"Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation."*

Housing:

"Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences, and financial capabilities of all Portland residents."

"Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods."

Transportation: *“Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.”*

The applicant provided additional analysis of consistency with the comprehensive plan (**attachment 3**).



Fig. 3: Context of the B-3 and B-3c zones. 385 Congress Street is highlighted in teal

IV. Requisite Council Action

Any proposed rezoning, regardless of whether it is recommended by the Planning Board, must be approved by City Council vote in order to take effect.

V. Proposed Motion

On the basis of materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, and the information provided in public hearing on November 17, 2020 for the application ZN-001020-2020, the Planning Board finds that the proposed text amendments to Division 1 Section 14-47 and Division 12 Section 14-217 of the City's Land Use Code (changing the definition of congregate care facility and adding congregate care facilities and intermediate care facilities as permitted uses) **[is / is not]** consistent with the Comprehensive Plan for the City of Portland.

Therefore, the Planning Board **[recommends / does not recommend]** to the City Council adoption of the zoning text amendment.

Attachments

1. Proposed Text Amendments
2. Applicant Cover Letter
3. Comprehensive Plan Analysis.
4. Right, Title, & Interest
5. Vicinity Map
6. Application Checklist

ATTACHMENT 1a: B-3 Draft Text Amendments

City of Portland
Code of Ordinances
Sec. 14-47

Land Use
Chapter 14
Rev. 2-20-2019

Congregate care facility: A residential development ~~which provides individual living or intended to facilitate aging in place that includes individual~~ dwelling units with support services which provide assistance to residents. The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses. A congregate care facility may also accommodate the needs of persons with disabilities and their spouses that are younger than 55 years of age, provided the majority of the residents are 55 years of age or older. Services to be provided shall include:

- (a) Transportation for essential support activities. ~~This service shall be included in the base rent;~~
- (b) Provision of at least one ~~(1)~~ meal per day;
- (c) Programmed social activities which are facilitated by staff. ~~This service shall be included in the base rent;~~
- (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and
- (e) Installation of emergency call buttons or systems in each ~~congregate care living~~ unit.

~~The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses.~~

ATTACHMENT 1b: B-3 Draft Text Amendments

City of Portland
Code of Ordinances
Sec. 14-217

Land Use
Chapter 14
Rev. 2-20-2019

Sec. 14-217. Permitted uses.

(a) The following uses are permitted in the B-3, B-3b and B-3c zones:

1. *Residential:*

- a. Attached single-family, two-family and multifamily dwellings;
- b. Handicapped family units;
- c. Lodging houses;
- d. Combined living/working spaces including, but not limited to, artist residences with studio space~~;~~
- e. Congregate care facilities.

2. *Business:*

- a. General and business offices;
- b. Professional offices;
- c. Personal services;
- d. Offices of building tradesmen;
- e. Retail establishments, excluding gasoline sales, wholesale and bulk purchase lumber and construction supply sales;
- f. Restaurants, excluding drive-through or drive-in restaurants;
- g. Drinking establishments, except that drinking establishments and chemical-free night clubs, as defined in section 14-47, shall not be permitted in any location in the B-3c zone, including but not limited to the PAD overlay area;
- h. Billiard parlors;
- i. Miscellaneous repair services, excluding motor vehicle repair services;

- j. Communication studios or broadcast and receiving facilities;
- k. Health clubs and gymnasiums;
- l. Theaters and performance and exhibition halls;
- m. Convention and meeting facilities;
- n. Hotels;
- o. Business services;
- p. Parking garages;
- q. Galleries;
- r. Registered dispensary;
- s. Marijuana retail store;
- t. Small-scale marijuana caregiver.

3. *Institutions:*

- a. Museums;
- b. Public or private schools of any type;
- c. Clinics;
- d. Places of assembly;
- e. College, university, trade school;
- f. Nursery schools, kindergartens, and day care facilities or home babysitting services.
- g. Governmental offices. As used in this section, governmental office means a place of business of a federal, state, count or municipal governmental entity when professional or clerical duties are performed, including but not limited to back office uses as defined in Section 14-47 and judicial functions~~;~~

h. Intermediate care facility for thirteen (13) or more persons.

4. *Other:*

- a. County and municipal uses;
- b. Studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silk screeners;
- c. Printing, publishing and related manufacture of cardboard or paper boxes, provided that these activities are conducted wholly within a building.
- d. Bed and breakfast, subject to the standards of article V (site plan), sections 14-522a and 14-523 not withstanding. A bed and breakfast may include a meeting facility if the facility meets the following standards:
 - i. The meeting facility shall be limited to the following types of uses:
 - (a) Private parties.
 - (b) Business meetings.
 - (c) Weddings.
 - (d) Receptions.
 - (e) Seminars.
 - (f) Business and educational conferences.
 - ii. The building in which the bed and breakfast and the meeting facility will be located was in existence on March 3, 1997, and was greater than four thousand (4,000) square feet in floor area on that date.
- e. Hostels, provided the applicant submits a site plan and operations plan demonstrating compliance with the following conditions:

- i. All applicable provisions of Article V of this chapter shall be met.
 - ii. Parking shall be provided in compliance with Division 20 of this Article.
 - iii. No unaccompanied minors under the age of eighteen (18) shall be permitted in the facility.
 - iv. The length of stay for transient guests shall not exceed fifteen (15) days out of any sixty-day period.
 - v. The building shall meet the applicable occupant load requirements as defined by the International Building Code and the NFPA Life Safety Code, as such codes are amended or adopted by the city.
- f. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(b) The following additional restrictions shall apply in the [PAD overlay zone](#), which shall be located on the streets listed below and as further delineated on the [PAD overlay zone](#) map, a copy of which is on file in the office of planning and urban development:

Center Street, from Fore Street to Commercial Street.

Commercial Street, north side, from Foundry Lane to Pearl Street.

Commercial Street, south side, from Carroll Block to Thomas Block, inclusive.

Congress Street, from Longfellow Square to Monument Square.

Dana Street.

Exchange Street, from Federal Street to Fore Street.

Fore Street, north side, from one hundred ten (110) feet west of Center Street to two hundred seventy-five (275) feet west of Pearl Street.

Fore Street, south side, from Center Street to Pearl Street.

Free Street, north side, from Congress Square to Temple Street.

Free Street, south side, from Congress Square to four hundred twenty-three (423) feet east of Oak Street and from Center Street to Temple Street.

Middle Street, north side, from Monument Square to sixty (60) feet east of Garden Lane.

Middle Street, south side, from Monument Square to two hundred fifty (250) feet east of Pearl Street.

Milk Street, from Exchange Street to Pearl Street.

Moulton Street.

Pearl Street, from Middle Street to Fore Street.

Wharf Street.

York Street, south side, from Center Street to Dunphy's Lane.

Frontages of the following areas: Longfellow, Congress, and Monument Squares; Tommy's and Post Office Parks.

1. *Ground floor uses:*

a. Subject to the following limited uses, at least seventy-five (75) percent of the street level frontage of a building on a street located within the PAD overlay zone must be utilized, and, at minimum, the floor area to be occupied shall be seventy-five percent (75%) of the street level frontage multiplied by a twenty (20) foot depth:

i. Retail establishments as permitted in 14-217(a)(2)e;

ii. Personal services;

iii. Hotels;

- iv. Copying centers;
- v. Restaurants as permitted in 14-217(a)(2)f;
- vi. Drinking establishments;
- vii. Theaters, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within this area;
- viii. Travel agencies;
- ix. Real estate sales;
- x. Visitor information services;
- xi. Museums;
- xii. Libraries;
- xiii. Banks, financial and other business services, provided that only tellers and spaces primarily used for customer services shall be located in this area;
- xiv. Municipal or county uses;
- xv. Galleries and studios for artists and craftspeople including, but not limited to, carpenters, cabinetmakers and silk screeners;
- xvi. Performing arts studios which attract and allow for public, pedestrian observation from the adjacent sidewalks (including dance studios, music conservatories, and the like);
- xvii. Other uses where the applicant can demonstrate to the zoning administrator that the proposed use will not differ substantially from a required ground floor retail use in its effect on the continuity of pedestrian-oriented use and that the

proposal establishes a ground floor use that generates pedestrian interest and activity.

For those buildings which have frontage on more than one (1) street located within the PAD overlay zone, the street level area of each such frontage shall meet the above requirements.

- b. For those buildings which have forty (40) feet or less of frontage on a street within the PAD overlay zone, the above restrictions shall be reduced to fifty (50) percent of the frontage where required to accommodate a service entrance. For buildings which have frontage on more than one (1) street located within a PAD overlay zone, only one (1) such frontage shall be permitted to reduce the required retail area to fifty (50) percent of the frontage.
- c. In no event shall any required retail frontage area be used for any of the following:

- i. Storage;

- ii. Service entrances, including loading docks, dumpsters and compactors, except as provided in subsection b; or

- iii. Food preparation areas, unless such preparation areas are visually oriented toward pedestrians on streets located within a PAD overlay zone.

(Ord. No. 241-91, 3-11-91; Ord. No. 200-95, § 1, 3-20-95; Ord. No. 126-97, § 7, 3-3-97; Ord. No. 46-97, § 3, 8-4-97; Ord. No. 226-98, §§ 1, 2, 3-2-98; Ord. No. 51-00, §2, 8-7-00; Ord. No. 205-06/07, 6-4-07; Ord. No. 226-07/08, 5-19-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 283-09/10 emergency passage; Ord. No. 10-10/11, 8-2-10; Ord. No. 279-09/10, 6-6-11; Ord. No. 33-11/12, 1-18-12; Ord. No. 113-11/12, 2-22-12; 140-18/19, 2-20-2019)

***Editor's Note:** Pursuant to Order 164-06/07 passed on April 4, 2007 Section 14-217.5 (*Old Port Overlay Zone*) was repealed in its entirety and Division 19.8 (*Downtown Entertainment Overlay Zone*) was enacted.

***Editor's Note:** Pursuant to Order No. 48-06/07 passed on September 18, 2006 Section 14-217.6 (*Moratorium on Formula Restaurants in Old Port Historic District and Arts District*) expired on November 19, 2006.



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
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Portland, ME 04104-5029

T (207) 774 - 1200
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Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

February 19, 2020

James Rather
Development Review Services Manager
City of Portland
389 Congress Street
Portland, ME 04101

RE: Application for B-3 Text Amendment

Dear James:

I am writing on behalf of my client, Portland Opportunity Fund LLC, to apply for a text amendment to the B-3 Downtown Business Zone. As explained in more detail below, we are seeking to amend the B-3 zone by adding Congregate Care Facilities and Intermediate Care Facilities as permitted uses in the B-3.

Portland Opportunity Fund is under contract to purchase a portion of a parcel located at 385 Congress Street. They are proposing to develop an elderly housing complex that would consist of a Congregate care facility (independent living apartments), and an Intermediate care facility that will be comprised of assisted living units and a memory care facility. As currently zoned, the B-3 permits multi-family housing but does not allow congregate care or intermediate care facilities.

Portland Opportunity Fund is a joint venture between Senior Care Development LLC and Benchmark Senior Living. Benchmark is the largest operator of senior housing in New England and has identified the Portland downtown as an ideal location for senior housing. As set forth in more detail in the attached Comprehensive Plan Analysis, the location of senior housing in the B-3 aligns directly with many of the Plan's goals; notably, the economic, housing and transportation goals. Locating senior housing convenient to educational and cultural institutions, medical service centers, social opportunities and public transportation is a benefit to the City, the residents and the local businesses and service-providers.

February 19, 2020
Page 2

Enclosed with this letter are the above-referenced Comprehensive Plan Analysis, evidence of Right, Title and Interest and the Proposed Text Amendment. Thank you for your consideration. Please contact me directly if you have any questions.

Sincerely,



Mary E. Costigan

cc: Eric Gardner

COMPREHENSIVE PLAN ANALYSIS

PROPOSED AMENDMENTS TO B-3 DOWNTOWN BUSINESS ZONE

Maine is the oldest state in the country and while Portland's median age is lower than the Maine average, according to Portland's Plan 2030, Baby Boomers are the fastest growing age group in Portland. Although that age group is growing fast, there are limited opportunities for elderly housing facilities on the peninsula. Permitting such facilities to locate downtown in the B-3 zone is consistent with the City's Comprehensive Plan and directly facilitates many of the goals set forth in the Plan.

This proposal contemplates adding Congregate Care Facilities and Intermediate Care Facilities as permitted uses in the B-3 zone. The Land Use Code includes the following definitions:

- Congregate Care Facility: A residential development which provides individual living or dwelling units with support services which provide assistance to residents. Services to be provided shall include: (a) Transportation for essential support activities. This service shall be included in the base rent; (b) Provision of at least one (1) meal per day; (c) Programmed social activities which are facilitated by staff. This service shall be included in the base rent; (d) Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring; and (e) Installation of emergency call buttons or systems in each congregate care living unit. The population of a congregate care facility shall consist of persons fifty-five (55) years of age or older and their spouses and/or disabled persons and their spouses."
- Intermediate Care Facility: A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations promulgated by the State of Maine Department of Health and Human Services.

Congregate care facilities are currently not permitted on the peninsula and neither congregate care nor intermediate care facilities are permitted in the B-3 zone. Intermediate care facilities are permitted in the B-2 and IM zones; they are also permitted in the R-6, but require one acre of land. The opportunity to locate such facilities on the peninsula are therefore limited. However, the City's Plan 2030 is wholly consistent with the location of elderly housing downtown.

Relevant, Consistent City Goals and Strategies

Economy

- Create economic prosperity by growing Portland's tax and employment base.
- Support sustainable growth in our educational, medical, and cultural institutions.
- Respect that our unique quality of place is key to our current and future economic success.

Locating congregate care and intermediate care facilities downtown helps to grow Portland's tax base, as well as its employment base. Portland's downtown is an attractive work environment for the employees who would staff the facilities; the downtown location would therefore make it easier for such facilities to attract new employees to the City. Locating congregate care and intermediate care facilities in the downtown supports sustainable growth of medical institutions by encouraging the location of such facilities closer to existing medical service centers; while taking some of the burden off of existing medical facilities in the specialty areas served by the facility, such as memory care. Educational and cultural institutions will also benefit from increased population of seniors in the downtown area as visitors, volunteers, and financial supporters. Finally, Portland's unique quality of place is the reason why the growing age bracket of baby boomers want to remain here or move here for their retirement. Locating senior housing on the peninsula will add vitality and opportunities for intergenerational experiences for residents and workers of all ages. Seniors desire to live in places that are walkable, active, and engaging which is the essence of the downtown experience. The ability to live in a convenient downtown location is an important feature and directly related to the quality of all that is Portland.

Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Remove housing barriers
- Support age-friendly housing options
- Support programs and tools that facilitate aging safely in place.
- Create, promote, and facilitate safe, affordable and practical housing solutions that will meet the evolving needs of Portland residents as they age.

The proposal to locate congregate and intermediate care facilities downtown would help the City achieve all of the above-listed goals and strategies. Downtown age-friendly housing would increase the housing supply; encourage contextually appropriate housing density; enable people who work in Portland to live in Portland; remove the current barrier that prohibits congregate care or intermediate care facilities downtown; increase age-friendly housing options; increase options for aging in place; and creates housing solutions that meet the evolving needs of Portland residents as they age. Elderly residents also rely heavily on a variety of services such as medical, social, educational, supportive, and entertainment services that are readily available in the B-3 zone. As congregate care facilities and intermediate care facilities are not allowed in the B-3 zone, seniors that desire or require supportive housing lack adequate housing choices that meet the unique needs of an aging population. By definition, congregate care facilities and intermediate care facilities are "age-friendly housing" and allowing them in the B-3 zone will provide seniors with increased options for housing in the downtown area. Additionally, it will allow more seniors to age in place by providing the supportive environment

and the central location that is in close proximity to public and private services, businesses and institutions that are needed by an aging population.

Transportation

- Promote multi-modal accessibility, enabling residents and visitors of all ages and abilities to participate fully in the social and economic life of the community.
- Support age-friendly initiatives
- Consider specific measures to promote awareness and usability of our transportation system for the elderly.
- Consider senior transportation needs in areas of concentrated senior housing, including, but not limited to, new developments.

The Plan contains several goals around public transportation for seniors. Bringing seniors into the downtown relieves the pressures on the systems needed to bring them downtown and allows those resources to concentrate on moving people around the downtown. Many employees, elderly residents, and their families rely heavily on public transportation, which is readily available in the B-3 zone. This supports the seniors by enabling them to live more actively and independently and also helps the public transportation system by adding additional riders to the system. Congregate and intermediate care facilities also do not place the same burden on existing automobile traffic as compared to other developments that are currently permitted in the downtown.

Future Land Use

- Reinforce the Center: Though Portland's commercial and entrepreneurial activity takes place throughout the city, downtown Portland remains at the center of the region's arts and cultural, economic, and civic health, and Portland's Plan embraces the principle that downtown should continue to be a predominant locus of activity for the broader region.

The B-3 downtown business zone is the locus of activity for the region. As such, seniors should be given the opportunity to live in the City's center of arts and cultural, economic and civic health. As the population ages the downtown area will need to address the unique needs of this segment of the population in order to remain healthy, vibrant and relevant. Increasing housing options for seniors in the downtown area will support the arts, cultural, economic, and civic vitality of the area.

Based on the above analysis, the proposed amendment to add Congregate Care Facilities and Intermediate Care Facilities as permitted uses in the B-3 zone is pursuant to and consistent with Portland's Plan 2030.

February 19, 2020

Eric Gardner
Benchmark Senior Living
201 Jones Road, Suite 300
West Waltham, MA 02451

Dear Eric,

The purpose of this letter is to authorize Portland Opportunity Fund LLC to submit the text amendment for the property located at 385 Congress Street in Portland ME. The aforementioned property is currently subject to a purchase and sale agreement between 385 Congress LLC (the seller) and Senior Care Development LLC (the buyer) dated December 12, 2019. As requested, I have included a copy of the Deed as proof of ownership.

If there is anything else you need please do not hesitate to contact me.

Sincerely,



Joseph Dasco
Authorized Agent
385 Congress LLC

QUITCLAIM DEED WITH COVENANT
(Maine Statutory Short Form)

METRO MEDIA PROPERTIES LLC, a Maine limited liability company with a mailing address of 201 Old Country Road, Suite 105, Melville, NY 11747 ("Grantor"), for consideration paid, grants to **385 CONGRESS LLC**, a Maine limited liability company with mailing address of 2730 Transit Road, West Seneca, NY 14224 ("Grantee"), with QUITCLAIM COVENANT, a certain lot or parcel of land with the buildings and improvements thereon located in the City of Portland, County of Cumberland and State of Maine, described as follows:

A certain lot or parcel of land in Portland, County of Cumberland and State of Maine bounded and described generally as follows:

South: Congress Street;
East: Pearl Street;
North: Cumberland Avenue; and
West: Myrtle Street

This parcel of land is more particularly described as follows:

Beginning at the intersection of the Northerly sideline of Congress Street with the Easterly sideline of Myrtle Street;

Thence: N72° 54' E along the Northerly sideline of Congress Street approximately Two Hundred Forty Feet (240') to the intersection of the Northerly sideline of Congress Street with a Westerly sideline of Pearl Street;

Thence: N27° 21' W along the Westerly sideline of Pearl Street approximately Four Hundred Fifty Five Feet (455') to the intersection of the Westerly sideline of Pearl Street with a Southerly sideline of Cumberland Avenue;

Thence: Westerly along the Southerly sideline of Cumberland Avenue approximately One Hundred Seventy Feet (170') to a point;

Thence: Northerly to point A (point A being located at the intersection of the line of this call with the line of the next call extended N 67° 11' E);

Thence S67° 11' W approximately Sixty Feet (60') to the intersection of the Southerly sideline of Cumberland Avenue with the Easterly sideline of Myrtle Street;

Thence S26° 22' E along the Easterly sideline of Myrtle Street approximately Four Hundred Ten Feet (410') to the intersection of the Easterly sideline of Myrtle Street with the Northerly sideline of Congress Street and the point of beginning.

Also conveying the following parcel of land:

A certain lot or parcel of land with the buildings thereon situated in the City of Portland, County of Cumberland and State of Maine, bounded and described generally as follows:

Beginning at a drill hole reset marking the intersection of the northwesterly sideline of Congress Street and the northeasterly sideline of Myrtle Street;

Thence N 55°-45'-03" E, 240.31 feet by and along the northwesterly sideline of said Congress Street to a drill hole set marking the northwesterly sideline of said Congress Street and the southwesterly sideline of Pearl Street;

Thence N 44°-35'-56" W, 433.81 feet by and along the southwesterly sideline of said Pearl Street to a point at the intersection of the southwesterly sideline of Pearl Street with the southeasterly sideline of Cumberland Avenue. Said point being witnessed by a granite right-of-way monument.

Thence S 50°-25'-20" W, 230.34 feet by and along the southeasterly sideline of said Cumberland Avenue to a point at the intersection of said southeasterly sideline of Cumberland Avenue with said northwesterly sideline of Myrtle Street. Said point being witnessed by a granite right-of-way monument.

Thence S 43°-37'-52" E, 410.86 feet by and along the northeasterly sideline of said Myrtle Street to the Point of Beginning, containing 2.26 acres more or less.

Also releasing to Grantee, Grantor's right, title and interest in a certain underground tunnel that runs from the subject premises to 390 Congress Street, by virtue of a license granted pursuant to approval of the City of Portland Inspector of Buildings dated May 14, 1965.

Being the same premises described in a Quitclaim Deed with Covenant from MTM Portland Properties, LLC to Metro Media Properties, LLC dated July 10, 2009 and recorded in the Cumberland County Registry of Deeds at Book 27079, Page 160.

IN WITNESS WHEREOF, Metro Media Properties LLC has caused this instrument to be signed and sealed in its company name by George Cacoulidis, its CEO, thereunto duly authorized, this 20th day of October, 2017.

WITNESS:

METRO MEDIA PROPERTIES LLC,
a Maine limited liability company


Tom Hanson

By: 
George Cacoulidis
Title: CEO

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

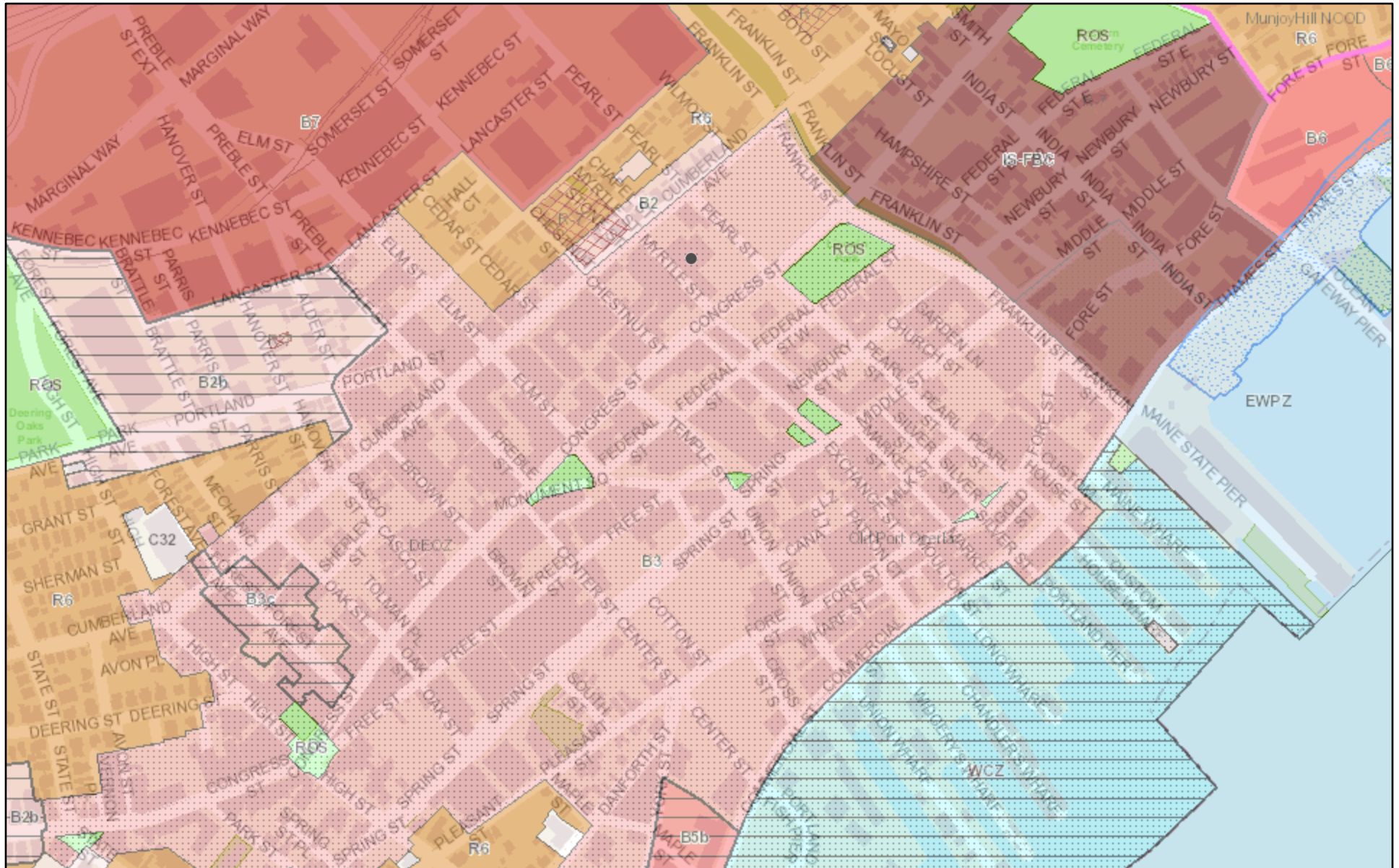
October 20, 2017

Then personally appeared the above named George Cacoulidis, CEO of Metro Media Properties LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Metro Media Properties LLC.

Before me,

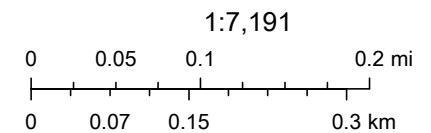

~~Attorney at Law~~ Notary Public
Printed Name: Nicholas J. Merrill

ArcGIS Web Map



2/19/2020, 3:25:42 PM

Zoning	IR-3 Island Residential	R1 Residential	R4 Residential	R6 Residential
IR-1 Island Residential	I-B Island Business	R2 Residential	R5 Residential	R-6A Residential
IR-2 Island Residential	I-TS Island Transfer Station	R3 Residential	R-5A Residential	



City of Portland, DPS

Web AppBuilder for ArcGIS
City of Portland, DPS |

CITY OF PORTLAND
Planning & Urban Development Department

TEXT AMENDMENT SUBMISSION CHECKLIST	
* Please upload each document <u>and</u> drawing as a separate PDF file * Please confirm each item by electronically checking the boxes to the left for each document/drawing	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Proposed Text Amendment Provide proposed language for text amendment(s) and cite the relevant sections to be revised in the Land Use code.
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Completed Checklist – Text Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements

PLANNING BOARD REPORT PORTLAND, MAINE



7 Rand Road Rezoning
Zoning Map Amendment
Brockway-Smith Company, Applicant
ZN-001041-2020 CBL: 262 A001

Submitted to: Portland Planning Board
Public Hearing Date: November 17, 2020

Prepared by: Andrew Tufts, Planner
Date: November 13, 2020



Fig. 1: Surrounding context of 7 Rand Road, highlighted in orange

I. INTRODUCTION

Brockway-Smith Company seeks a zoning map amendment to rezone the parcel at 7 Rand Road from an I-M Industrial/B-2 Community Business split lot condition to fully I-M, removing the split lot condition via an adjustment to the zoning boundary & so that the property can be brought into greater conformity and allow for more cohesive future expansion of the currently bifurcated site. The subject property is located

between Interstate 95 and Rand Road and is 18.4 acres in size. The site is currently developed with a 300,000 SF warehouse, a paved truck staging area, and surface parking.

- Owner/Applicant: Brockway-Smith Company
- Applicant Representatives: Mary Costigan (Applicant), Bernstein Shur; Charlie Smith, Owner

II. PROPOSED MAP AMENDMENT

Current Zoning: I-M Industrial & B-2 Community Business

Proposed Zoning: I-M Industrial

Current Use(s) at Site: Warehouse

Future Contemplated Use(s) at Site: Warehouse expansion

Total Parcel Area: 18.376 acres

The current I-M zoning allows for light and moderate impact industrial and transportation-related uses to coexist. The proposed rezoning is intended to facilitate future warehouse expansion that the current B-2 zoning does not allow, as the existing use is legally non-conforming.

III. BACKGROUND



Fig. 2: Project area and surrounding uses

Use Context

The 7 Rand Road site includes one parcel and is currently occupied by a 300,000 SF warehouse and associated surface parking & staging area. The property is currently under contract, having been sold to

Brockway-Smith Company on March 31, 2020. The sale involved the formation of two lots which are now under separate ownership. Following the lot divide, the warehouse lot is approximately 14.68 acres, and the remaining B-2 parcel is approximately 3.69 acres.

Outer Brighton Avenue in the vicinity of the subject property is a major arterial road, ranging from 50 to 100 feet in width, with four to six travel lanes. Rand Road, connecting Brighton Ave to the Westbrook Arterial, is approximately 50 feet in width, with two travel lanes and a center turn lane. Uses fronting along this segment of Rand Road include a mix of auto dealerships, commercial retail, and a variety of industrial uses. To the east lies a low to medium density residential neighborhood within an R-3 zone, with single family homes. The I-95 interchange lies approximately half a mile south-west, at the Westbrook Arterial Toll Plaza. The western half of the parcel is undeveloped and abuts I-95. Further to the west, across the interstate lies the former site of Pike Industries, which is now being redeveloped as Rock Row, a new mixed-use commercial and residential development. The north edge of the parcel abuts Lowes Home Improvement, a building of comparable size and hundreds of surface parking spaces. The Mountain West Division Rail Corridor runs along the parcel's southern boundary.



Fig. 3: Rand Road with subject property on right side of frame



Fig. 4: View of subject property from Rand Road



Fig. 5: Birds Eye Perspective of Subject Property

Zoning Context

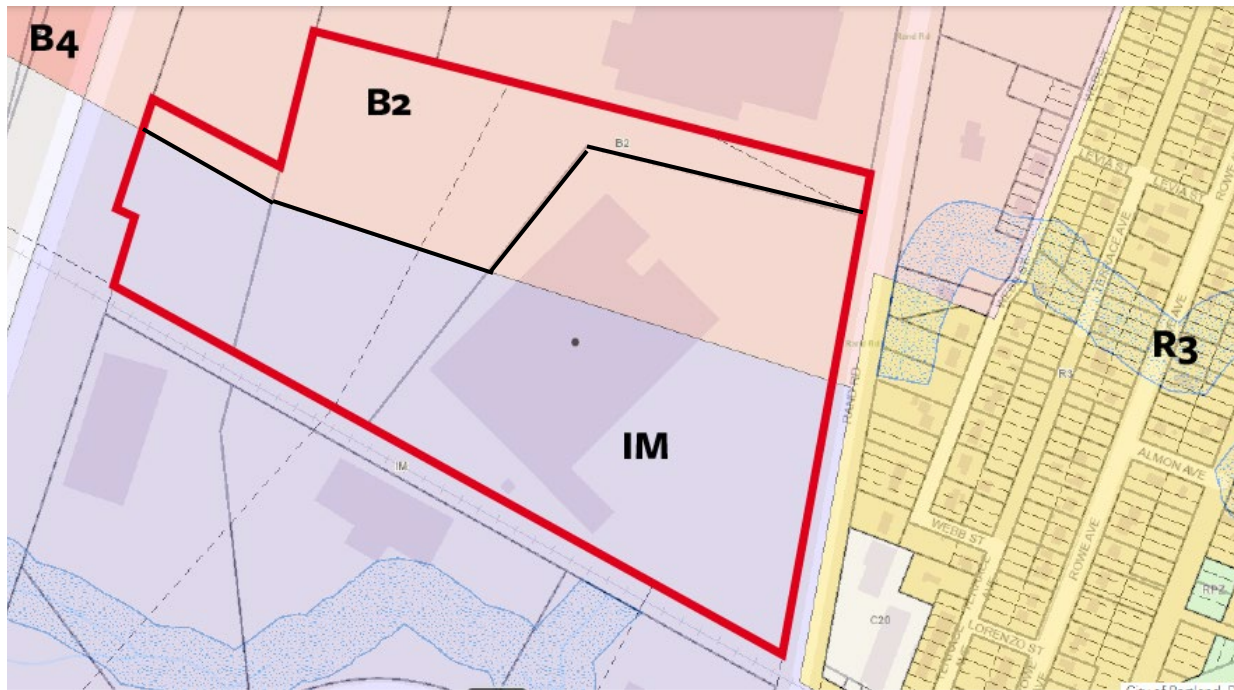


Fig. 6: Existing Zone Map & Parcel Boundary

The subject property straddles the boundary of the B-2 and I-M zones. The northern portion of the site is zoned B-2, which extends northward to Brighton Avenue. The southern portion of the site is zoned I-M, which extends southward between Rand Road and I-95 to the Westbrook Arterial. The area directly across Rand Road, to the east, is zoned R-3, which is the predominant residential zone of outer Brighton Avenue. To the south and east lies a Resource Protection (RP) zone which encompasses the Fore River Sanctuary. A Shoreland Overlay Zone abuts the site to the south and east due to a tributary of the Fore River. A portion of this tributary crosses the southeast corner of the site, but is buried below grade.

IV. CONCEPTUAL FUTURE DEVELOPMENT

While a development proposal was not included within the application package for this zoning map amendment, the applicant seeks a rezoning at the subject property to facilitate the future expansion of the existing warehouse facility which is allowed in the I-M zone. Further expansion within the B-2 portion of the site is not permitted due to the legally nonconforming status of the industrial use.

V. ZONING ANALYSIS

The existing warehouse use is not permitted in the B-2 zone. In order to facilitate that use, and to allow future development potential at the subject property under the existing I-M use categories, the applicant has sought this map amendment. The I-M zone allows a broad range of commercial and industrial uses. Permitted uses in the I-M include but are not limited to construction services, wholesale trade, warehousing, intermodal transportation facilities, repair services, plant nurseries, food processing, and solid

waste facilities. In addition to Rand Road, I-M is generally mapped directly off of major corridors such as Warren Avenue, Riverside Street, Presumpscot Street, and East Bayside.

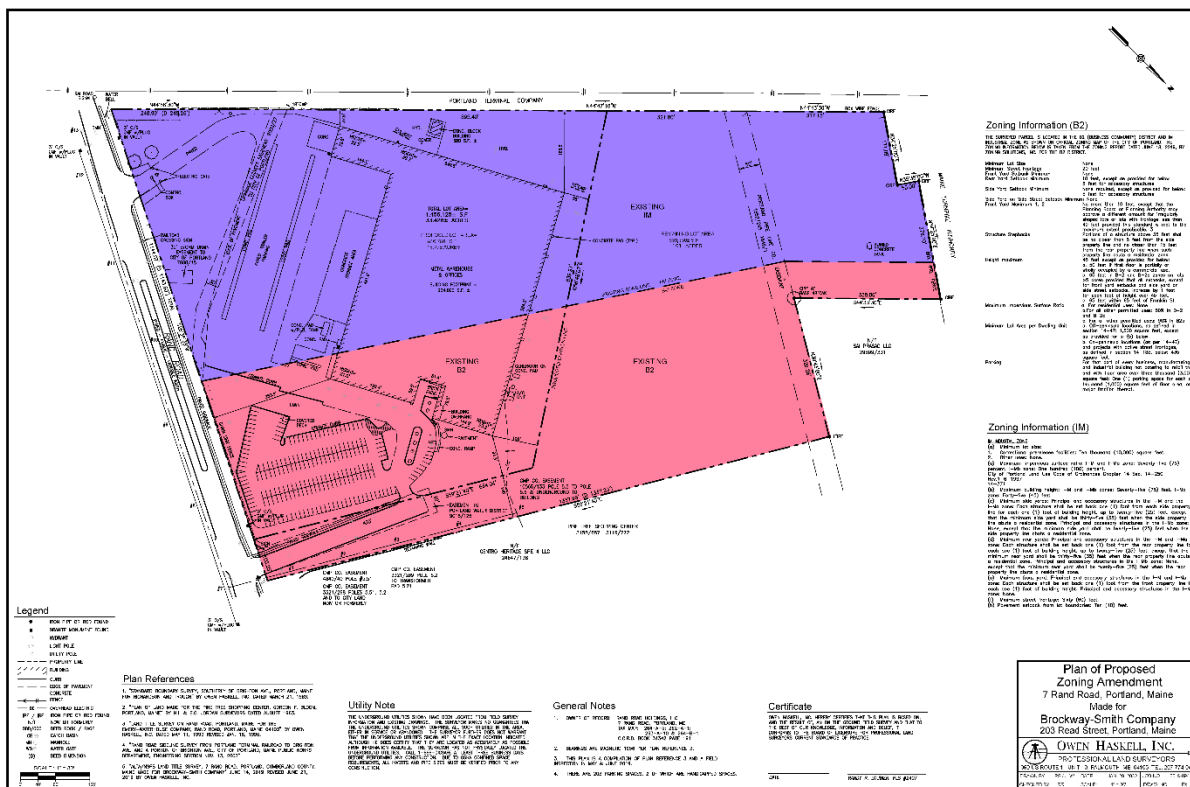


Fig. 7: Existing Zoning – Source: Owen Haskell, Inc.

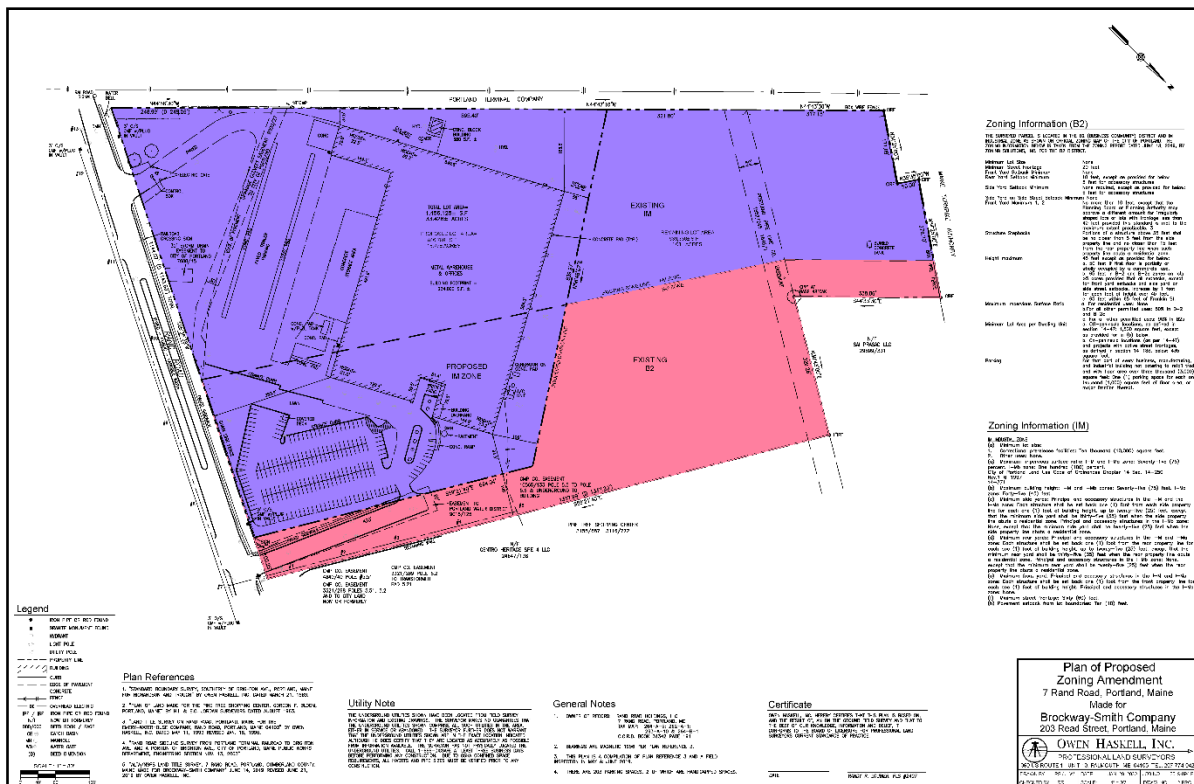


Fig. 8: Proposed Zoning – Source: Owen Haskel, Inc.

The B-2 zone is intended to encourage a greater variety of commercial uses and at a higher intensity than the I-M zone. The B-2 zone is also intended to increase housing opportunities via the higher density allowance and to encourage mixed-use activities. Table 1 compares the purpose statements of the two zones as written in the ordinance.

Table 1: Purposes

	I-M Industrial	B-2 Community Business
Purpose	The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist. The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic. The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and	The purpose of the B-2 community business zone is: 1. To provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing and services serving the adjoining neighborhoods and the larger community. 2. The variety, sites and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1 neighborhood business zone. 3. The B-2 zone will provide a broad range of goods and services and general businesses with a mixture of large and small buildings such as grocery stores, shops and services located in major shopping centers and along arterial

machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns.

4. The B-2 and B-2b will provide locations for moderate to high density housing in urban neighborhoods along arterials.

Permitted Uses

The change from B-2 to I-M would allow the expansion of the existing warehouse use (along with other uses) at the subject property. The I-M zone allows a different range of uses than the B-2, including warehouses vs residential. Permitted and conditional uses in both the I-M and B-2 zones are outlined in the tables below:

Table 2: Permitted and Conditional Uses – Shown with X if listed in Zone

			I-M	B-2
Permitted	Residential	Single-family and two-family dwellings		x
		Multi-family dwellings		x ²
		Handicapped family units		x
		Single-family manufactured housing		
		Combined living/working spaces		x
		Lodging houses		x
	Institutional	Schools		x
		Clinics	x	x
		Places of assembly	x	x
		Long term, extended and intermediate care facilities		x
		Governmental buildings and uses/municipal uses	x	x
		College, university or trade schools		x

Table 2: Permitted and Conditional Uses – Shown with X if listed in Zone

			I-M	B-2
		Nursery schools, kindergartens		
		Day care facilities	x	x
	Business	General, business & professional offices	x	x
		Personal services	x	x
		Offices of building tradesmen	x	x
		Retail establishments	x	x
		Restaurants		x
		Drinking establishments		x
		Billiard parlors		x
		Mortuaries or funeral homes		x
		Miscellaneous repair services, excluding motor vehicle repair	x	x
		Communication studios or broadcast and receiving facilities	x	x
		Health clubs and gymnasiums	x	x
		Veterinary hospitals	x	x
		Theaters	x	x
		Hotels		x
		Dairies and bakeries	x	x
		Drive-throughs when accessory to a principal use	x	x
		Registered medical marijuana dispensaries		x
		Accessory uses	x	x
		Cemeteries		
		Parks	x	

Table 2: Permitted and Conditional Uses – Shown with X if listed in Zone

			I-M	B-2
Conditional		Home occupation	x	
		Special needs independent living units		
		Conversion into bed and breakfast		
		Hostels		x
		Wind energy systems	x	x
		Utility substations	x	x
		Bed and breakfasts		x
		Studios for artists and craftspeople	x	x
	Residenti	Sheltered care group homes		
		Conversion into bed and breakfast (over 5 rooms)		
	Institutional	Schools		
		Long-term and extended care facilities	x	
		Intermediate care facility	x	
		Places of assembly	x	
		Hospital	x	
		College, university, trade schools	x	
	Business	Major and minor auto service stations existing as of 1999		x
		Car washes		x
		Drive-throughs associated with a permitted use adjacent to residential zones		x
		Automobile dealerships		x
	Other	Utility substations	x	
		Professional offices		

Table 2: Permitted and Conditional Uses – Shown with X if listed in Zone

			I-M	B-2
		Chancellery		
		Nursery school and kindergartens		
		Off-street parking for passenger cars for permitted uses		
		Day care facilities	x	
		Temporary wind anemometer towers	x	x
		Hostels		
		Wind energy systems	x	x
		Printing and publishing establishments	x	x
		Wholesale distribution establishments	x	x
		Research and developments and related production establishments	x	x

¹ Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted.

² If nearest residential zone is R-4, R-5, R-6, or R-7 or if first floor is used for commercial purposes.

Dimensional Requirements– I-M and B-2

Space & Bulk Standards	I-M	B-2
Minimum Lot Size	Correctional prerelease facilities: Ten thousand (10,000) square feet. Other uses: None.	None
Minimum Street Frontage	60'	20'
Front Yard Setback	Minimum front yard: Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the front property line for each one (1) foot of building height.	No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable
Rear Yard Setback	Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the rear property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the	10 ft except for accessory structures 5 ft

	minimum rear yard shall be thirty-five (35) feet when the rear property line abuts a residential zone.	
Min Side Yard	Principal and accessory structures in the I-M and the I-Ma zone: Each structure shall be set back one (1) foot from each side property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum side yard shall be thirty-five (35) feet when the side property line abuts a residential zone.	None except for accessory structures 5 ft
Max Side Yard on Side Street	None	(not outlined in ordinance)
Min Side Yard on Side Street	None	None
Structure Stepbacks	None	Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone
Max Building Height	75'	45 feet except as provided for below: a. 50 feet if first floor is partially or wholly occupied by commercial use b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each feet of height over 45 feet c. 65 feet within 65 feet of Franklin Street
Max Floor Area	None	(not outlined in ordinance)
Min Lot Area / Unit	None	a. Off-peninsula locations, as defined in section 14-47: 1500 sf, except as provided for in b b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188 below: 435 sf
Max impervious surface	75%	For residential uses: none For all other permitted uses: 80% in B-2 and B-2 c For all other permitted uses: 90% in B-2b

VI. POLICY ANALYSIS

The applicant has submitted an analysis of the project's conformance with the Comprehensive Plan (refer to **Attachment B**). Staff have identified the following goals and policies which are relevant to the proposed map amendment and find the proposal in conformance with economic development goals of the Comprehensive Plan, as well as the future land use vision. As stated, the purpose of the I-M zone is:

- The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industrial and transportation-related uses will coexist.
- The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.
- The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.
- Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

The central vision of Portland's Plan 2030 is represented by the Venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City's goals for job growth and transforming Portland through orderly growth and development be balanced with needs for connectivity of the street grid, sustainability of infrastructure and the ability to maintain that infrastructure, and security in the sense of public safety. Applicable policy includes the following:



A Vibrant City

Promote an economic climate that increases job opportunities and overall economic well-being.

2. SUPPORT LOCAL BUSINESS RETENTION AND RECRUITMENT

- Pursue policies that create, nurture, and retain local businesses.
- Support job creation and business growth through public initiatives and private, institutional, and regional partnerships.
- Strengthen City programs and services that support business development.

5. TARGET AREAS FOR JOB GROWTH

- Ensure that new employment can be accommodated in priority growth areas across the City.
- Evaluate zoning and the condition of existing infrastructure in priority areas - downtown, in identified neighborhood nodes, and along transit corridors – to ensure that employment and housing growth can be supported.
- Expand possibilities for live/work spaces – residential living space with integrated creative work space.
- Modify ordinances and make strategic investments to better promote business development and job creation in priority areas.

Portland's Plan 2030's also affirms the continued value of industrial space to the City's economic diversity (see Economy Policy Guide and Future Land Use). Though the uses permitted in B zones also provide a range of uses important to the city, the proposed zoning change aligns with the historic patterns of activity at the site, allows for more cohesive future use, and is consistent with what has been an area of industrial activity within an industrial zoning framework.

VII. PUBLIC COMMENT/NEIGHBORHOOD MEETING

The Planning Division mailed 144 notices of this public hearing, to property owners within 500 feet of the property. A legal advertisement for the meeting ran on November 7, and November 10, 2020.

This application is a map amendment regarding property that is already developed. It is not related to a proposed site plan, and a neighborhood meeting was not required. No public comments have been submitted to date.

VIII. REQUISITE COUNCIL ACTION & STAFF RECOMMENDATION

Any proposed rezoning, regardless of whether it is recommended by the Planning Board, must be approved by the City Council in order to take effect. Staff recommends that the Planning Board consider a positive recommendation to City Council for adoption of the map amendment for the rezoning area, as presented.

IX. PROPOSED MOTION FOR MAP AMENDMENT

On the basis of plans and materials submitted by the applicant, the City of Portland Land Use Code, Portland's Comprehensive Plan, public comment, the information provided in public hearing on November 17, 2020 for the application ZN-001041-2020 (7 Rand Road), and/or other findings as follows:

The Planning Board finds that the proposed rezoning to the I-M Industrial zone for the property located at 7 Rand Road [is or is not] consistent with the Comprehensive Plan for the City of Portland; and

Therefore, the Planning Board [recommends or does not recommend] to the City Council adoption of the zoning map amendment for 7 Rand Road from B-2 Community Business to the I-M Industrial.

ATTACHMENTS

Applicant Submission

- A - COVER LETTER
- B - COMPREHENSIVE PLAN
- C - MAP CHECKLIST
- D - REDACTED PURCHASE & SALE
- E - PLAN OF DIVISION
- F - EXISTING ZONING MAP
- G - PROPOSED ZONING MAP



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774 - 1200
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Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

February 28, 2020

James Rather
Development Review Services Manager
389 Congress Street
Portland, ME 04101

Subject: Zoning Map Amendment: 7 Rand Road

Dear James:

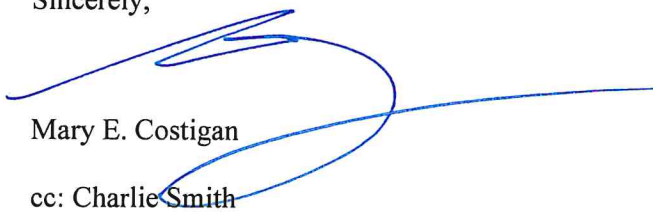
On behalf of my client, Brockway-Smith Company, we are requesting a zoning map amendment to shift the IM zone line that cuts through the middle of the parcel located at 7 Rand Road, such that the entire parcel would be in the I-M Industrial Zone. One half of the parcel, including one-third of the existing warehouse, is currently located in B-2 Community Business Zone.

Brockway-Smith is under contract to purchase the property and intends to continue to use the property for warehousing, which is permitted in I-M, but not B-2. In addition, Brockway-Smith would like to expand the warehouse, but such expansion would not be allowed in the B-2 Zone. As set forth in the attached Comprehensive Plan analysis, moving the I-M Zone line to encompass the entire warehouse into the I-M Zone is consistent with the City's Comprehensive Plan.

As shown on the attached plan of division, the current owner will retain a portion of the lot, so we are only seeking to amend the zoning on the lot we are purchasing. The highlighted area on the plan of division, as well as the proposed zoning map amendment, show the extent of the zone change request. The zone line would remain the same on the parcel retained by the seller.

Enclosed with this letter are the Comprehensive Plan Analysis, evidence of Right, Title and Interest, the plan of division and the Proposed Map Amendment. Thank you for your consideration. Please contact me directly if you have any questions.

Sincerely,



Mary E. Costigan

cc: Charlie Smith

COMPREHENSIVE PLAN ANALYSIS

PROPOSED MAP AMENDMENT FOR 7 RAND ROAD

At the time the warehouse at 7 Rand Road was constructed in 1972, the City had hand-drawn zoning maps and the zone lines did not always follow the lot lines. The warehouse on the property was constructed such that approximately one third of the building is located in the B-2 Community Business Zone and the remainder is in the I-M Industrial Zone. Although a conforming use in both zones at the time of construction, the warehouse use is now a legally nonconforming use in the B-2 Zone. Moving the zone line to encompass the entire warehouse within the I-M Zone is consistent with the Comprehensive Plan (the “Plan”), as explained in more detail below.

Relevant, Consistent City Goals and Strategies

Economy

- Create economic prosperity by growing Portland’s tax and employment base.
- Invest in, attract, and retain human capital to support a growing economy.

As set forth in the Plan, “there are many challenges for Portland’s economy, including a scarcity of office, industrial, and commercial space to meet current demand.” Moving the zone line to make the entire warehouse a permitted use will enable the future expansion of the warehouse to meet current and future demand. In addition, the future strategies to meet economic goals in the Plan include supporting local business retention and recruitment. Brockway-Smith is a New England business that has had operations in Portland beginning with its first Portland warehouse in Morrill’s Corner in 1926. It has had numerous locations in Portland, and as it grows, it continues to retain a presence in Portland. This latest relocation is from Read Street to Rand Road. This proposed map amendment to include an entire warehouse within the IM Industrial Zone is entirely consistent with the Comprehensive Plan and will enable use and expansion of an existing industrial warehouse in an appropriate location for such use.

Transportation

- Support economic vitality by ensuring the efficient movement of goods, services, and people.

Encouraging growth of industrial uses in existing industrial locations, supports continued efficiency in movement of goods. Allowing for such expansion in place also allows for operations to occur from a single location, thus adding to the efficiency.

Future Land Use

- Encourage orderly growth and development in appropriate areas of each community.
- Thoughtful expansion or investment in institutional and industrial sites.

The Future Land Use section of the Plan focuses on areas for future growth while recognizing the changes that will occur to existing facilities and uses, such as the thoughtful expansion of industrial sites.

Based on the above analysis, the proposed zoning map amendment to expand a portion of the I-M Industrial Zone to include the entirety of an existing warehouse is consistent with the Comprehensive Plan.

CITY OF PORTLAND
Planning & Urban Development Department

MAP AMENDMENT SUBMISSION CHECKLIST	
* Please submit each document <u>and</u> drawing as a separate PDF file * Please submit all drawings in a <u>24 x 36</u> sheet size * Please confirm each item by electronically checking the boxes to the left for each document/drawing	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Completed Checklist – Map Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements
PLANS	
☒	Vicinity Map
☒	Proposed Map Amendment (please use the Portland zoning map as a reference)
☐	Site Plan (if applicable) Provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries.

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement (the "Agreement") is dated effective as of the date the last party signs on the signature page below (the Effective Date"), by and between Rand Road Holdings, LLC, a limited liability company organized under the State of Maine having a principal place of mailing address at c/o Spinnaker Trust, 123 Free Street, Portland, ME 04101 ("Seller") and Brockway-Smith Company, a Massachusetts corporation with a mailing address of 35 Upton Drive, Wilmington, MA 01887 ("Buyer").

RECITALS:

A. Seller owns certain real property consisting of approximately 33.50 acres of land (the "Land") with an approximate 242,965 square foot industrial building ("Building") located at 7 Rand Road, Portland, Maine described in deed recorded in Cumberland County Registry of Deeds Book 31342, Page 191 and described on the City of Portland Tax Assessors Map 262-A-1, 263A-A-10 and 264-B-1, more particularly described on EXHIBIT A attached hereto, including all right, title and interest of Seller in and to any rights of way, privileges and appurtenances pertaining thereto, including, without limitation, any street adjoining any portion of the land and any air and development rights related to the land if any (the "Site"); and

B. Seller wishes to sell to Buyer, and Buyer wishes to purchase from Seller, upon the terms and conditions of this Agreement, a portion of the Site consisting of:

- (1) A portion of the Land to be referred to and depicted as the "Building Parcel" (as hereinafter provided), which is generally depicted on Exhibit B (the "Preliminary Plan") attached hereto. The specific layout of the Building Parcel shall be mutually agreed upon by Buyer and Seller, and depicted on the Lot Division Plan (defined in Section 3.1(3) below) to be delivered by Seller to Buyer and shall include any rights of way, privileges and appurtenance pertaining thereto including, without limitation, any street adjoining any portion of the Building Parcel and any air development rights relating to the Building Parcel, if any, to the extent transferable.
- (2) The Building and all buildings, structures and other improvements located on the Building Parcel (collectively, "Improvements") and all equipment and fixtures including, but not limited to, heating, cooling, plumbing, electrical and ventilation equipment, boilers, burners, heaters, plumbing and bathroom fixtures, electrical and lighting equipment and fixtures and all window treatments and all of Seller's right, title and interest in and to the building related equipment of any kind located on the Site or within the Building whether affixed to the Building or otherwise located at the Site on the date hereof; but not including any of the foregoing owned by [REDACTED] ("Personal Property").
- (3) All of Seller's transferable right, title and interest, if any, in and to any and all licenses, permits, agreements, approvals, privileges or warranties relating to the Building Parcel, the Improvements or the Personal Property (the "Approvals").

The Building Parcel, the Improvements, the Personal Property and the Approvals shall collectively be referred to as the "Property".

CP
4/22/19

C. The conveyance of the Property shall include perpetual nonexclusive easements and a right of way to use the existing driveway leading from Rand Road, for the purposes described in Section 1.2 below, which shall be located on the portion of the Site retained by Seller which shall be referred to and depicted as the "Retained Parcel" on the Lot Division Plan (the "Retained Parcel"), and certain utility easements in and over the Retained Parcel as described at Section 1.2 below.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, Seller and Buyer hereby agree as follows:

1. **AGREEMENT OF PURCHASE AND SALE: PURCHASE PRICE**

1.1 **Agreement of Purchase and Sale.** In accordance with and subject to the terms and conditions of this Agreement, Seller agrees to sell and convey the Property to Buyer and Buyer agrees to purchase and accept the Property from Seller. Seller agrees that the title to be conveyed to Buyer shall be fee simple title.

1.2 **Easements.** The conveyance of the Property shall include (i) a perpetual, nonexclusive easement and right of way to use the existing driveway leading from Rand Road on the Retained Parcel shown on EXHIBIT B for pedestrian and vehicular access and egress to the Property, (ii) the perpetual easement to use, operate, repair, maintain and replace any currently existing utility lines, water and sewer lines and stormwater drainage pipes, swales, ponds and facilities now serving the Property and located through, over and under the existing driveway and/or Retained Parcel; and (iii) the perpetual nonexclusive easement to locate, use, operate, repair, maintain and replace a below ground natural gas line, and related appurtenant facilities, which connects to natural gas distribution line on the land now or formerly of Brixmor SPE 4 LP to the Property, pursuant to and in compliance with that certain Easement Agreement between Brixmor SPE 4 LP and Northern Utilities, Inc. d/b/a Unitil, dated December 29, 2016 and recorded in said Registry of Deeds in Book 33739, Page 180. The driveway easement and such other easements shall each be in form reasonably satisfactory to Buyer and Seller.

1.3 **Purchase Price.** The purchase price (the "Purchase Price") for the Property shall be [REDACTED], subject to credits, prorations and other adjustments as provided for in this Agreement.

1.4 **Payment of the Purchase Price.** Buyer will pay the sum of [REDACTED] as an Earnest Money Deposit upon full execution hereof. Such Earnest Money Deposit shall be payable to Jensen Baird Gardner & Henry (the "Escrow Agent"), to be held in escrow in accordance with the terms of this Agreement. Upon expiration of the last to expire of the Inspection Period (as defined at Section 4), the Plan Review Period (as defined at Section 3.1(3)) or the Survey Review Period (as defined at Section 2.3(1)), if this Agreement is not otherwise terminated, Buyer shall increase the Earnest Money Deposit to [REDACTED], at which point the Earnest Money Deposit shall be non-refundable, except for (a) a default, beyond any applicable defined cure period, by Seller under this Agreement, (b) Seller's refusal or inability to close; (c) failure of any of the conditions to close or (d) any other provision of

this Agreement which provides for a refund of the Earnest Money Deposit. Buyer shall pay the balance of the Purchase Price to Seller in immediately available funds via federal wire transfer to the Seller's designated account on the Closing Date (as defined at Section 6.1) and as provided herein, subject to the credits and prorations set forth in this Agreement.

2. CONDITION OF TITLE; SURVEY MATTERS

2.1 **Title and Title Condition.** It shall be a condition to the Closing that Seller shall convey good and clear record and marketable title to the Property free from any encumbrances or other title defects, except for utility easements benefiting the Property and which are not Unpermitted Exceptions as defined at Section 2.2(I), and except for other encumbrances and title defects which Buyer agrees to accept. Seller shall within seven (7) days of the Effective Date provide Buyer with a copy of any title insurance policy or commitment in Seller's possession or control relating to the Site. Buyer shall, at its sole cost and expense, have the title to the Property examined. Buyer shall give written notice ("Title Defect Notice") to the Seller no later than forty-five (45) days from the Effective Date ("Title Review Period") if such title examination discloses any title defect which is unacceptable to Buyer in its sole and absolute discretion (collectively, "Unpermitted Exceptions"). Any matter of record title as of the effective date of Buyer's title examination which is not the subject of a Title Defect Notice, shall be conclusively deemed waived by Buyer and shall constitute a "Permitted Exception, except for mortgages or other liens which shall constitute Unpermitted Exceptions whether or not included in the Title Defect Notice."

2.2 **Title Defects.**

- (1) If Buyer gives a Title Defect Notice to Seller in accordance with the provisions of 2.1 above, then with respect to any Unpermitted Exception which is a mortgage or similar encumbrance created voluntarily by Seller and which secures only the payment of a stated indebtedness ("Monetary Lien"), Seller shall either (a) pay the amount necessary to remove such Monetary Lien from the record title to the Property and will, on or prior to the Closing Date, obtain a recordable instrument or other documentation sufficient to cause Buyer's title insurance company to delete such matter from an owner's title insurance policy to be issued to Buyer at standard rates, or (b) in the case only of a Monetary Lien securing the payment of a mortgage held by an institutional lender pay on the Closing Date the sum required to remove such Monetary Lien from the record title out of the Purchase Price to be received at the Closing pursuant to arrangements acceptable to Buyer and Buyer's counsel. With respect to any Unpermitted Exception which is not a Monetary Lien ("Nonmonetary Encumbrance"), Seller shall notify Buyer, within ten (10) days after Seller's receipt of the Title Defect Notice, whether Seller will attempt to cure such Nonmonetary Encumbrance. If Seller does not agree to attempt to cure such Nonmonetary

Encumbrance by notice given to Buyer on or before the expiration of said ten (10) day period, Buyer shall have the right, by notice given to Seller within ten (10) days after the earlier to occur of the expiration of said ten (10) day period or Buyer's receipt of Seller's notice, either to waive the Nonmonetary Encumbrance without abatement or reduction of the Purchase Price, or terminate this Agreement. If Seller agrees to attempt to cure the Nonmonetary Encumbrance, then Seller shall use best reasonable efforts to cure or remove such Nonmonetary Encumbrance. If after using best reasonable efforts, Seller has not removed or cured any Nonmonetary Encumbrance within thirty (30) days of Seller's receipt of a Title Defect Notice, Buyer shall, as its sole remedy and either (a) accept title to the Property subject to such Nonmonetary Encumbrance, in which case any Nonmonetary Encumbrance identified in the Title Defect Notice which Seller has not cured or removed shall constitute a Permitted Exception and the Closing shall occur without any credit against or abatement of the Purchase Price on account thereof; or, (b) elect to terminate this Agreement, in which case the Earnest Money Deposit, together with all interest, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.

- (2) If prior to the Closing an updated title report shows any new matter which did not appear on the record title to the Property as of the effective date of the initial title examination performed by Buyer which is not acceptable to Buyer in Buyer's sole discretion, then Buyer shall have the right to give Seller written notice of any such new matter which shall then be deemed to be an Unpermitted Exception and in such instances the parties shall have the same rights and obligations as to such new Unpermitted Exception as stated in Section 2.2(1) above.

2.3 Survey.

- (1) Seller shall within seven (7) days of the Effective Date provide Buyer with copies of all surveys, site plans, building plans or similar plans in Seller's possession or control which relate to the Site. Buyer may, at Buyer's expense, either before or after receipt of the Lot Division Plan (as defined at Section 3.1(3)), arrange for the preparation by a surveyor or engineer ("surveyor"), of a new or updated ALTA/NSPS Survey of the Property (the "ALTA/NSPS Survey", which shall include the Lot Division Plan as provided at Section 3.1(3)), certified to Buyer and the Buyer's title insurance company, and if Buyer elects to have a new or updated survey prepared, Seller shall cooperate with Buyer and the surveyor to enable the surveyor to prepare an ALTA/NSPS Survey, including, without limitation, providing the surveyor and Buyer with any and all surveys or records of the Site in the possession or control of Seller and permitting the surveyor to have access to the Site. Buyer shall have given written notice to Seller ("Survey Defect Notice") not later than thirty (30) days from the date Buyer receives the Lot Division Plan of any survey matter, zoning compliance issues survey related exceptions or any survey exceptions that the Buyer's title company indicates will appear on a title insurance policy which are not

acceptable to Buyer in Buyer's sole discretion ("Unpermitted Survey Exceptions"). Any such exceptions or survey matters which are shown on the Lot Division Plan or on any other ALTA/NSPS Survey obtained by Buyer which are not set forth in a Survey Defect Notice within said thirty (30) day period ("Survey Review Period") shall be deemed approved. Seller shall notify Buyer, within ten (10) days after Seller's receipt of the Survey Defect Notice, whether Seller will attempt to cure such Unpermitted Survey Exceptions. If Seller does not agree to attempt to cure such Unpermitted Survey Exceptions by notice given to Buyer on or before the expiration of said ten (10) day period, Buyer shall have the right, by notice given to Seller within ten (10) days after the earlier to occur of the expiration of said ten (10) day period or Buyer's receipt of Seller's notice, either to waive the Unpermitted Survey Exceptions without abatement or reduction of the Purchase Price, or terminate this Agreement. If Seller agrees to attempt to cure the Unpermitted Survey Exceptions, then Seller use best reasonable efforts to cure or remove such Unpermitted Survey Exceptions. If after using best reasonable efforts, Seller has not removed or cured any Unpermitted Survey Exceptions within sixty (60) days of Seller's receipt of a Survey Defect Notice, Buyer shall, as its sole remedy either (a) accept title to the Property subject to such Unpermitted Survey Exceptions, in which case any Unpermitted Survey Exceptions identified in the Survey Defect Notice which Seller has not cured or removed shall constitute a Permitted Exception and the Closing shall occur without any credit against or abatement of the Purchase Price on account thereof; or, (b) elect to terminate this Agreement, in which case the Earnest Money Deposit, together with all interest, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.

- (2) If prior to the Closing, any encroachments or other survey exceptions which did not appear on the Lot Division Plan or on any ALTA/NSPS Survey obtained by Buyer are discovered which are not acceptable to Buyer, in Buyer's sole discretion, then Buyer shall have the right to give written notice of any such newly discovered survey exception to Seller and in such instances the parties shall have the same rights and obligations as to such newly discovered survey exception as stated in Section 2.3(1) above.

- 2.4 **Title Insurance Policy.** It shall be a condition to Buyer's obligations to purchase the Property that Buyer may obtain an owner's (and lender's, if applicable) policy of title insurance at normal premium rates insuring title to the Property free from any encumbrances except for the Permitted Exceptions.

3. **APPROVALS AND CONDITIONS**

3.1 **Conditions.** The obligations of Buyer under this Agreement shall be subject to and contingent upon the satisfaction of the following conditions within the time periods specified below:

(1) **Approval of Title.** Buyer shall have approved the condition of title and survey of the Property pursuant to Sections 2.1 through 2.3 above within the time periods provided therein.

(2) **Title Policy.** Buyer (and Buyer's lender, if applicable) shall (if elected to do so) have received a commitment to obtain the title insurance policy(ies) described in Section 2.4.

(3) **Division.**

a. The specific boundaries of the Building Parcel and the Retained Parcel shall be mutually agreed upon by Buyer and Seller and if Buyer and Seller for any reason are not able to agree upon the boundaries of the Building Parcel and the Retained Parcel, this Agreement shall terminate and the Earnest Money Deposit shall be returned to Buyer.

b. Seller shall, at Seller's sole cost and expense, arrange for the preparation, by a surveyor or civil engineering firm reasonably acceptable to Buyer, of a plan in recordable form ("Lot Division Plan") which sets forth the Building Parcel and the Retained Parcel as mutually agreed upon by Buyer and Seller. The Lot Division Plan shall show the location of all Improvements on the Site including, but not limited to the Building, the location of all existing utility, water and sewer lines and all drainage facilities on the Site and shall identify the driveway easement and all other easements which are to be granted to Buyer in accordance with Section 1.2. The Lot Division Plan and the division of the Site into the Retained Parcel and the Building Parcel shall establish to the satisfaction of the Buyer in its sole discretion that the Property (including the Building and any other existing Improvements or the Building Parcel) conforms in all respects to any and all applicable municipal, state and other government regulations including, but not limited to, applicable zoning and land-use laws (including, but not limited to, set back requirements, frontage requirements, lot size requirements and building and impervious coverage ratios), that the Property abuts and has access to a public way duly laid out by the City of Portland and has access to all utility, water and sewer lines and drainage facilities. Seller shall cooperate with Buyer in the division of the Site and shall allow Buyer to consult with Seller and Seller's surveyor or engineer in connection with the preparation of the Lot Division Plan. Buyer shall have a period of thirty (30) days from the delivery of the completed Lot Division Plan ("Plan Review Period") to review the Lot Division Plan and if Buyer is not satisfied in Buyer's absolute discretion with the Lot Division Plan, Buyer

may terminate this Agreement prior to the expiration of the Plan Review Period.

- c. The Closing shall be contingent upon Seller, at Seller's sole cost and expense, obtaining any necessary municipal or other approvals for the subdivision of the Site pursuant to the Lot Division Plan (as finally approved by Buyer) and if Seller determines that such approvals are not required, the Closing shall be contingent upon Buyer's confirmation, in Buyer's sole judgment, that such approvals are not required and if Buyer does not so confirm such determination, Buyer may terminate this Agreement. If Buyer elects to terminate this Agreement pursuant to this subsection, the Earnest Money Deposit, together with all interest, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.
- (4) **Improvements; Building Addition.** Buyer's obligations are contingent upon Buyer's determination, in Buyer's sole discretion, that the division of the Site as set forth in the Lot Division Plan allows for the installation of a fire lane in compliance with all laws and regulations of the City of Portland including, but not limited to, applicable zoning requirements to be installed around the perimeter of the Building, and for the Property to provide sufficient "unimproved space" in compliance with applicable zoning requirements to enable Buyer to construct a 100,000 square foot addition to the Building to be located in the direction of Rand Road and the existing parking lots towards the railroad tracks as depicted on Exhibit B. If Buyer is not satisfied in Buyer's sole discretion, that the division of the Site will allow the installation of such fire lane or provide such sufficient "unimproved space", Buyer may terminate this Agreement prior to the expiration of the Plan Review Period. If Buyer elects to terminate this Agreement pursuant to this subsection, the Earnest Money Deposit, together with all interest, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.
 - (5) **Inspection of Property and Due Diligence Evaluation.** Buyer shall have a period of forty-five (45) days from the Effective Date ("Inspection Period") to determine, in Buyer's sole, absolute discretion, that Buyer is satisfied with the physical and environmental condition of the Property, and is satisfied, in its sole, absolute and subjective discretion, as to the feasibility of acquiring, owning and further developing the Property, as contemplated by Buyer, and operating the Property for the use and in the manner contemplated by Buyer. During such Inspection Period, Buyer shall have access to the Property for the purpose of making inspections, investigations, and tests thereof including, but not limited to, building and system inspections and such tests, borings and inspections which Buyer deems

necessary to determine if there are any hazardous wastes, hazardous substances, oils or hazardous materials in, on, under or about the Property. Seller shall make available to Buyer all environmental studies or reports in Seller's possession or control, wetland delineation reports, geological reports, prior land use permit applications filed by Seller and decisions obtained by Seller with the City of Portland, State of Maine or any federal agency having jurisdiction, to Buyer within ten (10) days from the Effective Date. Buyer shall comply with all applicable laws, rules and regulations in connection with its inspections and/or investigations of the Property and all matters related thereto. Any and all costs and expenses of Buyer's inspection/investigation of the Property shall be borne by Buyer. Buyer shall indemnify and hold Seller harmless against any and all damage to the Property, liability for mechanic's liens or personal injury, arising out of Buyer's inspections and investigations of the Property. It is expressly agreed that the foregoing indemnity shall be deemed to survive the Closing or the termination of this Agreement. Buyer agrees that upon Seller's request Buyer will provide to Seller and to cause each of its agents, contractors, subcontractors, consultants and other representatives who enter upon the Property to provide to Seller, prior to any such entry, evidence of insurance covering the activities to be conducted by Buyer and its employees, agents, contractors subcontractors, consultants and representatives.

If Buyer is not satisfied with the results of Buyer's inspections and investigations, Buyer may terminate this Agreement by written notice to Seller prior to the end of the Inspection Period. If Buyer fails to terminate this Agreement prior to the expiration of the Inspection Period, Buyer shall be conclusively deemed to have waived the right to terminate under this Section 3.1(5). If Buyer elects to terminate this Agreement pursuant to this subsection, the Earnest Money Deposit, together with all interest, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.

- (6) **Possession; Condition of Property.** At Closing, Seller shall deliver full possession of the Property to Buyer free of all leases, tenancies and occupancies of any person or entity other than [REDACTED]

[REDACTED], [REDACTED]. As of the Closing, the Property shall not be in material violation of any applicable law or regulation of any governmental authority. The physical condition of the Property at the Closing shall be in substantially similar condition as compared to such condition as of the close of the Inspection Period, subject to the expansion of Tenant's leased space and related changes in the configuration of Tenant's leased space generally as depicted on Exhibit C attached hereto. If Seller is unable to deliver possession to Buyer as hereinabove provided or if as of the Closing, the Property is in material violation of any such law, regulation or governmental authority or the physical condition of the Property is not in substantially

similar condition as compared to such condition as of the close of the Inspection Period, as hereinabove provided, Buyer may terminate this Agreement by written notice to Seller. If Buyer terminates this Agreement pursuant to this subsection, the Earnest Money Deposit together with all interest shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease and this Agreement shall be null and void without recourse to the parties.

- (7) **Lease Matters.** The Closing shall be contingent upon Buyer's receipt of an estoppel certificate from the Tenant in the form of EXHIBIT D attached hereto. If Seller is unable to deliver such estoppel certificate or if the estoppel certificate delivered by the Tenant indicates a landlord default or other materially adverse fact, Buyer may terminate this Agreement by written notice to Seller. If Buyer terminates this Agreement pursuant to this subsection, the Earnest Money Deposit together with all interest shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease and this Agreement shall be null and void without recourse to the parties.
- (8) **Flood Zone; Restrictions.** The Closing shall be contingent upon Buyer's determination that the Property is not located in a flood plain area or flood plain zone or any such other flood prone area as determined under the Rules and Procedures of the Federal Flood Insurance Program and that Buyer's use and further development of the Property as contemplated by Buyer will not be prohibited or substantially interfered with by any applicable law, regulation or ordinance relating to wetlands, conservation, land preservation or similar classifications or zoning ordinances or by any easement, restriction or other agreement. If Buyer's not satisfied with its determination, Buyer may terminate this Agreement at any time prior to the expiration of the Survey Review Period. If Buyer elects to terminate this Agreement pursuant to this subsection, the Earnest Money Deposit, together with all interest, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.

- 3.2 **Consequences of Termination of this Agreement.** If this Agreement is terminated by Buyer pursuant to Sections 2.2, 2.3, 2.4, 3.1, 6.7, 7.1, 8.1 or any other section specifically referring to this Section 3.2, then the following shall occur: (i) Buyer shall return to Seller all documents delivered by Seller to Buyer pursuant to this Agreement; (ii) Buyer shall deliver copies of all studies, reports, plans and surveys, including the ALTA/NSPS Survey, in Buyer's possession or control to Seller, and (iii) Seller shall promptly cause the return of the Earnest Money Deposit to Buyer. Upon completion of all of the foregoing, this Agreement shall be deemed terminated and neither party shall have any further rights against nor obligations to the other hereunder or in connection herewith except to the extent that any provision of this Agreement specifically survives any termination.

4. **WARRANTIES.**

4.1 **Representations of Buyer.** Buyer represents for the benefit of Seller that the following facts are true and correct as of the execution of this Agreement and shall be true and correct as of the Closing Date:

- (1) **Organization.** Buyer is a corporation duly organized and validly existing under the laws of the Commonwealth of Massachusetts with the full corporate power to enter into this Agreement.
- (2) **Authority.** The authority, execution and delivery of this Agreement and the consummation of the transactions contemplated hereby have been duly authorized and approved by all requisite action of Buyer and no other authorizations or approvals whether of governmental bodies or otherwise are necessary in order to enable Buyer to enter or to comply with this Agreement.
- (3) **Binding Effect of Documents.** This Agreement and the other documents to be executed by Buyer hereunder, upon execution and delivery thereof by Buyer, will have been duly entered into by Buyer, and will constitute legal, valid and binding obligations of Buyer, enforceable against Buyer in accordance with their terms. Neither this Agreement nor anything provided to be done under this Agreement violates or shall violate any contract, document, understanding, agreement or instrument to which Buyer is a party or by which it is bound.

4.2 **Representations of Seller.** Seller represents for the benefit of Buyer and Buyer's successors and assigns that the following facts are true and correct as of the execution of this Agreement and shall be true and correct as of the Closing Date and shall survive the Closing Date.

- (1) **Organization.** Seller is a limited liability company duly organized and validly existing under the laws of the State of Maine with full power to enter into this Agreement.
- (2) **Authority.** The execution and delivery of this Agreement and the consummation of the transactions contemplated hereby have been duly authorized and approved by all requisite action of Seller, and no other authorizations or approvals, whether of governmental bodies or otherwise, are necessary in order to enable Seller to enter into or to comply with the terms of this Agreement.
- (3) **Binding Effect of Documents.** This Agreement and the other documents to be executed by Seller hereunder, upon execution and delivery thereof by Seller, will have been duly entered into by Seller, and will constitute legal, valid and binding obligations of Seller, enforceable against Seller in accordance with their terms.

- (4) **Condemnation Proceedings.** Seller has received no written notice of any condemnation proceedings, eminent domain proceedings or similar actions or proceedings against the Property or any municipal betterments or special assessments proposed with respect to the Property.
- (5) **Foreign Person.** Seller is not a foreign person and is a "United States Person" as defined in Section 7701(a)(30) of the Internal Revenue Code, as amended.
- (6) **Violations.** Seller has no knowledge relative to the Property being in violation of, (A) any of the Approvals or any conditions thereof, (B) any easement, restrictive covenant or other matter of record affecting the Property or any part thereof, (C) any laws, statutes, ordinances, codes, regulations, rules, orders, or other requirements of any local, state or federal authority or any other governmental entity or agency having jurisdiction over the Property or any part thereof, including, without limitation, any of the foregoing affecting zoning, land-use, subdivision, building, health, traffic, environmental, hazardous waste or flood control matters (all of the foregoing items in (C), collectively, called the "Governmental Regulations").
- (7) **Litigation.** Seller has no knowledge of any suits, actions or proceedings pending or threatened against or affecting the Property or which would prevent Seller from performing any of the transactions to be performed by Seller herein before any court or administrative agency or officer.
- (8) **Hazardous Materials.** During the time of Seller's ownership of the Property, Seller has no knowledge of the release of any hazardous substance, hazardous waste, hazardous materials or oil or other petroleum products at the Property or into the environment from the Property, except as previously disclosed to Buyer in a Phase I Environmental Site Assessment prepared by St. Germain Collins dated October 22, 2018, St. Germain Collins File No. 3602-0001.
- (9) **No Lease.** Seller has not entered into any leases, licenses or other occupancy agreements (written or verbal) which grant any possessory interest in and to any portion of the Property and that remain in effect other than the Lease, or that otherwise give rights with regard to the use of the Property, maintenance or service contracts or other agreements which will affect the Property after the Closing.
- (10) **No Options.** There are no purchase options, purchase contracts, or other agreements, written or oral, whereby any person could claim a legal or equitable right, title or interest in the Property or any portion thereof.
- (11) **No Citations.** Seller has no knowledge of any written notice or citation from (i) any federal, state, county or municipal authority alleging any fire, health, safety, building, pollution, environmental, zoning or other violation of any law, regulation, permit, order or directive in respect of the Property

or any part thereof, which has not been entirely corrected in accordance with applicable law; or (ii) any insurance company or bonding company of any defects or inadequacies in the Property or any part thereof, which would adversely affect the insurability of the same or of any termination or threatened termination of any policy of insurance or bond.

- (12) **No Default.** Performance of this Agreement will not result in a breach of, constitute a default under, or result in the imposition of a lien or encumbrance upon the Property under any agreement instrument, covenant, restriction, or organizational documents by which Seller or the Property is bound, and Seller is not prohibited from consummating the transactions contemplated herein by any law or regulation, agreement, instrument restriction, order or judgment.
- (13) **No Bankruptcy.** No bankruptcy or insolvency proceeding under the Bankruptcy Code or any state bankruptcy or insolvency law filed by or against Seller is pending and no such filing is contemplated by Seller, or, to Seller's knowledge, threatened.
- (14) **No Rights.** Seller has no knowledge of any existing rights (e.g., rights of first refusal) or other consents or waivers required for the completion of the delivery of the deed.
- (15) **No Underground Storage Facilities.** Seller has no knowledge of underground storage facilities or other subsurface storage facilities used to hold petroleum products or other hazardous materials now in use or previously abandoned at the Property.
- (16) **Municipal Water and Sewer.** The Property is serviced by municipal water and sewer. Seller has no knowledge of an onsite subsurface water disposal system at the Property.
- (17) **No Tax Liability.** Seller has no knowledge of Seller owing any past due taxes to the State of Maine.
- (18) **No Sanctions.** Seller has no knowledge of being subject to sanctions of the United States government or, to Seller's knowledge, in violation of any federal, state, municipal or local laws, statutes, codes, ordinances, orders, decrees, rules or regulations.
- (19) **Challenges.** Seller has no knowledge of any claim by any third party which challenges or disputes Seller's title to the Site or any dispute or disagreement as to the location of the boundary lines of the Site.

All warranties and representations of Seller set forth in this Agreement shall survive the Closing Date. For the avoidance of doubt, Buyer acknowledges that the Property is being sold in its "as-is" and "where-is" condition, with all faults, and without Seller's representation as to warranties as to the physical condition of the Property, or issues ascertainable from public record.

- 4.3 **No Warranties or Representations.** Except as expressly stated in this Agreement, Buyer agrees that Seller has not made, does not make and specifically negates and disclaims any representations, warranties, promises, covenants, or agreements of any kind or character, whether express or implied, oral or written, past, present or future, of, as to, concerning or with respect to the value, nature, quality or condition of the Property, or the suitability of the Property for any and all activities and uses which Buyer may conduct thereon.
- 4.4 **Documents Provided by Seller.** Buyer agrees that any information, documentation, studies, permits and/or analysis which are in Seller's possession that pertain to the Property, including but not limited to, those items referred to in Section 2.3 which Seller makes available to Buyer are provided for Buyer's convenience only and Seller makes no representation or warranty whatsoever as to the accuracy or the completeness thereof or information contained therein or as to the condition of the Property (except as provided in this Article 4) or any rights related to the possible development of the Property.

5. **ADDITIONAL AGREEMENTS OF BUYER AND SELLER**

- 5.1 **Right of Entry.** Buyer and its representatives, employees, contractors, agents and designees shall have the right to enter upon the Site and enter the Building upon twenty-four (24) hours' advance telephone or e-mail notice, at Buyer's sole cost and expense, during normal business hours prior to the Closing Date, in order to inspect and investigate the Property or its environmental condition and, subject to Section 3.1(3) hereinbefore, to conduct any and all tests, surveys and studies Buyer deems necessary or convenient. Buyer shall indemnify Seller against and hold Seller and the Property free and harmless from any damage to the Property arising out of any such entry, testing, and investigation by Buyer or its representatives, employees, agents, contractors, or designees. Should Buyer conduct or cause environmental studies to be conducted, Buyer shall cause all residue or product samples relating thereto to be disposed of in full compliance with applicable law. Buyer shall restore the Property to its existing condition subsequent to the completion of all of Buyer's investigations or inspections of the Property or upon the conclusion of the Inspection Period, whichever shall first occur.
- 5.2 **Seller Covenants.** Seller agrees that so long as this Agreement is in effect:
- (1) **Occupancy.** Seller shall not permit occupancy of or enter into any new lease, license or other occupancy agreement for space in or on the Property, or any portion thereof, except for the Lease.
 - (2) **Contracts.** Seller shall not enter into any service or maintenance contract relating to the Property which is not terminable as of the Closing Date. Seller shall terminate any existing service or maintenance contracts as of the Closing Date at Buyer's request; provided that such service or maintenance contracts are terminable without penalty.

- (3) **Personal Property.** All Personal Property included in this Agreement shall not be removed from any of the Improvements, unless the same is replaced with similar items of at least equal quality prior to the Closing.
- (4) **Insurance.** Seller shall maintain fire and extended coverage and liability insurance coverage on the Property in the same amounts as presently carried by Seller.

If the Property has been damaged by fire or other casualty and is not fully repaired at the time of the Closing or a proceeding for condemnation or taking by eminent domain of all or any part of the Property shall be commenced, then (unless Buyer terminates this Agreement as provided hereunder), Seller shall convey and Buyer shall accept such title to the Property in such unrestored condition, without reduction to the Purchase Price other than in the amount of the deductible amount, if any, under Seller's property insurance policy applicable to the Property, and Seller shall pay over, and assign to Buyer any insurance proceeds or condemnation awards recovered or recoverable by Seller arising from fire or other casualty to, or condemnation of, the Property which have not been applied by Seller to restore the Property, and Buyer shall receive an assignment of Seller's contract rights against any contractor engaged by Seller to repair the Improvements. Notwithstanding anything to the contrary set forth in this Agreement, in the event that the Building and/or any Improvements to the Property are destroyed or damaged by fire or other casualty prior to the delivery of the deed, Buyer may, at Buyer's option, terminate this Agreement by written notice to Seller and the provisions of Section 3.2 shall be applicable.

- (5) **Financing.** Seller shall not execute any new mortgage on the Property or modify the existing mortgage(s) on the Property, or otherwise encumber the Property in an amount which, together with the amount of all other mortgages and monetary liens, will exceed the net amount of the Purchase Price to be received by Seller at the Closing, after deduction (if any) for the adjustments and costs described in Section 6.4 and 6.5 above or create any other new encumbrance or restriction affecting the Property.

- 5.3 **Representations and Warranties.** Neither Buyer nor Seller will cause any action to be taken that would cause any of the representations or warranties made by such party in this Agreement to be false as of the Closing Date. Each party shall promptly notify the other party in writing of the occurrence of any event or condition which occurs prior to the Closing Date which causes a change in the facts related to the truth of any of the representations or warranties made in Article 4 of this Agreement.

6. **CLOSING DATE.**

- 6.1 **Closing.** The date of closing ("Closing Date") shall be on a date designated by Seller in a written notice delivered to Buyer ("Closing Notice") which Closing Notice may not be delivered prior to the expiration of the Due Diligence Period,

Title Review Period, Plan Review Period and Survey Review Period and which date may be no sooner than forty-five (45) days after the date of delivery of the Closing Notice. In no event shall the Closing be later than April 1, 2020. If Seller fails to deliver a Closing Notice on or before February 14, 2020, the Closing Date shall be April 1, 2020. The terms "Closing" and "Closing Date" as used herein shall mean the date upon which a Statutory Quitclaim with Covenant deed conveying the Property to Buyer is delivered by Seller to Buyer for recording in the Cumberland County (Maine) Registry of Deeds. Possession shall be delivered at Closing as provided at Section 3.1(6). The Closing shall take place through an escrow pursuant to a mutually agreed upon escrow letter setting forth the terms of the escrow.

6.2 **Buyer's Obligations.** At the Closing Date, Buyer shall deliver to Seller:

- (1) The Purchase Price in immediately available funds as provided at Section 1.3.
- (2) An executed closing statement.
- (3) An executed Assignment and Assumption of the Lease.
- (4) An executed Real Estate Transfer Tax Declaration.

6.3 **Seller's Obligations.** On or before the Closing Date, Seller shall deliver to Buyer all of the following:

- (1) Statutory Quitclaim with Covenant deed, in form and substance reasonably acceptable to Buyer's counsel, executed and acknowledged by Seller, conveying the Property to Buyer, in its AS-IS and WHERE-IS condition with all faults, free of all liens and encumbrances except Permitted Exceptions.
- (2) An executed Maine Real Estate Transfer Tax Declaration.
- (3) A copy of the resolutions of the Members of Seller authorizing the execution, delivery and performance by Seller of this Agreement, and designating one or more managers to execute documents, including the deed, in Seller's name in connection herewith, certified as correct and complete by a manager of Seller, together with an incumbency certificate for each person executing documents on behalf of Seller (or other evidence of authority acceptable to Buyer's counsel), a good standing certificate certified by the state of Seller's formation (and State of Maine if required to register therein) and a manager's certificate certifying as to the authorization of Seller to execute and deliver this Agreement and perform its obligations under this Agreement.
- (4) A Non-Foreign Affidavit executed by Seller in the standard form.

- (5) A standard Seller's Affidavit or other affidavit required by the Buyer's title insurance company to issue a title policy to Buyer (and Buyer's lender, if applicable) without exception as to parties in possession and as to mechanic's or materialmen liens.
- (6) An affidavit indicating that Seller is a Maine resident, or in lieu thereof or another applicable exemption, Buyer shall be entitled to withhold and account for 2.5% of the Purchase Price as required by 33 M.R.S. §5250-A.
- (7) A notice regarding underground storage tanks pursuant to 38 M.R.S §563.
- (8) An executed closing statement.
- (9) An Assignment and Assumption of the Lease in form satisfactory to Buyer's counsel.
- (10) The estoppel certificate from the Tenant and the Tenant waiver referred to at Section 3.1(7).
- (11) An executed Quitclaim with Covenant Bill of Sale conveying the Personal Property.
- (12) Such other documents and instruments as may be specifically required in this Agreement or as may be customarily provided by sellers in transactions of this type and reasonably required by Buyer's title insurance company such as a 1099 Form and a W-9 Form; but in any event not including a survey affidavit.

6.4 **Prorations and Adjustments.** Seller shall be responsible for and pay all accrued expenses with respect to the Property accruing up to 11:59 P.M. on the day prior to the Closing Date (the "Adjustment Date") and shall be entitled to receive and retain all revenue from the Property accruing up to such time. On the Closing Date the following adjustments and apportionments shall be made in cash or by closing adjustment as of the Closing Date:

- (1) Real estate taxes, personal property taxes, stormwater charges and utility charges, if any, shall be prorated.
- (2) Rents, common area payments, tax payments and other payments payable under the Lease shall be apportioned, and the security deposits credited to Buyer.
- (3) Seller shall at Closing pay all utility charges according to final readings.

6.5 **Closing Costs.**

- (1) Seller shall pay:

- i. Preparation charges for Seller's documents;
 - ii. The cost of any Seller's other obligations under this Agreement;
 - iii. Seller's share (50%) of the transfer tax due to the State of Maine; and
 - iv. Recording costs relating to discharging any liens of record.
- (2) Buyer shall pay:
- i. Recording costs for the deed;
 - ii. The premium for a standard ALTA Owner's form of Title Policy, including any desired endorsements;
 - iii. The cost of any of Buyer's other obligations under this Agreement; and
 - iv. Buyer's share (50%) of the transfer tax due to the State of Maine.

6.6 **Additional Conditions to Buyer's Obligation to Purchase the Property.** In addition to the conditions set forth in Section 3.1, Buyer's obligation to purchase the Property from Seller pursuant to this Agreement is subject to and conditioned upon the fulfillment of each and all of the following conditions precedent, unless waived in writing by Buyer, in Buyer's sole and absolute discretion:

- (1) Each and every representation and warranty of Seller contained in this Agreement shall be true and correct in all material respects on the Closing Date.
- (2) The title insurance company selected by Buyer shall be unconditionally obligated and committed to issuing the title policy to Buyer as set forth at Section 2.5.

6.7 **Additional Conditions to Seller's Obligation to Convey the Property.** Seller's obligation to convey the Property to Buyer pursuant to this Agreement is subject to and conditioned upon the fulfillment of each and all of the following conditions precedent, unless waived in writing by Seller: (a) each and every representation and warranty of Buyer contained in this Agreement shall be true and correct in all material respects on the Closing Date; (b) Buyer shall have performed the requirements and delivered the documents described in Section 6.2 hereof on or prior to the Closing Date; and (c) Buyer shall have paid the Purchase Price.

7. **REMEDIES**

7.1 **Seller's Default.** In the event that Seller breaches or shall have failed in any material respect on the Closing Date to have performed any of the covenants and agreements contained in this Agreement which are to be performed by Seller on or

before the Closing Date, any material representation or warranty of Seller herein was untrue when made, or Seller shall have caused any material representation or warranty to become untrue between the date of this Agreement and the Closing Date, then Buyer's sole and exclusive remedy shall be to (i) take any and all legal actions necessary to compel Seller to convey the Property in accordance with the terms of this Agreement (it being acknowledged that damages at law would be an inadequate remedy), and to consummate the transaction contemplated by this Agreement in accordance with the provisions of this Agreement provided however that if the remedy of specific performance is not available because Seller has conveyed the Property (or any portion thereof) to a third party in breach of this Agreement, Buyer may seek to recover Buyer's actual damages, or (ii) to terminate this Agreement whereupon the Earnest Money Deposit, together with all interest thereon, shall be immediately refunded to Buyer, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.

- 7.2 **Buyer's Default.** In the event that Buyer breaches or shall have failed in any material respect on the Closing Date to have performed any of the covenants and agreements contained in this Agreement which are to be performed by Buyer on or before the Closing Date, any material representation or warranty of Buyer herein was untrue when made, or Buyer shall have caused any material representation or warranty to become untrue between the date of this Agreement and the Closing Date, then Seller's sole and exclusive remedy shall be to (i) take any and all legal actions necessary to compel Buyer to purchase the Property in accordance with the terms of this Agreement (it being acknowledged that damages at law would be an inadequate remedy), and to consummate the transaction contemplated by this Agreement in accordance with the provisions of this Agreement, or (ii) to terminate this Agreement whereupon the Earnest Money Deposit, together with all interest thereon, shall be immediately released to Seller, all obligations of the parties hereto (except those which expressly survive termination) shall cease, and this Agreement shall be null and void and without recourse to the parties hereto.

- 7.3 **Intentionally Deleted.**

8. **EMINENT DOMAIN**

- 8.1 **Election to Terminate.** If on or before the Closing Date all or any material part of the Property is taken or threatened to be taken by condemnation or other power of eminent domain, Buyer may, by written notice given to Seller within thirty (30) days after Buyer shall have notice of such taking or threatened taking (and the Closing Date shall be extended if necessary to allow Buyer said thirty (30) day period) elect, in Buyer's sole and absolute discretion, to terminate this Agreement or proceed with the transaction contemplated hereby in accordance with the terms and conditions set forth herein and in the event of a termination of the provisions of Section 3.2 shall be applicable. If Buyer fails to deliver written notice to Seller of its election to terminate this Agreement, then Buyer shall be conclusively deemed to have elected to proceed with this Agreement.

- 8.2 **Election Not to Terminate.** If on or before the Closing Date any part of the Property is taken or threatened to be taken by condemnation or other power of eminent domain but this Agreement is not terminated by Buyer pursuant to Section 8.1 above, then the Purchase Price shall be reduced (but not below zero) by an amount equal to the sum, if any, that was actually paid to Seller for such taking and Seller shall assign, transfer and set over to Buyer all of Seller's right, title and interest in and to any awards that may in the future be made for such taking or threatened taking.

9. **INDEMNIFICATION.**

- 9.1 **Breach of Warranty and Representation.** Each party shall hold harmless, indemnify, protect and defend the other from and against any and all claims, liability and losses, and expenses related thereto (including reasonable attorneys' fees), which the indemnified party incurs by reason of a breach of any of the warranties, representations or covenants of the indemnifying party contained in Sections 4.1 and 4.2.

10. **MISCELLANEOUS PROVISIONS.**

- 10.1 **Brokerage Commissions.** Seller hereby represents and warrants to Buyer that Seller has made no statement or representation nor entered into any agreement with a broker, salesman or finder in connection with the transactions contemplated by this Agreement, except with [REDACTED]

[REDACTED]. Buyer hereby represents and warrants to Seller that Buyer has made no statement or representation nor entered into any agreement with a broker, salesman or finder in connection with the transactions contemplated by this Agreement other [REDACTED]. In the event of a claim for any brokers' or finders' fees or commissions in connection with the negotiation or execution of this Agreement or the transactions contemplated hereby, Seller shall indemnify, hold harmless and defend Buyer from and against such claim if such claim shall be based upon any statement or representation or agreement alleged to have been made by Seller, and Buyer shall indemnify, hold harmless and defend Seller from and against such claim if such claim shall be based upon any statement, representation or agreement alleged to have been made by Buyer.

- 10.2 **Notices.** Any notice, demand, approval, consent or other communication required or desired to be given under this Agreement in writing shall be directed to the party involved at the address indicated below:

Seller: Rand Holdings, LLC
c/o Spinnaker Trust
123 Free Street

Portland, ME 04101
Attn: Richard Curran
dickcurran@spinnakertrust.com
coneil@spinnakertrust.com
Tel.: 207-553-7106

With a copy to: Nicholas D. Morrill, Esq.
Jensen Baird Gardner & Henry
Ten Free Street, 4th Floor
P. O. Box 4510
Portland, ME 04112-4510
nmorrill@jbggh.com
Tel.: 207-775-7271

Buyer: Brockway Smith Company
35 Upton Drive
Wilmington, MA 01887
Attn: Charles Smith, President
csmith@broscow.com
Tel.: 781-475-9100

With a copy to: Robert C. Dunkless, Esq.
Ottenberg & Dunkless LLP
10 Post Office Square, 7th Floor
Boston, MA 02109
dunkless@odllp.com
Tel.: 617-342-8600

And

Tom Hanson, Esq.
Bernstein Shur
100 Middle Street
P. O. Box 9729
Portland, ME 04104
thanson@bernsteinshur.com
Tel.: 207-228-7335

Any notice, demand, approval, consent or other communication may be given by personal service, recognized overnight air courier or by mail or by e-mail with confirmation by any of the foregoing means. Any notice, demand, approval, consent or other communication given (a) personally shall be deemed delivered upon receipt, (b) by recognized air courier, freight prepaid, shall be deemed delivered on the next business day, (c) by e-mail shall be deemed delivered when sent (provided that confirmation is sent by any of the foregoing means) by and (d) by mail shall be deemed to have been given when two (2) business days have elapsed from the date it was deposited in the United States mail, certified and

postage prepaid, addressed to the party to be served at said address or at such other address of which that party may have given notice under the provisions of this Section 10.2.

- 10.3 **Modification.** This Agreement may not be modified or amended except by a written agreement executed by Seller and Buyer, and only to the extent set forth therein.
- 10.4 **Intentionally Omitted.**
- 10.5 **Form of Documents.** All instruments and documents to be executed and delivered under this Agreement by any party to any other party shall be in form reasonably satisfactory to the other party.
- 10.6 **Successors and Assigns.** This Agreement shall be binding upon, and shall inure to the benefit of, the successors and assigns of the parties.
- 10.7 **Duplicate Counterparts.** This Agreement may be executed in duplicate counterparts, all of which together shall constitute a single instrument, and each of which shall be deemed an original of this Agreement for all purposes, notwithstanding that less than all signatures appear on any one counterpart.
- 10.8 **Section Headings.** The various section headings in this Agreement are inserted for convenience of reference only, and shall not affect the meaning or interpretation of this Agreement or any provision hereof.
- 10.9 **Exhibits.** All Exhibits attached to, and to which reference is made in, this Agreement are incorporated into, and shall be deemed a part of, this Agreement.
- 10.10 **Entire Agreement.** This Agreement is the entire agreement of Seller and Buyer with respect to the Property and the transaction contemplated hereby, containing all of the terms and conditions to which Seller and Buyer have agreed. This Agreement supersedes and replaces entirely all previous oral and written understandings, if any, of Seller and Buyer respecting the Property and the transaction contemplated hereby.
- 10.11 **Time.** Time is of the essence in this Agreement and each and every provision of this Agreement.
- 10.12 **Governing Law.** This Agreement shall be governed by the laws of the State of Maine.
- 10.13 **Severability.** If any paragraph, section, sentence, clause or phrase contained in this Agreement becomes or is held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining paragraphs, sections, sentences, clauses or phrases contained in this Agreement shall not be affected thereby.
- 10.14 **Ambiguities Not to be Construed Against Drafting Party.** The doctrine that any ambiguity contained in a contract shall be construed against the party whose

counsel has drafted the contract is expressly waived by each of the parties hereto with respect to this Agreement.

- 10.15 **Signers' Warranty.** Each individual executing and delivering this Agreement on behalf of an entity hereby warrants and represents to the other party that he or she has been duly authorized and empowered to do so.
- 10.16 **Facsimile Signatures.** The parties agree that facsimile signatures on this Agreement will be accepted as original signatures hereto.
- 10.17 **I.R.C. Section 1031 Exchange.** Seller or Buyer may, at Closing, elect to effectuate a like-kind exchange of the Property, with respect to all or a portion of the Purchase Price, with a view toward such exchange qualifying for tax deferred treatment under Section 1031 of the Internal Revenue Code, as amended (the "Code") (the "1031 Election"), by notifying Buyer (or Seller, as the case may be) in writing, at or prior to the Closing, that it is making the 1031 Election. In the event of a 1031 Election, Seller (or Buyer, as the case may be) may, in accordance with the Treasury Department regulations, assign this Agreement to a qualified exchange intermediary ("Qualified Intermediary") of Seller's (or Buyer's, as the case may be) choice to effectuate the exchange. Seller and Buyer agree to cooperate with each other in qualifying for such like-kind exchange and in accordance with and subject to the terms, provisions, and limitations of this Agreement, including, but not limited to, the terms, provisions and limitations of this Section 10.17; provided, however, the party being asked to cooperation shall not have any responsibility, obligation or liability with respect to any such transaction or the effectiveness of the same; and provided, further, the exchange does not delay or postpone the Closing Date. The parties agree to execute such documents and instruments as are reasonably necessary to implement such an exchange, provided such documents and instruments are in form and substance reasonably acceptable to the party executing the same. In no event, however, shall Buyer's (or Seller's, as the case may be) obligations under any other provision of this Agreement be diminished as a result of the 1031 Election or the effectuation of the like-kind exchange contemplated thereby. Similarly, Buyer's (or Seller's, as the case may be) rights under any other provision of this Agreement shall not be diminished nor shall Buyer's (or Seller's, as the case may be) obligations under this Agreement be increased as a result of such election or the effectuation of the like-kind exchange contemplated thereby. Buyer's (or Seller's, as the case may be) sole obligation as to the like-kind exchange shall be to cooperate in good faith with Seller's (or Buyer's as the case may be) efforts to effectuate such an exchange in accordance with and subject to the terms, provisions and limitations of this Section 10.17 and at no cost or expense to Buyer (or Seller, as the case may be).
- 10.18 **Risk of Loss.** All risk of loss with respect to the Property shall remain with Seller pending closing.
- 10.19 **Escrow Agent.** Escrow Agent shall be responsible for holding and disbursing the Earnest Money Deposit in accordance with the terms of this Agreement, and the duties and responsibilities of the Escrow Agent shall be determined solely by the express terms and provisions of this Agreement. Escrow Agent shall hold the

Earnest Money Deposit in escrow, in a non-interest bearing account. If there is a dispute regarding the disposition of the Earnest Money Deposit, the Escrow Agent shall not distribute the Earnest Money Deposit until directed by joint written instructions from Seller and Buyer or until receipt of a final judgment of a court with appropriate jurisdiction. As an alternative thereto, Escrow Agent may tender the Earnest Money Deposit into a court appropriate jurisdiction and interplead both parties thereto and thereafter be free from any further obligation to the parties or hereunder. Escrow Agent may decline to act and shall not be liable for failure to act if in doubt as to its duties and responsibilities hereunder. Escrow Agent shall have the right to consult with counsel of its own choosing in the performance of its duties and responsibilities hereunder, and shall not be liable for any action taken in good faith in reliance upon the advice of counsel. Escrow Agent may act upon any instrument or signature reasonably believed by Escrow Agent to be genuine and may assume that any person purporting to give any notice or instruction hereunder, reasonably believed by Escrow Agent to be authorized, has been duly authorized to do so. Escrow Agent is not charged with any knowledge of or any duties or responsibilities, except as set forth in this Agreement. Except for willful misconduct, Escrow Agent shall be excused from all responsibilities, including insolvency of any depository, absolutely. The provisions of this Section shall survive the Closing or the earlier termination of this Agreement and may not be amended without the prior written consent of Escrow Agent.

- 10.20 **Acceptance of Deed.** The acceptance and recording of a deed to the Property by Buyer or its nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation of Seller herein contained or expressed, except such as are, by the express terms hereof, to be performed after the delivery of said deed.
- 10.21 **Use of Funds at Closing.** To enable Seller to make conveyance as herein provided, Seller shall, at the Closing Date, use the purchase money or any portion thereof to clear the title of any or all Monetary Encumbrances, provided that all instruments so procured are recorded simultaneously with the delivery of said deed; provided, however, that discharges of mortgages granted by Seller to and held by institutional lenders may be obtained by counsel for Buyer or Buyer's lender, using funds deducted from the proceeds due to Seller, and recorded in the ordinary course of business following completion of the conveyance from Seller to Buyer.
- 10.22 **Assignability; Nominee.** Buyer shall not record this Agreement. Buyer may not assign its rights under this Agreement without the prior written consent of Seller provided, however, that Buyer shall have the right to designate a "nominee" (as hereinafter defined) to take title to the Premises by notice to Seller given not later than seven (7) days prior to the Closing Date; provided, however, that no such nomination shall release Buyer from any liability or obligation under this Agreement. Any entity in which any principals or affiliates of Buyer have operational control will be deemed a "nominee" for the purposes of this Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Agreement is executed by the parties on the dates set next to their signatures below, but shall be deemed dated for reference purposes as of the date first above written.

WITNESS:

Jane Sadzewska

BUYER:

BROCKWAY-SMITH COMPANY

Charles F. Smith

By: Charles F. Smith

Its: President & CEO

Date signed: 4/22/19

WITNESS:

Chris O'Neil

SELLER:

RAND ROAD HOLDINGS, LLC

Charles L. Hildreth, Jr. President,

ORR E-W, Inc., Managing member of

By: Rand Road Holdings

Its: CHARLES L. HILDRETH, JR.

Date signed:

4/19/2019

EXHIBIT A

SITE DESCRIPTION

A certain lot or parcel of land with buildings thereon situated on the Westerly side of Rand Road in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at the intersection of the Northwesterly sideline of Rand Road as conveyed to the State of Maine on December 20, 1969 and recorded in the Cumberland County Registry of Deeds in Book 3116, Page 772 and the Northeasterly sideline of Portland Terminal Company land:

Thence, by said railroad land on the following courses:

N-44°-56'-30"-W a distance of 248.26 feet;
N-44°-47'-10"-W a distance of 1217.20 feet;
N-44°-43'-30"-W a distance of 317.15 feet to a rod marking the Easterly line of land of the Maine Turnpike Authority.

Thence, by land of the Maine Turnpike Authority on the following courses:

N-34°-25'-00"-E a distance of 171.09 feet to a rod;
N-55°-35'-00"-W a distance of 50.00 feet to a rod;
N-34°-25'-00"-E a distance of 276.70 feet to a rod marking land now or formerly of Brighton Travellers Associates recorded in said Registry in Book 7354, Page 107;

Thence, by said Brighton Travellers Associates on the following courses:

S-44°-33'-30"-E a distance of 338.86 feet to a rod;
N-30°-43'-00"-E a distance of 329.26 feet to an iron marking the Southerly line of land now or formerly of Gordon F. Bloom, for the "Pine Tree Shopping Center."

Thence, by the Southerly line of said Pine Tree Shopping Center S-59°-21'-40"-E a distance of 1337.20 feet to the Westerly line of said Rand Road;

Thence, by the Westerly line of said Rand Road S-26°-37'-00"-W a distance of 1143.60 feet to the point of beginning.

Above courses are magnetic 1956.

Reference is made to a plan of the above-described property entitled "Land Title Survey on Rand Road, Portland, Maine for The Emery-Waterhouse Company, Rand Road, Portland, Maine 04103" made by Owen Haskell, Inc., dated May 11, 1993, Job No. 93038P, Bk. No. 640P.

Legend

- IRON PIPE OR ROD FOUND
- GRANITE MONUMENT FOUND
- HYDRANT
- LIGHT POLE
- UTILITY POLE
- PROPERTY LINE
- BUILDING
- CURB
- EDGE OF PAVEMENT
- CONCRETE
- FENCE
- OE OVERHEAD ELECTRIC
- IPF / IRF IRON PIPE OR ROD FOUND
- N/F NOW OR FORMERLY
- 000/000 DEED BOOK / PAGE
- CB CATCH BASIN
- MH MANHOLE
- WG WATER GATE
- (D) DEED DIMENSION



Plan References

- "STANDARD BOUNDARY SURVEY, SOUTHERLY OF BRIGHTON AVE., PORTLAND, MAINE FOR RICHARDSON AND TROUGH" BY OWEN HASKELL, INC. DATED MARCH 21, 1989.
- "PLAN OF LAND MADE FOR THE PINE TREE SHOPPING CENTER, GORDON F. BLOOM, PORTLAND, MAINE" BY H.I. & E.C. JORDAN SURVEYORS DATED AUGUST 1963.
- "LAND TITLE SURVEY ON RAND ROAD, PORTLAND, MAINE FOR THE EMERY-WATERHOUSE COMPANY, RAND ROAD, PORTLAND, MAINE 04103" BY OWEN HASKELL, INC. DATED MAY 11, 1993 REVISED JAN. 18, 1995.
- "RAND ROAD SIDELINE SURVEY FROM PORTLAND TERMINAL RAILROAD TO BRIGHTON AVE. AND A PORTION OF BRIGHTON AVE., CITY OF PORTLAND, MAINE PUBLIC WORKS DEPARTMENT, ENGINEERING SECTION NOV. 13, 2003"
- "ALTA/NSPS LAND TITLE SURVEY, 7 RAND ROAD, PORTLAND, CUMBERLAND COUNTY, MAINE MADE FOR BROCKWAY-SMITH COMPANY" JUNE 14, 2019 REVISED JUNE 21, 2019 BY OWEN HASKELL, INC.

Utility Note

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DISSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

General Notes

- OWNER OF RECORD: RAND ROAD HOLDINGS, LLC
7 RAND ROAD, PORTLAND, ME
TAX MAP: 264-A-5; 262-A-1;
263-A-10 & 264-B-1
C.C.R.D. BOOK 31342 PAGE 191
- BEARINGS ARE MAGNETIC 1956 PER PLAN REFERENCE 3.
- THIS PLAN IS A COMPILATION OF PLAN REFERENCE 3 AND A FIELD INSPECTION IN MAY & JUNE 2019.
- THERE ARE 203 PARKING SPACES, 2 OF WHICH ARE HANDICAPPED SPACES.

Certificate

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DRAWN BY: RS / JLW DATE: JAN. 29, 2020 JOB NO. 2019-094 P
CHECKED BY: RRL SCALE: 1" = 80' DRWG. NO. 1-BND

Zoning Information (B2)

THE SURVEYED PARCEL IS LOCATED IN THE B2 (BUSINESS COMMUNITY) DISTRICT AND IM INDUSTRIAL ZONE AS SHOWN ON OFFICIAL ZONING MAP OF THE CITY OF PORTLAND. THE ZONING INFORMATION BELOW IS TAKEN FROM THE ZONING REPORT DATED JUNE 18, 2019, BY ZONING SOLUTIONS, INC. FOR THE B2 DISTRICT.

Minimum Lot Size	None
Minimum Street Frontage	20 feet
Front Yard Setback Minimum	None
Rear Yard Setback Minimum	10 feet, except as provided for below
Side Yard Setback Minimum	5 feet for accessory structures
Side Yard on Side Street Setback Minimum	None
Front Yard Maximum 1, 2	No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable. 3

Structure Stepbacks

Height maximum

Maximum Impervious Surface Ratio

Minimum Lot Area per Dwelling Unit

Parking

Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. 45 feet except as provided for below:
a. 50 feet if first floor is partially or wholly occupied by a commercial use.
b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each foot of height over 45 feet.
c. 65 feet within 65 feet of Franklin St.
a. For residential uses: None
b. For all other permitted uses: 80% in B-2 and B-2c
c. For all other permitted uses: 90% in B2b
a. Off-peninsula locations, as defined in section 14-47: 1,500 square feet, except as provided for in (b) below.
b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 square feet.
For that part of every business, manufacturing, and industrial building not catering to retail trade and with floor area over three thousand (3,000) square feet: One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof.

Zoning Information (IM)

IM INDUSTRIAL ZONE

- Minimum lot size:
 - Correctional pre-release facilities: Ten thousand (10,000) square feet.
 - Other uses: None.
- Other uses: None.
- (a) Maximum impervious surface ratio: I-M and I-Ma zone: Seventy-five (75) percent. I-Mb zone: One hundred (100) percent.
City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-250 Rev. 1-6-1997 14-371
(b) Maximum building height: I-M and I-Mb zones: Seventy-five (75) feet. I-Ma zone: Forty-five (45) feet.
(c) Minimum side yards: Principal and accessory structures in the I-M and the I-Ma zone: Each structure shall be set back one (1) foot from each side property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum side yard shall be thirty-five (35) feet when the side property line abuts a residential zone. Principal and accessory structures in the I-Mb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.
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(e) Minimum front yard: Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the front property line for each one (1) foot of building height. Principal and accessory structures in the I-Mb zone: None.
(f) Minimum street frontage: Sixty (60) feet.
(h) Pavement setback from lot boundaries: Ten (10) feet.

Plan of Proposed
Zoning Amendment
7 Rand Road, Portland, Maine
Made for
Brockway-Smith Company
203 Read Street, Portland, Maine



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS

390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RS / JLW DATE: JAN. 29, 2020 JOB NO. 2019-094 P
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Legend

- IRON PIPE OR ROD FOUND
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0' 40' 80' 160'

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DATE RANDY R. LOUBIER, PLS #2407

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Side Yard Setback Minimum	5 feet for accessory structures
Side Yard on Side Street Setback Minimum	None
Front Yard Maximum 1, 2	5 feet for accessory structures

Structure Stepbacks

Height maximum

Maximum Impervious Surface Ratio

Minimum Lot Area per Dwelling Unit

Parking

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b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each foot of height over 45 feet.

c. 65 feet within 65 feet of Franklin St.

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DRAWN BY: RS / JLV DATE: JAN. 29, 2020 JOB NO. 2019-094 P

CHECKED BY: RRL SCALE: 1" = 80' DRWG. NO. 1-EX

Legend

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- "ALTA/NSPS LAND TITLE SURVEY, 7 RAND ROAD, PORTLAND, CUMBERLAND COUNTY, MAINE MADE FOR BROCKWAY-SMITH COMPANY" JUNE 14, 2019 REVISED JUNE 21, 2019 BY OWEN HASKELL, INC.

Utility Note

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DISSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

General Notes

- OWNER OF RECORD: RAND ROAD HOLDINGS, LLC
7 RAND ROAD, PORTLAND, ME
TAX MAP: 264-A-5; 262-A-1;
263-A-10 & 264-B-1
C.C.R.D. BOOK 31342 PAGE 191
- BEARINGS ARE MAGNETIC 1956 PER PLAN REFERENCE 3.
- THIS PLAN IS A COMPILATION OF PLAN REFERENCE 3 AND A FIELD INSPECTION IN MAY & JUNE 2019.
- THERE ARE 203 PARKING SPACES, 2 OF WHICH ARE HANDICAPPED SPACES.

Certificate

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE

RANDY R. LOUBIER, PLS #2407

Zoning Information (B2)

THE SURVEYED PARCEL IS LOCATED IN THE B2 (BUSINESS COMMUNITY) DISTRICT AND IM INDUSTRIAL ZONE AS SHOWN ON OFFICIAL ZONING MAP OF THE CITY OF PORTLAND. THE ZONING INFORMATION BELOW IS TAKEN FROM THE ZONING REPORT DATED JUNE 18, 2019, BY ZONING SOLUTIONS, INC. FOR THE B2 DISTRICT.

Minimum Lot Size	None
Minimum Street Frontage	20 feet
Front Yard Setback Minimum	None
Rear Yard Setback Minimum	10 feet, except as provided for below
Side Yard Setback Minimum	5 feet for accessory structures
Side Yard on Side Street Setback Minimum	None
Front Yard Maximum 1, 2	5 feet for accessory structures

Structure Stepbacks

Height maximum

Maximum Impervious Surface Ratio

Minimum Lot Area per Dwelling Unit

Parking

No more than 10 feet, except that the Planning Board or Planning Authority may approve a different amount for irregularly shaped lots or lots with frontage less than 40 feet provided this standard is met to the maximum extent practicable. 3

Portions of a structure above 35 feet shall be no closer than 5 feet from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. 45 feet except as provided for below:

a. 50 feet if first floor is partially or wholly occupied by a commercial use.

b. 65 feet in B-2 and B-2c zones on lots >5 acres provided that all setbacks, except for front yard setbacks and side yard on side street setbacks, increase by 1 foot for each foot of height over 45 feet.

c. 65 feet within 65 feet of Franklin St.

a. For residential uses: None

b. For all other permitted uses: 80% in B-2 and B-2c

c. For all other permitted uses: 90% in B2b

a. Off-peninsula locations, as defined in section 14-47: 1,500 square feet, except as provided for in (b) below.

b. On-peninsula locations (as per 14-47) and projects with active street frontages, as defined in section 14-188, below: 435 square feet.

For that part of every business, manufacturing, and industrial building not catering to retail trade and with floor area over three thousand (3,000) square feet: One (1) parking space for each one thousand (1,000) square feet of floor area, or major fraction thereof.

Zoning Information (IM)

IM INDUSTRIAL ZONE

- Minimum lot size:
 - Correctional pre-release facilities: Ten thousand (10,000) square feet.
 - Other uses: None.
- Other uses: None.
- (a) Maximum impervious surface ratio: I-M and I-Ma zone: Seventy-five (75) percent. I-Mb zone: One hundred (100) percent. City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-250 Rev. 1-6-1997 14-371
- (b) Maximum building height: I-M and I-Mb zones: Seventy-five (75) feet. I-Ma zone: Forty-five (45) feet.
- (c) Minimum side yards: Principal and accessory structures in the I-M and the I-Ma zone: Each structure shall be set back one (1) foot from each side property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum side yard shall be thirty-five (35) feet when the side property line abuts a residential zone. Principal and accessory structures in the I-Mb zone: None, except that the minimum side yard shall be twenty-five (25) feet when the side property line abuts a residential zone.
- (d) Minimum rear yards: Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the rear property line for each one (1) foot of building height, up to twenty-five (25) feet, except that the minimum rear yard shall be thirty-five (35) feet when the rear property line abuts a residential zone. Principal and accessory structures in the I-Mb zone: None, except that the minimum rear yard shall be twenty-five (25) feet when the rear property line abuts a residential zone.
- (e) Minimum front yard: Principal and accessory structures in the I-M and I-Ma zone: Each structure shall be set back one (1) foot from the front property line for each one (1) foot of building height. Principal and accessory structures in the I-Mb zone: None.
- (f) Minimum street frontage: Sixty (60) feet.
- (h) Pavement setback from lot boundaries: Ten (10) feet.

Plan of Proposed
Zoning Amendment
7 Rand Road, Portland, Maine
Made for
Brockway-Smith Company
203 Read Street, Portland, Maine



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS

390 US ROUTE 1, UNIT 10, FALMOUTH, ME 04105 TEL. 207-774-0424

DRAWN BY: RS / JLW DATE: JAN. 29, 2020 JOB NO. 2019-094 P

CHECKED BY: RRL SCALE: 1" = 80' DRWG. NO. 2-PRO