



# CITY OF SALEM PLANNING BOARD

2016 DEC 22 P 4:55

FILE #  
CITY CLERK, SALEM, MASS.

## Site Plan Review Decision

December 22, 2016

On Thursday, May 19, 2016, the Planning Board of the City of Salem a Public Hearing for a Site Plan Review Permit on the site located at 81 Highland Avenue (Map 24, Lot 1); 108 Jefferson Avenue (Map 24, Lot 88); Old Road (Map 24, Lot 19); 1 Dove Avenue (Map 24, Lots 216 and 218); 79 Highland Avenue (Map 14, Lot 129); 55 Highland Avenue (Map 24, Lot 220); and 57 Highland Avenue (Map 24, Lot 2); and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37 for the construction of a new Emergency Department/Inpatient Beds building, a new front Lobby expansion, renovation resulting in an addition of 119,735 square feet and repurposing of 119,734 square feet of interior space, internal driveway and parking modifications, landscape and hardscape improvements and utility infrastructure modifications to the existing campus.

The plans were modified since the project was initially filed, such that the front lobby on the north side of the Davenport building was removed from the project.

The Public Hearing was continued to June 2, 2016, June 16, 2016, July 21, 2016, November 17, 2016, December 1, 2016 and December 15, 2016. The Public Hearing was closed on December 15, 2016. At a regularly scheduled meeting of the Planning Board held on December 15, 2016, the Board voted by a vote of seven (7) in favor (Ben Anderson, Matt Veno, Carole Hamilton, Bill Griset, Kirt Rieder, Noah Koretz, Helen Sides) in favor and none (0) opposed, to approve the application of NORTH SHORE MEDICAL CENTER, INC. for a Site Plan Review, in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review; and a Stormwater Management Permit in accordance with Salem Code of Ordinances Chapter 37 for the property located at 81 Highland Avenue (Map 24, Lot 1); 108 Jefferson Avenue (Map 24, Lot 88); Old Road (Map 24, Lot 19); 1 Dove Avenue (Map 24, Lots 216 and 218); 79 Highland Avenue (Map 14, Lot 129); 55 Highland Avenue (Map 24, Lot 220); and 57 Highland Avenue (Map 24, Lot 2), specifically, the approval is for a new Emergency Department/Inpatient Beds building resulting in an addition of 113,585 square feet and repurposing of 119,734 square feet of interior space, internal driveway and parking modifications, landscape and hardscape improvements and utility infrastructure modifications to the existing campus, subject to the following conditions:

### 1. Conformance with the Plan

- a. Work shall conform with the following plans: "NSMC Campus Consolidation Project", 81 Highland Avenue, Salem, Massachusetts," prepared by Vanasse Hangen Brustlin Inc., sheets C-1, C-2, C-3, C-4.1, C-4.2, C-4.3, C-4.4, C-4.5, C-5.1, C-5.2, C-5.3, C-5.4, C-5.5, C-6.1, C-6.3, C-7.1, C-7.2, C-7.3, C-7.4, and L-2.1 dated July 15, 2016 and revised November 10, 2016 and sheets L-1.1, L-1.2, L-1.3, L-1.4, L-1.5, dated July 13, 2016 and revised November 10, 2016 and December 7, 2016, Site Lighting Plans prepared by Bard, RAO and Athanas sheets

SL001, SL002 and SL003 dated November 8, 2016, and Exterior Elevations prepared by Shepley Bulfinch Sheets A001 and A002 dated March 29, 2016

**2. Amendments**

- a. Any amendments to the site plan shall be reviewed by the City Planner and if deemed necessary by the City Planner, shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board.

**3. Community Benefits Agreement**

- a. The Applicant and the City are negotiating a Community Benefits Agreement ("CBA") to address additional impacts and betterments concerning the project. The Applicant and the City shall negotiate such CBA in good faith.

**4. Landscaping**

- a. All landscaping shall be done in accordance with the approved set of plans.
- b. Final completed landscaping shall be done in accordance with the approved plans and shall be subject to approval by the City Planner prior, for consistency with such plan, prior to the issuance of a Certificate of Occupancy.
- c. Maintenance of all landscaping on the site shall be the responsibility of the Applicant, its successors or assigns, and any tree or shrub that does not survive shall be replaced.

**5. Lighting**

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- b. A final lighting plan shall be submitted to the City Electrician for review and approval prior to the issuance of a building permit.

**6. Maintenance**

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the developer, his successors or assigns.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.

**7. Conservation Commission**

- a. All work shall comply with the requirements of the Salem Conservation Commission
- b. The applicant shall receive all necessary approvals from the Salem Conservation Commission.

**8. Traffic Mitigation**

- a. The applicant shall become a participating member in the North Shore Transportation Management Association (NSTMA) prior to issuance of a Certificate of Occupancy in order to reduce vehicle traffic on local streets and reduce vehicle emissions in the study area. Evidence of NSTMA membership shall be provided to the Planning Department, and said membership shall be continuous and in good standing for 5 (five) years unless otherwise approved by the Board.

- b. A wayfinding plan shall be submitted to the Planning Board or Planning Department for review and approval prior to the issuance of a Certificate of Occupancy.
- c. The Developer/Owner shall be responsible for implementing the northbound direction lead phasing at the Dove Avenue intersection, up to \$4,000 prior to issuance of a Certificate of Occupancy
- d. The sidewalk in front of 108 Jefferson Avenue shall be repaved to meet all code requirements for safe pedestrian access.
- e. Along the Highland Avenue and Jefferson Avenue property lines, the applicant shall repair and replace curbing where necessary, restripe the crosswalks and install ADA compliant crosswalks where missing.
- f. The Developer/Owner shall annually contribute \$15,000 for three years to the City of Salem Bike Share Program and/or bicycle infrastructure in the City. The first contribution shall be provided prior to the issuance of a Certificate of Occupancy.

## **9. Board of Health**

- a. The owner shall comply with the following specific conditions issued by the Board of Health:
  - i. The individual presenting the plan to the Board of Health must notify the Health Agent of the name, address, and telephone number of the project (site) manager who will be on site and directly responsible for the construction of the project.
  - ii. If a DEP tracking number is issued for this site under the Massachusetts Contingency Plan, no structure shall be constructed until the Licensed Site Professional responsible for the site confirms that the site meets the DEP standards for the proposed use.
  - iii. A copy of the Licensed Asbestos Inspector's Report must be sent to the Health Agent.
  - iv. A copy of the Demolition Notice sent to the DEP, Form BWPAO6, must be sent to the Health Agent.
  - v. The developer shall give the Health Agent a copy of the 21E report.
  - vi. The developer shall adhere to a drainage plan as approved by the City Engineer.
  - vii. The developer shall employ a licensed pesticide applicator to exterminate the area prior to construction, demolition, and/or blasting and shall send a copy of the exterminator's exterminator's survey report, treatment plan and treatment reports to the Health Agent.
  - viii. The developer shall maintain the area free from rodents throughout construction.
  - ix. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
  - x. The developer shall submit to the Health Agent a written plan for containment and removal of debris, vegetative waste, and unacceptable excavation material generated during demolition and/or construction.
  - xi. The Fire Department must approve the plan regarding access for fire fighting.
  - xii. Noise levels from the resultant establishment(s) generated by operations, including but not limited to refrigeration and heating, shall not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the nearest abutting residential property line.

- xiii. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- xiv. The resultant establishment shall dispose of all waste materials resulting from its operation in an environmentally sound manner as described to the Board of health.
- xv. The drainage system for this project must be reviewed and approved by the Northeast Mosquito Control and Wetlands Management District.
- xvi. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

#### **10. Fire Department**

- a. All work shall comply with the requirements of the Salem Fire Department.

#### **11. Building Inspector**

- a. All work shall comply with the requirements of the Salem Building Inspector.

#### **12. Utilities**

- a. Underground utility installation plans shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.

#### **13. City Engineer**

- a. The applicant shall submit a Drainage Alteration Permit for review and approval by the City Engineer prior to the issuance of building permits.
- b. The applicant shall provide the city engineer with an operation and maintenance manual for the stormwater retention pond located on North Shore Medical Center (NSMC) complex property at the corner of Highland Avenue and Powder House Lane. The manual shall be approved by the city engineer prior to the issuance of a Certificate of Occupancy
- c. The applicant shall complete additional soil borings in areas of proposed sub-surface infiltration units and submit the boring information to the City Engineer with revisions to the proposed infiltration system as required based on the presence of shallow ledge or groundwater. The infiltration system design shall be approved by the City Engineer prior to the issuance of building permits.

#### **14. Clerk of the Works**

- a. A Clerk of the Works shall be provided by the City, at the expense of the applicant, his successors or assigns, as it is deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction, which requires oversight by licensed engineers and architects. Accordingly it is the understanding of the Board, the City Planner and the Applicant that the Clerk of the Works is expected to oversee and review all civil/site improvements related to the project located within the public way, including all utility connections to publicly owned infrastructure. It is also mutually understood that the expense associated with the Clerk of the Works shall be for a reasonable number of hours and at a customary rate of service.
- b. The applicant shall submit a construction plan to the City Planner prior to starting work.

- c. The construction plan will be incorporated into the Clerk of the Works Task Order. No work shall start prior to an approved task order for these services.

## **15. Construction Practices**

- a. All construction shall be carried out in accordance with the following conditions:
  - i. All construction shall be performed in accordance with the Rules and Regulations of the Planning Board, and in accordance with any and all rules, regulations and ordinances of the City of Salem.
  - ii. All reasonable action shall be taken to minimize the negative effects of construction on abutters. Advance notice shall be provided to all abutters in writing at least 72 hours prior to commencement of construction of the project.
  - iii. The operation of tools or equipment used in construction or demolition work shall occur in accordance with Salem Ordinance Section 22-2 (5): Construction and Blasting and between the hours of 8:00 AM and 5:00 PM on weekdays and Saturdays. No work shall take place on Sundays or holidays.
  - iv. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
  - v. Blasting shall be undertaken in accordance with all local and state regulations.
  - vi. Drilling and blasting shall be limited to Monday-Friday between 8:00 AM until 5:00 PM. There shall be no drilling, blasting or rock hammering on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
  - vii. No street shall be closed without prior approval of the City Planner, unless deemed an emergency by the Salem Police Department.
  - viii. The applicant shall promptly notify the Board of Health of any environmental condition encountered during construction that may adversely impact the abutters to the site.
  - ix. All construction will occur on site; no construction will occur or be staged within City right of way. Any deviation from this shall be approved by the City Planner prior to construction.
  - x. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the applicant.
  - xi. All construction vehicles and equipment left overnight at the site must be located completely on the site.
  - xii. All construction vehicles and equipment shall be cleaned prior to leaving the site so that they do not leave dirt and/or debris on surrounding roadways as they exit the site.
  - xiii. A construction traffic management plan and schedule shall be submitted to the Department of Planning & Community Development for review and approval prior to the issuance of a building permit.

## **16. Project Delays**

- a. The developer, his successors or assigns shall notify the City Planner if work on the site ceases for any reason for a period of six (6) months. In this event, the applicant shall be required to

appear before the Planning Board and report to the Board the reason(s) why work has ceased at the project and a schedule of when work will begin again at the site, as well as a date of final project completion. If substantial work has not commenced on the site, as deemed by the Board, and such work is not anticipated to begin within two (2) years of the date of the Planning Board's original decision, the applicant shall notify the Board and, prior to the two-year anniversary of the issuance of the permit, shall request an extension of the permit from the Board. Applicant shall provide in such request any and all materials the Board may require to make a determination on the extension request, including but not limited to: studies, reports or new plans, at the applicant's expense, as requested by the Board and deemed necessary by the City Planner.

#### **17. As-built Plans**

- a. As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Planning Department and Engineering Department prior to the issuance of the final Certificate of Occupancy.
- b. The As-Built plans shall be submitted to the City Engineer in electronic file format suitable for the City's use and approved by the City Engineer, prior to the issuance of the final Certificate of Occupancy.
- c. A completed tie card, a blank copy (available at the Engineering Department) and a certification signed and stamped by the design engineer, stating that the work was completed in substantial compliance with the design drawing must be submitted to the City Engineer prior to the issuance of the final Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

#### **18. Violations**

- a. Violations of any condition shall result in revocation of this permit by the Planning Board, unless the violation of such condition is waived by a majority vote of the Planning Board.

I hereby certify that a copy of this decision and plans has been filed with the City Clerk and copies are on file with the Planning Board. The Special Permit shall not take effect until a copy of this decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, is recorded in the Essex South Registry of Deeds and is indexed under the name of the owner of record is recorded on the owner's Certificate of Title. The owner or applicant, his successors or assigns, shall pay the fee for recording or registering.



Ben J. Anderson  
Chairman