



CITY OF SALEM PLANNING BOARD

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CITY CLERK, SALEM, MASS.

Site Plan Review Decision

November 10, 2016

On Thursday, September 15, 2016, the Planning Board of the City of Salem opened a Public Hearing for a Site Plan Review Permit on the site located at 161 Essex Street (Map 35, Lot 303) in accordance with Salem Zoning Ordinance Section 9.5 for the demolition of existing buildings and construction of a 37,950 square foot addition primarily within the footprint of the Asian Garden, in addition to site improvements including a garden and utility work.

The Public Hearing was continued to October 20, 2016, and November 3, 2016 and closed on November 3, 2016. At a regularly scheduled meeting of the Planning Board held on November 3, 2016, the Board, based upon the plans submitted and evidence presented at the public hearings, voted by a vote of nine (9) in favor (Ben Anderson, Matt Venio, Carole Hamilton, Helen Sides, Dale Yale, Noah Koretz, Kirt Rieder, Bill Griset, and Tony Mataragas) and none opposed, to approve the application of the Peabody Essex Museum for a Site Plan Review, subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform with the set of plans entitled, "Peabody Essex Museum Expansion," sheets PB-100, PB-101, PB-102, PB-103, PB-104, PB-200, PB-201, PB-202, PB-203, PB-204, PB-205, PB-206, prepared by Ennead Architects, LLP dated September 1, 2016; sheets C-100, C-200, C-300, C-400, L-100, L-101, prepared by Nelson Byrd Woltz dated September 1, 2016 and revised September 15, 2016; and sheets LL-101 and LL-102 prepared by George Sexton Associates dated September 1, 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. Trash Enclosure

- a. The trash enclosure shall not be visible from Charter Street, or any other public way. A revised plan that demonstrates compliance with this requirement shall be submitted to the Planning Department for review and approval by the staff planner with consultation of a Planning Board prior to the issuance of building permits.

4. Landscaping

- a. A revised landscaping plan that substitutes the Ginkgo trees along Charter Street with an adaptable species of shade trees shall be submitted to the Department of Planning and

Community Development subject to approval by the City Planner prior, to building permit issuance. The City Planner will consult with a Planning Board member when reviewing the revised landscaping plan.

- b. All landscaping shall be done in accordance with the approved set of plans.
- c. Maintenance of all landscaping on the site shall be the responsibility of the Applicant. The Applicant, his successors or assigns, shall guarantee all trees and shrubs for a two (2) year period, from issuance of the Certificate of Occupancy and completion of planting.
- d. Any street trees removed as a result of construction shall be replaced. The location of any replacement trees shall be approved by the City Planner prior to replanting.
- e. Final completed landscaping, done in accordance with the approved set of plans, shall be subject to approval by the City Planner prior, for consistency with such plans, to the issuance of a Certificate of Occupancy.

5. Lighting

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- b. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

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. Board of Health

- a. All Board of Health requirements shall be strictly adhered to.

8. Fire Department

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

9. Building Inspector

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

10. Salem Redevelopment Authority

- a. All requirements as set forth by both the Salem Redevelopment Authority and its Committee, the Design Review Board, shall be strictly adhered to.

11. Utilities

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

12. City Engineer

- a. All work shall comply with the requirements of the City Engineer.
- b. Prior to issuance of a building permit from the City, the applicant shall demonstrate that the City's water, sewer and storm drain systems have the capacity and condition to accommodate the flow requirements of the proposed development. The applicant shall provide letters demonstrating adequate capacity and condition for each system, prior to issuance of a building permit by the City. Any deficiency identified in any system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the Engineering Department.

a. Water System

- i. A Licensed Plumber shall provide a letter to the Engineering Department stating the condition of the existing water service pipes on the property are adequate to be reused for the proposed development.
- ii. A Licensed Professional Civil Engineer shall provide a letter to the Engineering Department stating that the City water main to serve the proposed development has adequate flow and pressure. Back-up data, including engineering calculations and the results of hydrant flow tests, shall be included in the letter. The site utility plan shall be revised to show location of existing water service connection to the City water main.

b. Sewer System

- i. A Licensed Plumber or Contractor approved by the Engineering Department, shall provide a letter to the Engineering Department stating the condition of the existing sewer service pipes on the property are adequate to be reused for the proposed development. A video inspection of the sewer service(s) will be necessary to understand the current condition of the pipe to determine if they are still in good condition to be reused for the proposed development. A copy of the video and logs shall be submitted with the letter.
- ii. A Licensed Professional Civil Engineer shall provide a letter to the Engineering Department stating that the City Sewer System to serve the proposed development has adequate condition and capacity to accommodate existing and proposed sewer flows. Back-up data, including engineering calculations and the results of all sewer inspections and existing sewer flow measurements, shall be included in the letter. A video inspection of the sewer system, from the point of connection to the City sewer to the 48-inch trunk sewer in Derby Street will be required to understand the current condition of the sewer system to determine if it is in good condition to accommodate flows from the proposed development. A copy of the video and logs shall be submitted with the letter. Continuous flow measurements in the existing sewer shall be taken to understand the current capacity of the sewer system and to confirm the additional flow from the development can be accommodated. Results of the flow measurement shall also be included with the letter. The site utility plan shall be revised to show location of existing sewer service connection to the City sewer system.

c. Storm Drain System

- i. The applicant shall submit revised plans to the Engineering Department showing how the runoff from the new impervious area of the development will be handled (using the newest rainfall data approved by MassDEP vs TP40). Keeping in mind that runoff should stay in the property and be recharged to the ground to the maximum extent possible. This plan shall be submitted to and approved by the Engineering Department prior to the issuance of building permits.
- ii. If 100% recharge to groundwater cannot be obtained, the applicant shall provide the following:
 1. A Licensed Plumber or Contractor approved by the Engineering Department, shall provide a letter to the Engineering Department stating the condition of the existing drain service pipes on the property are adequate to be reused for the proposed development. A video inspection of the drain service(s) will be necessary to understand the current condition of the pipe to determine if they are still in good condition to be reused for the proposed development. A copy of the video and logs shall be submitted with the letter.
 - iii. A Licensed Professional Civil Engineer shall provide a letter to the Engineering Department stating that the City Storm Drain System to serve the proposed development has adequate condition and capacity to accommodate existing and proposed drain flows. Back-up data, including engineering calculations and the results of all drain inspections and existing drain flow calculations and flow measurements, shall be included in the letter. A video inspection of the drain system, from the point of connection to the city drain to the nearest trunk drain will be required to understand the current condition of the city drain system to determine if it is in good condition to accommodate flows from the proposed development. A copy of the video and logs shall be submitted with the letter. Calculations of existing flows shall be performed and continuous flow measurements in the existing drain shall be taken to understand the current capacity of the drain system and to confirm the additional flow from the development can be accommodated. Results of the flow calculations and measurements shall also be included with the letter. The site utility plan shall be revised to show location of proposed drain service connection to the City nearest drain system.
- d. A building inspection and dye testing program shall be completed to confirm the sewer and drain services from the proposed development are connected to the correct system in the City street. This inspection shall be schedule with the city consultant directly and result of this inspection and testing shall be submitted to the Engineering Department prior to the issuance of building permits.
- e. The applicant shall coordinate with the City Engineer to review any service piping that extends to the street encountered during construction of the foundation and/or site work that were not shown in the site utility plan. Existing utility services encountered onsite that have not been abandoned shall be discontinued in accordance with the City of Salem Engineering Department requirements, prior to building permit issuance.

13. 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 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.

14. Construction Practices

- a. All construction shall be carried out in accordance with the following conditions:
 - i. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
 - 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. Drilling and blasting shall be limited to Monday-Friday between 8:00 AM until 5:00 PM. There shall be no drilling or blasting on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
 - iv. All construction vehicles shall be cleaned prior to leaving the site so that they do not leave dirt and/or debris on surrounding roadways as they leave the site.
 - v. 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.
 - vi. All construction vehicles left overnight at the site must be located completely on the site.
 - vii. 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.
 - viii. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the applicant.

15. 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.

16. 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.

A handwritten signature in black ink, appearing to read "Ben J. Anderson", with a stylized flourish at the end.

Ben J. Anderson
Chairman