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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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CITY CLERK
SALEM, MASS.

March 1, 2017

Decision

City of Salem Board of Appeals

Petition of NORTH SHORE MEDICAL CENTER INC. ("petitioner"), seeking a Special Permit per Sec. 3.3.2.1 Nonconforming Uses and Sec. 3.3.3.1 Nonconforming Structures to accommodate a new Emergency Department and Inpatient Beds 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) (R-1 Zoning District)

A public hearing on the above Petition was opened on February 15, 2017 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Mr. Duffy (Acting Chair), Mr. Tsitsinos, Mr. Watkins, Mr. Hacker (alternate), and Mr. Viccica (alternate).

The petitioner is seeking a Special Permit per *Sec. 3.3.2.1 Nonconforming Uses and Sec. 3.3.3.1 Nonconforming Structures* to accommodate a new Emergency Department and Inpatient Beds.

Statements of fact:

1. Attorney Joseph Correnti, Shelly Bisegna Project Manager, North Shore Medical Center, and Justin Mosca, Project Engineer, VHB present the petition.
2. In the petition date-stamped January 24, 2017, the petitioner requested a Special Permit per Sec. 3.3.2.1 Nonconforming Uses and Sec. 3.3.3.1 Nonconforming Structures to accommodate a new Emergency Department and Inpatient Beds.
3. The entire North Shore Medical Center campus is a non-conforming hospital use in an R-1 Zoning District.
4. The proposed addition would be situated between and connected to the current Davenport building and former Shaughnessy-Kaplan Rehabilitation building. The proposed expansion will help with the consolidation of the Salem campus and Union Hospital in Lynn, which are both a part of North Shore Medical Center.
5. The proposal calls for a new, larger Emergency Department that will have a more effective layout, which will facilitate better patient service. The proposal also anticipate the addition of psychiatric and dual diagnosis (psychiatric and substance abuse) inpatient beds, which addresses a growing community need and facilitates the modernization of the hospital services and facilities.
6. The proposal has received Site Plan review approval from the Planning Board. As part of that process, traffic flow and safety were extensively reviewed by a peer reviewer on behalf of the City.
7. The petitioner is proposing an on-site access road from Highland Avenue to the new Emergency Department. Ambulances will also have access from Jefferson Avenue up to Dove Avenue.

8. The petitioner is proposing landscaping in a the buffer area between the proposed building expansion and roadway.
9. The proposed improved access road is approximately 26' feet wide and is a two-way road. The Zoning Board expressed concerns that the access road could be potentially used as a cut-through for neighborhood traffic from Jefferson Ave. to Highland Ave.
10. The adequacy of the utilities and other public services are addressed by the applicant and peer reviewer during the site plan review process conducted by the Planning Board. The Planning Board Decision requires final approvals of utilities and other public services from the City Engineer prior to the issuance of Building Permits and a Certification of Occupancy.
11. The applicant presented to the Conservation Commission and impacts on the natural environment, including drainage were studied and reviewed by engineers and peer reviewed on behalf of the Planning Board via the Site Plan Review process.
12. The hospital campus is surrounded by a mix of residential, commercial and municipal uses. The proposed addition is situated between and attached to two existing buildings, thus lessening the impacts of the addition on surrounding properties.
13. The architecture is complementary to the existing architecture and materials.
14. The requested relief, if granted, would allow the petitioner to expand an existing non-conforming use and structure to accommodate an expansion of the existing Emergency Department and additional inpatient beds, which expansion is scheduled for completion in 2019.
15. At the public hearing no members of the public spoke in favor of, and none (0) in opposition to, the petition.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Findings for Special Permit:

The Board finds that the proposed extension of use and structure is not substantially more detrimental than the existing non-conforming use and structure in that:

1. Social, economic and community needs are served by the proposal.
2. Traffic flow and safety, including parking and loading is adequate.
3. Adequacy of utilities and other public services will not be negatively impacted.
4. Impacts on the natural environment, including drainage will remain the same.
5. The proposal fits with the character of the neighborhood.
6. Potential fiscal impact is that the project will modernize facilities and help keep North Shore Medical Center as the City's largest employer.

On the basis of the above statements of facts and findings, the Salem Board of Appeals voted five (5) in favor (Mr. Duffy (Acting Chair), Mr. Tsitsinos, Mr. Watkins, Mr. Hacker (alternate), and Mr. Viccica (alternate)) and none (0) opposed, to grant a Special Permit per *Sec. 3.3.2.1 Nonconforming Uses* and *Sec. 3.3.3.1 Nonconforming*

Structures to accommodate a new Emergency Department and inpatient beds, all as shown on the plans and petition filed herein, subject to the following **terms, conditions and safeguards**:

Standard Conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the Building Commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.
5. Exterior finished of the new construction shall be in harmony with the existing structure.
6. A Certificate of Occupancy is to be obtained.
7. A Certificate of Inspection is to be obtained.
8. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to the Planning Board.


Mike Duffy, Acting Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.