



CITY OF SALEM PLANNING BOARD

2011 SEP 30 A 10:38

Site Plan Review Amendment Decision

CITY OF SALEM PLANNING BOARD

September 30, 2011

Ayoub Engineering, Inc.
C/o McDonald's Corporation
1 Trader's Way
Salem, MA 01970

RE: 1 Trader's Way — Site Plan Review Amendment

On Thursday, September 15, 2011, the Planning Board of the City of Salem opened a Public Hearing under Section 9.5 of the City of Salem Zoning Ordinance, Site Plan Review, at the request Ayoub Engineering, Inc., on behalf of McDonald's Corporation, for the property located at 1 Trader's Way, Salem, MA. The applicant proposes to amend the previously issued Site Plan Review decision with additions to the front and rear of the existing restaurant, changes to the façade and roof, and alteration of the drive-through, creating a "tandem" drive-through.

The public hearing was continued to September 29, 2011 and closed on that date with the following Planning Board members present: Charles Puleo (Chair), John Moustakis, Randy Clarke, Nadine Hanscom, Tim Kavanagh, Tim Ready, Christine Sullivan, and Helen Sides. The Planning Board voted by a vote of seven (7) in favor (Puleo, Moustakis, Clarke, Kavanagh, Ready, Sullivan and Sides) and none opposed, with Nadine Hanscom abstaining, to approve the amended Site Plan, subject to the following conditions:

1. Conformance with the Plan

Work shall conform to the plans titled, "Construction Plans for McDonald's, 1 Traders Way, Salem, Massachusetts," prepared by Ayoub Engineering, Pawtucket, RI, last dated 8/24/11.

2. Transfer of Ownership

Within five (5) days of transfer of ownership of the site, the Owner shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the Owner and its successors and/or assigns.

3. Amendments

Any amendments to the approved site plan, elevation plan, and landscape plan shall be brought to the Planning Board for review and approval. Any waiver of conditions contained within shall require the approval of the Planning Board.

4. Construction Practices

All construction shall be carried out in accordance with the following conditions:

- a. 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. The Planning Board will agree to changes in the starting time, at the request of the applicant and if approved by a formal vote of the City Council, as per the ordinance.
- b. Any blasting, rock crushing, jack hammering, hydraulic blasting, or pile driving shall occur in accordance with Salem Ordinance Section 22-2 (5): Construction and Blasting and be limited to Monday-Friday between the hours of 8:00 AM and 5:00 PM. There shall be no blasting, rock crushing, jack hammering, hydraulic blasting, or pile driving on Saturdays, Sundays, or holidays.
- c. Blasting shall be undertaken in accordance with all local and state regulations.
- d. All reasonable action shall be taken to minimize the negative effects of construction on abutters. Advance notice shall be provided by the applicant to all abutters in writing at least 72 hours prior to commencement of construction of the project.
- e. 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.
- f. 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.
- g. All construction vehicles and equipment left overnight at the site must be located completely on the site.
- h. All staging of materials and equipment shall be on-site.
- i. No street shall be closed without prior approval of the Department of Planning and Community Development, unless deemed an emergency by the Salem Police Department.
- j. A Construction Management Plan and Construction Schedule shall be submitted by the Applicant prior to the issuance of a building permit. Included in this plan, but not limited to, shall be information regarding how the construction equipment will be stored, a description of the construction staging area and its location in relation to the site, and where the construction employees will park their vehicles. The plan and schedule shall be submitted and approved by the City Planner prior to the issuance of a Building Permit. All storage of materials and equipment will be on site.

k. All sidewalks, roadways, utilities, landscaping, etc. damaged during construction shall be replaced or repaired to their pre-construction condition, or better.

5. Fire Department

All work shall comply with the requirements of the Salem Fire Department. Alteration or renovation of any of the existing equipment or appliances shall require upgrading such equipment or appliances to current building code.

6. Building Inspector

All work shall comply with the requirements of the Salem Building Commissioner.

7. City Engineer

All work shall comply with the requirements of the City Engineer.

8. Board of Health

The applicant shall comply with all requirements and conditions of the Board of Health. A separate application must be made to the Board of Health and all required plans and documents must be filed 30 days prior to the start of construction.

9. Utilities

Utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit. All on site electrical utilities shall be located underground.

10. Department of Public Services

The Applicant shall comply with all requirements of the Department of Public Services.

11. Signage

Proposed signage shall be reviewed and approved by the Sign Review Committee in accordance with entrance corridor requirements, Section 8.2.6 of the Zoning Ordinance. Approval of the site plans does not represent approval of the proposed signage.

12. 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 Planner for review and approval prior to the issuance of a Building Permit.

c. After installation, lighting shall be reviewed and approved by the City Planner, prior to the issuance of a Certificate of Occupancy.

13. HVAC

The HVAC unit on the roof shall be visually screened by the parapet wall as shown on the submitted plans.

14. Landscaping

- a. All landscaping shall be done in accordance with the approved set of plans.
- b. Maintenance of all landscaping shall be the responsibility of the Applicant, his successors or assigns.
- c. 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.
- d. 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.

15. Maintenance

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the Applicant, his successors or assigns.
- b. The trash enclosure area is to be maintained and the dumpster is to be kept in good working order and repair.
- c. Winter snow in excess of permitted snow storage areas on site shall be removed off site.
- d. Maintenance of all landscaping 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.

16. As-Built Plans

- a. As-built Plans, stamped by a Registered Professional Engineer, shall be submitted to the Department of Planning and Community Development and Department of Public Services prior to the issuance of Certificates 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 Certificates 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 Certificates of Occupancy; as well as, any subsequent requirements by the City Engineer.

17. Original Decision

All provisions of the original decision are to be adhered to.

18. Violations

Violations of any condition contained herein 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 Decision 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 Southern Essex District 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.

Handwritten signature of Charles M. Puleo in cursive script, written over a horizontal line.

Charles M. Puleo
Chair