



CITY OF SALEM PLANNING BOARD

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FILE #
CITY CLERK, SALEM, MASS.

Site Plan Review, Planned Unit Development Special Permit, and Drive-Through Facilities Special Permit Decision

72 LORING AVE; 292, 296 & 300 CANAL ST; and 399 ½ & 401 JEFFERSON AVE

March 2, 2012

G.B. New England 2, LLC
CVS/Pharmacy
C/o Joseph Correnti, Esq.
Serafini, Darling & Correnti
63 Federal Street
Salem, MA 01970

RE: CVS Pharmacy with Drive-Through

On Thursday, December 1, 2011, the Planning Board of the City of Salem opened a Public Hearing under Section 7.3, Planned Unit Development, Section 9.5, Site Plan Review, and Section 6.7, Drive-Through Facilities, of the City of Salem Zoning Ordinance, at the request of G.B. New England 2, LLC (CVS/Pharmacy) for the properties located at 72 LORING AVE; 292, 296 & 300 CANAL ST; and 399 ½ & 401 JEFFERSON AVE (Map 32, Lots 27, 29, 30 & 31, and Map 23, Lots 170 & 191). The proposed PUD project includes the buildings currently housing the existing Eastern Bank, Tedeschi Food Shop, Autozone and Atlantic Ambulance service, and the construction of a new CVS pharmacy with a drive-through, including associated parking and landscaping.

The Public Hearing was continued to December 15, 2011, January 5, 2012, January 19, 2012, February 2, 2012, February 16, 2012, and March 1, 2012 (no hearing was held on February 16, 2012). The hearing was closed on March 1, 2012. Board member Tim Kavanagh was absent at the December 1, 2011 hearing, but examined all evidence pertaining to the meeting, including the audio recording, and signed an affidavit to this effect.

The Planning Board hereby finds that the proposed project meets the provisions of the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development, as follows:

- 1) 7.3.1 Purpose – The proposed Planned Unit Development (PUD), which incorporates a mix of retail and automotive uses and provides a new, shared entryway for access to all businesses on the site, meets the purpose and intent of the Zoning Ordinance and Master Plan of the City of Salem.
- 2) 7.3.2 Applicability – The proposed development parcel is significantly greater than 60,000 square feet in area (the PUD area is 143,748 square feet). The underlying zoning district of the proposed development parcels is B-2 (Business Highway District), which is an eligible district for PUD treatment.
- 3) 7.3.3 Uses – The proposed retail and automotive uses are allowed in a PUD development.
 - 7.3.3.2 – The Applicant has submitted engineering and architectural specifications, including drawings, photographs, and photo-simulations of the site development plan and immediate surroundings. Abutting residential properties are to be protected by means of a vegetated buffer area. At the Board’s request, the lighting plan was revised to show lowered and more numerous poles, reducing visual impacts to abutters. Architectural details were also revised in order to enhance the aesthetic appeal of the property and reduce impacts to the surrounding neighborhood.
- 4) 7.3.8 Decision
 - 7.3.8.1 - The proposed planned unit development is in harmony with the purposes and intent of this Ordinance and the master plan of the City of Salem and it will promote the purpose of this section by:
 - a) Providing for shared, improved access to all the businesses within the PUD site through a new site driveway. The proposed PUD will add one curb cut along Jefferson Avenue, but will also eliminate an existing one. Safety is increased by closing the curb cut closest to the intersection. Improvements will also be made to the Canal Street and Kimball Road entrances to the property in order to increase safety and improve access.
 - b) Providing better definition of pedestrian access to and around the site.
 - c) Providing for appropriate economic development on an existing commercial corridor, thereby generating tax revenue and creating jobs.
 - 7.3.8.2 - The mixture of uses in the planned unit development is determined to be sufficiently advantageous to render it appropriate to depart from the normal requirements of the districts.
 - 7.3.8.3 - The planned unit development would not result in a net negative environmental impact. Specifically,
 - a) The proposed PUD is located on an already-developed site on an existing commercial corridor.
 - b) The proposed stormwater management plan provides reasonable means to collect, treat and control stormwater runoff from the site. The stormwater management system consists of Best Management Practices (BMP’s) to collect, pre-treat and control runoff on the site. Peer review of the Applicant’s engineering work shows that it is complete and thorough, and their analysis and predictions are reasonable.

At its regularly scheduled meeting of the Planning Board held on March 1, 2012, the Planning Board voted by a vote of six (6) in favor (Chuck Puleo, Tim Kavanagh, Tim Ready, Lewis Beilman, Mark George, and Helen Sides), and none (0) opposed, to approve the Site Plan Review, Planned Unit Development Special Permit, and Drive-Through Special Permit, subject to the following conditions:

1. Conformance with the Plan

Work shall conform to the plans titled, "Site Plan for CVS/pharmacy #7109, Jefferson Avenue & Canal Street, Salem, MA 01970," prepared by RJ O'Connell & Associates, Inc., pages C-0.1, N-1, C-1, C-3, C-4, C-5, C-6, C-7, C-8, C-9, and C-10, dated November 10, 2011 and last revised January 9, 2012; pages SV-1 and SV-2, dated August 10, 2011; and pages C-2 and L-1, dated March 1, 2012.

2. Amendments

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. 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.

4. Fence

The applicant shall install a four-foot black commercial grade aluminum fence along the sidewalk in front of the property, from the Canal Street driveway to the crosswalk in front of Eastern Bank, as shown on the submitted drawing, "4' Aluminum Fence Detail," and in the photographs titled "Aluminum Fence," submitted at the March 1, 2012 meeting. The applicant shall submit a revised plan showing the fence location prior to issuance of a building permit.

5. Construction Practices

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

- a. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
- b. 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 demolition and construction of the project.
- c. 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.
- d. 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.
- e. 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.
- f. All construction vehicles left overnight at the site, must be located completely on the site

- g. All construction activities shall be in accordance with the “Salem Police Station Construction Management Plan”.
- h. All sidewalks, roadways, utilities, landscaping, etc. damaged during construction shall be replaced or repaired to their pre-construction condition, or better.
- i. A Construction and Management Plan is to be submitted to the City Planner for appropriate distribution to Salem departments.

6. Fire Department

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

7. Building Commissioner

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

8. Board of Health

All work shall comply with requirements of the Board of Health, including but not limited to the following:

- a. No trash is to be stored outside the building except in the designated trash storage area.
- b. The trash storage area is to be properly maintained.
- c. Applicant is required to obtain a food permit from the Health Department.

9. Utilities

- a. Utility installation shall be reviewed and approved by the City Engineer prior to the issuance of any Building Permit. The applicant shall have an engineer certify the utility plans for review by the City Engineer, prior to the issuance of any Building Permit.
- b. All electrical utilities for the site shall be underground.

10. Department of Public Services

The applicant, his successors or assigns shall comply with all requirements of the Department of Public Services.

11. Lighting

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- b. After installation, lighting shall be reviewed and approved by the City Planner, prior to the issuance of any Certificate of Occupancy.
- c. Applicant is to coordinate timing of the pole lights at the driveway to Kimball Road to operate with the CVS parking lot lights.

10. City Engineer

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

11. HVAC

The HVAC unit located on the roof shall be visually screened as shown on the approved plans.

12. Noise

HVAC units shall be sufficiently buffered and the applicant shall take steps to further mitigate noise emanating from the HVAC units(s) if the Board of Health receives any complaints.

12. Landscaping

- a. All landscaping shall be done in accordance with the approved set of plans (sheet L-1 revised as of March 1, 2012).
- b. Maintenance of all landscaping shall be the responsibility of the applicant, his successors or assigns. The applicant, his successors or assigns, shall guarantee all trees and shrubs for a two- (2) year period.
- c. Any street trees removed as a result of construction shall be replaced. The location of the trees shall be approved by the City Planner prior to replanting.
- d. Final completed landscaping shall be subject to approval by the City Planner prior to the issuance of a Certificate of Occupancy.

13. Maintenance

- a. Refuse removal, recycling, 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.
- c. Developer is to maintain all new pavement markings and striping on and off the site, subject to City approval.

14. 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 any 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 any 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 any Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

15. 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.

16. Special Conditions:

1. Traffic

Subject to all necessary permitting and approvals from MassDOT and the City of Salem, the applicant is to make the following improvements to the Canal Street/Loring Avenue/Jefferson Avenue signal:

- a. Install a loop detector that takes into account the double lane approach from Canal Street to replace the one that was intended to accommodate a single lane.
- b. Replace all incandescent lenses with LED lenses.

- c. At the Loring Avenue northbound approach, replace the existing intersection lane control sign with a "RIGHT LANE FOR LORING AVENUE/ROUTE 1A" sign and the correct lane use sign (R3-8 series).
- d. Replace the YIELD sign on the Jefferson Avenue eastbound channelized right-turn lane approach at Loring Avenue with a STOP sign.
- e. Post lane designation and destination signs south of the Loring Avenue and Jefferson Avenue intersection for the Loring Avenue northbound approach and north of the Loring Avenue and Canal Street intersection for the Canal Street southbound approach.
- f. Post a YIELD sign or a STOP sign on the Loring Avenue south-westbound channelized right-turn lane approach at the intersection with Canal Street and appropriate pavement markings; sign is to be determined by the Traffic Division Commander of the Salem Police Department.
- g. Left turns out of the site to Canal Street are prohibited between the hours of 3:00 and 6:00 p.m., Monday through Friday. Turns in and out of this driveway are otherwise unrestricted. If, within one year of the store opening, the Board determines that left turns out of the site are problematic, the Board may further restrict the hours of left turns out, or prohibit them altogether.
- h. Developer is to stripe the side lines and center line of Kimball Road from Canal Street through the Kimball Road site entry.

2. Curbing

Vertical granite curbing is to be installed throughout the site.

3. Dumpster

Plan is to be revised to show relocation and enclosure of the dumpster servicing Eastern Bank.

4. Sidewalks

Plan is to be revised to show all limits of curb and sidewalk improvements, including at the westernmost crosswalk of Jefferson Avenue.

- 5. The plan is to be revised to incorporate the changes noted above in numbers 2, 3, and 4 and submitted to the Department of Planning & Community Development for review and approval, prior to issuance of a building permit.

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.



Charles M. Puleo, Chair