



# CITY OF SALEM PLANNING BOARD

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CITY CLERK SALEM, MASS

## Site Plan Review and Flood Hazard Overlay District Special Permit Decision

**70-92 1/2 BOSTON STREET (Map 15, Lot 299 & Map 16, Lot 139)**

June 13, 2014

DHM Realty Trust/Pediatric Associates of Greater Salem, Inc.  
C/o Joseph Correnti, Esq.  
Serafini, Darling & Correnti  
63 Federal Street  
Salem, MA 01970

**RE: Application of DHM Realty Trust/Pediatric Associates of Greater Salem, Inc. for a Site Plan Review and Flood Hazard District Special Permit for the property located at 70 TO 92 1/2 BOSTON STREET (NRCC).**

On Thursday, February 20, 2014 the City of Salem Planning Board opened a Public Hearing under Section 9.5 *Site Plan Review* and Section 8.1 *Flood Hazard Overlay District* of the City of Salem Zoning Ordinance, at the request of DHM Realty Trust/Pediatric Associates of Greater Salem, Inc., for the properties located at 70-92 Boston Street (Map 15, Lot 299) and 92 1/2 Boston Street (Map 16, Lot 139). The proposed project includes the redevelopment of the former Flynntan site into a medical office building, with associated parking, landscaping, and demolition of existing buildings.

The Public Hearing was continued to March 6, 2014, April 17, 2014, May 1, 2014, May 15, 2014, and June 5, 2014. The public hearing was closed on June 5, 2014.

In considering approval of the Flood Hazard Overlay District Special Permit, the Planning Board hereby finds that the proposed project meets the provisions of the City of Salem Zoning Ordinance Section 8.1 *Flood Hazard Overlay District*, as follows:

1. The proposed uses comply in all respects to the uses and provisions of the underlying districts in which the land is located.

*The underlying districts are: North River Canal Corridor (NRCC), Entrance Corridor Overlay District (ECOD), Business Highway (B2), and Residential Two-Family District (R2).*

2. There are adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from water bodies or high runoff. According to the Flood Insurance Rate Map (FIRM) for Essex County (Panel 0418G) dated July 16, 2014, a Special Flood Hazard Area Zone AE with a Base Flood Elevation of 10 feet is indicated along a portion of Goodhue Street adjacent to the site. A small area in the north-east corner of the site would be at or below 10 feet elevation. No on-site vehicular or pedestrian movement would be effected by flooding of this area. Employee parking and entry will be in the garage, which is at elevation 12 feet and 13.2 feet. Access to this garage is off of Goodhue Street, portions of which are below elevation 10. This could potentially limit use of the employee garage during a 1% annual chance flood event. Employees would still be able to enter/exit the building, and could park in the Boston Street lot, or utilize nearby public transportation options and alternative public parking areas. Customer parking and building entry will be in the surface lot off of Boston Street, located at approximate elevation 32.3 to 36.2 feet. This area, and the access to this area from Boston Street, is outside of the flood zone. When the applicant submitted their plans to the Planning Board for approval in January 2014, the 2012 Flood Insurance Rate Maps were still in effect. Those 2012 Maps indicated that no portion of the site, nor any portions of Goodhue Street adjacent to the site, was within a flood zone.

3. Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.

*All utilities are designed based on standard engineering practices and applicable standards.*

4. Where the proposed use will be located within a coastal high hazard area (Zone VE on the FEMA Flood Insurance Rate Maps), the Planning Board shall also find the following conditions to be fulfilled:

- a. New structures or substantial improvements shall be located landward of the reach of mean high tide.
- b. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.

*N/A: There are no proposed uses within the VE zone as mapped by FEMA on the site.*

In considering approval of the NRCC Site Plan Review, the Planning Board hereby finds that the proposed project meets the goals of the North River Canal Corridor Master Plan, as stated in the City of Salem Zoning Ordinance, as follows:

1. **Create appropriate development while preserving our historic neighborhood character;** *The proposed project was unanimously recommended for approval by the Salem Design Review Board (DRB) on March 26, 2014. The DRB's role is to review proposals to ensure they are designed to complement and harmonize with adjacent land uses with respect to architecture, scale, landscaping and screening.*

2. **Address transportation issues for existing and new developments;**

*The developer has endeavored to provide the greatest feasible quantity of on-site parking to accommodate their anticipated employee and customer traffic, without negatively impacting the character of the neighborhood or the streetscape experience. Bike racks are being provided on-site, and design elements for the ease and safety of pedestrian access to and around the site have been integrated into the plans. Additionally, the developer is contributing funds to the City for the purposes of traffic mitigation improvements in the area.*

3. **Enhance the public realm in keeping with our unique neighborhood character.**

*The proposal improves the sidewalks and the streetscape experience along Boston Street, Goodhue Street, and Grove Street in front of the project site.*

**At the regularly scheduled meeting of the Planning Board held on June 5, 2014, the Planning Board voted seven (7) in favor (Puleo, Yale, Anderson, Ready, Sides, Griset, and Rieder), none (0) opposed, to approve the Site Plan Review application, the Wetlands and Flood Hazard District Special Permit, and to allow the applicant to install a six (6) foot high fence, granting relief from the four (4) foot height limitation of the North River Canal Corridor and Entrance Corridor Overlay zones, subject to the following conditions:**

1. **Conformance with the Plan**

Work shall conform to the following plans:

- "Site Development Plans for Medical Office Building, Pediatric Associates of Greater Salem 70-92 ½ Boston Street" prepared by Griffin Engineering Group, LLC, P.O. Box 7061, 100 Cummings Center, Suite 224 G, Beverly, MA 01915; Perkins + Will, 225 Franklin Street, Suite 1100, Boston, MA 02110; and Lam Partners, Architectural Lighting Design, 84 Sherman Street, Cambridge, MA 02140 - dated January 2014 and revised on: March 24 2014, April 16 2014, April 23 2014, May 14 2014, and 6/4/14, inclusive of sheets N-1, C-1 through C-7, A-1 through A-6, and SK-01a.
- Final revised landscape plan (sheet L-1) shall be reviewed and approved by the City Planner prior to obtaining a Building Permit.

2. **Amendments**

Any insignificant changes 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. **Construction Practices**

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

- a. Exterior construction work shall not be conducted between the hours of 5:00 PM and 8:00 AM the following day on weekdays or at any time on Sundays or Holidays. Any interior work conducted during these times will not involve heavy machinery which could generate disturbing noises.

- 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 construction of the project.
- c. Drilling, blasting, and rock hammering 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. A Construction Management Plan and Construction Schedule shall be submitted by the applicant. This plan shall include, but not be limited to, 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 reviewed and approved by the City Planner prior to the issuance of a Building Permit.
- h. All sidewalks, roadways, utilities, landscaping, etc. damaged during construction shall be replaced or repaired to their pre-construction condition, or better.
- i. Applicant with its contractor to attend a pre-construction meeting with appropriate city departments.
- j. No Street shall be closed without prior approval of the City Planner, unless deemed an emergency by the Salem Police Department.

**4. Clerk of the Works**

A Clerk of the Works shall be provided by the City, at the expense of the Applicant, its successors or assigns, as is deemed necessary by the City Planner.

**5. Fire Department**

- a. All work shall comply with the requirements of the Salem Fire Department prior to the issuance of any building permits.

**6. Building Inspector**

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

- b. Per Section 8.2 *Entrance Corridor Overlay District*, any fence constructed on the site shall require a fence permit issued by the City building department.

**7. Board of Health**

- a. 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.
- b. 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 certifies that soil and ground water on the entire site meets the DEP standards for the proposed use.
- c. The developer shall adhere to a drainage plan as approved by the City Engineer.
- d. 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 invoice to the Health Agent.
- e. The developer shall maintain the area free from rodents throughout construction.
- f. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- g. 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.
- h. The Fire Department must approve the plan regarding access for firefighting.
- i. 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 property line.
- j. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- k. The resultant establishment(s) shall dispose of all waste materials resulting from its operations in an environmentally sound manner as described to the Board of Health.
- l. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.
- m. The developer shall install grease traps, to contain grease in gray water, prior to it entering the city sewer system in developments with 10 or more units and in compliance with the requirements of the City Engineer.

- n. Salem sits in a Radon Zone 1 and the risk of radon entering buildings is extremely high. Therefore, the installation of radon mitigation systems is strongly recommended.

## 8. Utilities

- a. The final location for the proposed transformer box will be determined in collaboration with the utility provider. The transformer box shall be located as close to the eastern property boundary as feasible, and as is allowed by Salem Zoning Code.
- b. Applicant shall investigate the existing drain on adjacent parcel (Witch City Cycle) to determine if drain extends into subject parcel. Applicant shall revisit this existing drain after exploratory excavation is completed. If the drain is determined to be functioning, applicant shall coordinate with the City Engineer to make modifications to the plan as directed.
- c. The applicant shall coordinate with the City Engineer and City's consultant prior to starting any work related to the cutting and capping of any sewer and water services at the mains in Boston Street, Grove Street, or Goodhue Streets. Applicant to utilize signal trace technology to locate services in advance of or in conjunction with exploratory excavations to improve chances of locating and properly abandoning services.
- d. After the Certificate of Occupancy is issued, and outside of emergency situations, the emergency generator shall be run only per the *minimum* allowed manufacturer's recommendations for maintenance purposes. At no time during construction, installation, or standard operation shall the generator be operated outside of the hours of 9:00am to 5:00pm.

## 9. Department of Public Services

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

## 10. Traffic

The Applicant, its successors, and assigns agrees to contribute to the City of Salem half of the total purchase and installation cost of replacing the traffic signal at the Boston Street/Grove Street/Nichols Street intersection, up to an amount not to exceed \$60,000 to be used for the purpose of replacing the existing traffic signal at said intersection, or for other traffic mitigation measures as determined appropriate by the City Planner. Such payment shall be made to the Department of Planning and Community Development prior to the issuance of a Certificate of Occupancy.

## 11. Signage

- a. Per recommendation of the Design Review Board, proposed signage shall be reviewed and approved by the Design Review Board prior to obtaining a Sign Permit.
- b. After review and approval by the Design Review Board, the proposed signage shall be reviewed and approved the City Planner and the Sign Review Committee prior to obtaining a Sign Permit.

## 12. Lighting

- a. The applicant shall submit a plan for lighting the site and the building to the Design Review Board for review prior to obtaining a building permit.
- b. No light shall cast a glare onto adjacent parcels or adjacent rights of way.
- c. After installation, lighting shall be reviewed and approved by the City Planner, prior to the issuance of any Certificate of Occupancy.

## 13. HVAC

- a. All HVAC units located on the site shall be visually screened per the plans and images approved by the Planning Board.
- b. The applicant shall submit plans for the screening of mechanical elements to the Design Review Board for final approval prior to obtaining a building permit.

## 14. Landscaping

- a. Trees shall be a minimum diameter of 3 ½" dbh (diameter breast height).
- b. Maintenance of landscape vegetation shall be the responsibility of the developer, his successors or assigns.
- c. The final species selection for the five (5) trees located in the landscaped area at the northeast corner of the property, adjacent to the Grove Street/Beaver Street intersection, shall be reviewed and approved by the City Planner prior to obtaining a Building Permit.
- 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. The applicant shall submit plans for the screening of dumpsters or other waste receptacles, per the plans and images approved by the Planning Board, to the Design Review Board for final approval prior to obtaining a building permit.
- f. The proposed battered concrete retaining wall located between the Boston Street and the Beaver Street/Goodhue Street parking lots shall have an anti-graffiti coating applied if feasible. If anti-graffiti coating is unfeasible, screening vegetation such as ivy or another climbing species shall be planted at the base of the wall as feasible.
- g. On the final landscape plans submitted for review and approval by the City Planner, the following clarifications shall be added to the "Landscape Legend": Item "E. 12' Decorative Red Maples" shall be 12-foot Japanese Red Maples; Item "C. 6'-10' Holly" shall be 6-to-10 foot Evergreen Holly.

## 15. Fencing

As per the plans as filed, the applicant proposed a six (6) foot high fence adjacent to the residentially

zoned parcels to the west of the project site. The Board finds that the proposed fence height is appropriate, as it is intended to provide a buffer between the adjacent residences and the parking area of the project site.

The proposed fence along the north-west property line bounding the rear of the adjacent residential lots off of Grove Street, shall be a six (6) foot high standard wood stockade fence, and shall be reviewed and approved by the City Planner prior to obtaining a Building Permit. The fence shall terminate even with the corner of the abutting building at 94 Boston Street. This fence termination point shall be shown on the revised landscape plans submitted for review and approval by the City Planner, prior to obtaining a Building Permit.

#### **16. Maintenance**

- d. Refuse removal, recycling, ground maintenance and snow removal shall be the responsibility of the developer, his successors or assigns.
- e. 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, from issuance of the Certificate of Occupancy.
- f. Winter snow in excess of snow storage areas on the site shall be removed off site.

#### **17. 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.

#### **18. Violations**

Violation 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 has been filed with the City Clerk and is 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



70-92 1/2 Boston Street

June 13, 2014

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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/DSM*

Charles M. Puleo  
Chairman