



CITY OF SALEM PLANNING BOARD

Decision

Site Plan Review, Planned Unit Development, Flood Hazard Overlay District Special Permit, and Stormwater Management Permit 252 Bridge Street (Map 26, Lot 0408) and Map 35, Lot 0024)

January 12, 2023

Re: Application of WinnDevelopment Companies LLC for the property located at 252 Bridge Street (Map 26, Lot 0408 and Map 35, Lot 0024) in the B5 Zoning District for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review, 7.3 Planned Unit Development Special Permit, and Section 8.1 Flood Hazard Overlay District Special Permit and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit. The project will constitute Phase 1 of a two-phase project. Phase 2 will consist of the redevelopment and preservation of the historic County Commissioner's Building and Superior Court Building, located at 32 and 34 Federal Street (Map 35, Lot 621), which will be filed as an amendment at a later date. In Phase 1, the applicant specifically proposes to construct a mixed-use building with parking on the ground level, approximately 11,705 square feet of commercial and amenity space on the first level, and 120 residential units on the floors above. The proposed work includes razing any existing improvements and construction of the new building.

Procedural History

1. An application for a Site Plan Review under Sections 9.5 of the City of Salem Zoning Ordinance was made by WinnDevelopment Companies LLC and filed with the Planning Board May 5, 2022.
2. The application was filed for and appeared on the agenda for the Thursday, June 16, 2022, meeting of the City of Salem Planning Board where no testimony was heard and the public hearing was continued to July 7, 2022 (no testimony made), September 1, 2022 (no testimony made), September 15, 2022 , October 20, 2022 , November 3, 2022 (no testimony made), November 17, 2022 , December 1, 2022 , December 15 (no testimony made), and January 5, 2023.
3. The Planning Board closed the public hearing on January 5, 2023.
4. The plans and other submission material were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

Specific Findings:

The Planning Board, after a public hearing and review of submitted materials and testimony, hereby finds that the proposed amendment to the previously approved project meets the provisions of the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development, Sec. 9.5 Site Plan Review and Sec. 8.1 Flood Hazard Overlay District Special Permit as follows:

Planned Unit Development Findings

The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development:

7.3.8.1 As proposed, the mixture of residential, commercial and open space is compatible with each other, thereby meeting the purpose and intent of good zoning practices and the master plan of the City of Salem. The compatibility relationship among the mixtures of uses combined with the location of new mixed income housing near the Salem MBTA commuter rail station with vehicle and bicycle parking onsite, as well as vehicle parking provided at the municipal garage in order to accommodate a .75 parking ratio between on and off site parking, render it appropriate to depart from the strict provisions of the underlying zoning.

7.3.8.2 The mixture of uses in the planned unit development is determined to be sufficiently advantageous to tender it appropriate to depart from the normal requirements of the district.

7.3.8.3 The planned unit development would not result in a net negative environmental impact.

Flood Hazard Overlay District Special Permit Criteria

Pursuant to Section 8.1.2.2(a) of the Salem Zoning Ordinance, the FHOD includes all special flood hazard areas within the City of Salem designated as Zone A, AE, or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the FEMA.

In considering approval of the Flood Hazard Overlay District Special Permit, the Planning Board hereby makes the findings for the portion of the site within the FHOD pertaining to the Flood Hazard Overlay District Special Permit Application as follows:

8.1.4.1. The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.

8.1.4.2. 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 waterbodies or high runoff.

8.1.4.3. 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.

Site Plan Review Findings

The Planning Board finds that the proposed project as conditioned complies with all review criteria as identified in Site Plan Review, Sec. 9.5.6. The Plan meets accepted site planning standards and promotes standards such that the development takes place in a manner which shall in all aspects be an asset to the City.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on January 5, 2023, by a vote of nine (9) (Chair Bill Griset, Kirt Rieder, Tom Furey, Sarah Tarbet, Helen Sides, Josh Turiel, Jonathan Berk, Carole Hamilton, and Zach Caunter) in favor, and zero (0) opposed to approve the proposed project subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform to “The Exchange at 252 Bridge Street,” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Legend and General Notes	C1.00	VHB	5.5.2022	
Overall Site Plan	C2.00	VHB	5.5.2022	11.7.2022
Layout and Materials Plan	C3.00	VHB	5.5.2022	11.21.2022
Grading, Drainage, and Erosion Control Plan	C4.00	VHB	5.5.2022	11.21.2022
Utility Plan	C5.00	VHB	5.5.2022	11.21.2022
Site Details	C6.00	VHB	5.5.2022	7.22.2022
Site Details	C6.01	VHB	7.22.2022	11.7.2022
Existing Conditions Plan of Land	Sv-1	Cube 3	5.4.2022	11.1.2022
P01-Parking Level Plan	A-1.0	Cube 3	5.5.2022	11.21.2022
P1-Street Level Plan	A-1.1	Cube 3	5.5.2022	11.21.2022
P7-Roof Plan	A-1.2	Cube 3	5.5.2022	11.21.2022
Elevations	A-2.0 – 2.1	Cube 3	5.5.2022	11.21.2022
Perspectives	A-2.2 – 2.7	Cube 3	5.5.2022	12.29.2022
Site Plan	L-1.0	Landworks Studio	6.1.2022	11.4.2022
Planting Plan	L-2.0	Landworks Studio	5.5.2022	11.4.2022

Site Lighting Photometric Calculation	SL-1	Apex Lighting Solutions	5.4.2022	6.9.2022
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- b. Prior to issuance of a building permit, the applicant shall submit a revised Site Plan, showing the following changes:
- c. Prior to issuance of a building permit, the applicant shall submit a revised Landscape Plan, Sheet L-1, showing the following changes:
 - i. Removal of Fraxinus trees from the site.

2. Amendments

- a. Any proposed future changes to the site plan shall be submitted to the City Planner for their review, prior to any changes in the field. The submission shall include a plan sheet with all changes from the plans approved by the Planning Board bubbled, noted, and stamped by a licensed professional engineer or architect. This submission shall also include a brief narrative explaining the proposed changes. If deemed necessary by the City Planner, these amendments shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board.

3. Transfer of Ownership

- a. In the event of the transfer of the site as a whole, within five (5) days of such transfer, 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.

4. Site Specific Conditions

- a. The Owner shall provide periodic updates to the City Planner as to the progression of Massachusetts Bay Transportation Authority (MBTA) review of the proposed improvements to the MBTA driveway adjacent to the site. Should changes be made to those improvements shown on the draft plan, the Owner shall provide the Planning Board an update with a list of all plan revisions and a corresponding set of plans that bubble and delta the revisions.

5. Salem Design Review Board

As described in its November 16, 2022, letter to the Salem Redevelopment Authority, the Salem Design Review Board voted five (5) in favor and zero (0) opposed to recommend design approval in accordance with the following conditions.

- a. Construction Drawings: The development team shall submit 75% construction drawings to the Salem Redevelopment Authority and the Design Review Board. The submittal shall be accompanied by a narrative describing any and all proposed modifications. These modifications shall also be indicated by bubbled notation on the plan set.
- b. Hardie Board Mock-Up

1. Components: The developer shall create a mock-up of the honey-toned Hardie panels in a subtle stripe pattern and curved to a radius of no less than 10'-8". The developer shall include in this mock-up the proposed gray tones to illustrate the relationship between the yellows and the grays. The mock-up should also include a sample window.
 2. Location: This mock-up shall be in a location where the SRA, the DRB, and members of the public may view it. It may not be installed on property that prohibits public viewing.
 3. Timing: The developer shall release the general contractor to procure materials and commence construction of this mock-up upon notification of funding from the Department of Housing and Community Development. Once the mock-up has been constructed, the developer shall notify staff and may request to attend a future, regularly scheduled meeting of the Design Review Board to discuss and review it.
- b. Façade
1. Hardie Board Color Pattern: The developer shall install the honey toned Hardie planks in a subtle striping pattern along all facades of the building.
 2. North Façade Columns and Soffit: The developer shall explore carrying both the subtle striping pattern on the columns and the soffit on the north façade of the building as well as choosing one single honey tone for these building elements. These options shall be presented to the DRB either before or during the discussion of the 75% construction drawings.
 3. Accent Panels on East and West Facades: The developer shall remove the red accent panels proposed for the east and west facades. The developer may explore changing the color of the panels to match the light gray Hardie boards as a subtle accent, or simply carry through the dark gray Hardie boards to match the immediate surrounds.
- c. Architecture
1. South-West Building Corner: The developer shall investigate the relationship between the existing retaining wall and how the western end of the south façade of the building meets the wall. The ledge on the building shall not continue through to physically meet the retaining wall.
 2. Cornice on South Façade: The developer shall retain the proposed cornice detail at the pedestrian level on the south façade. The cornice shall be in the same material and color as that of the pedestrian level of the building.

6. Pre-Construction Conference

- a. Prior to mobilizing equipment on site for the start of work, a pre-construction conference as necessary shall be scheduled with the City Planner, the City Engineer (or their designee), the Building Commissioner, the Health Agent, Tree Warden and any other departments that may be necessary. The Owner shall submit a construction schedule at the time of the pre-construction conference. The schedule shall include a description of how construction will be phased and staged and what the impacts will be to the sidewalks and roadways.

7. Traffic & Circulation

- a. To ensure that safe vehicular, bicyclist, and pedestrian circulation is maintained throughout construction, applicant shall submit to the City Planner, prior to issuance of a Building Permit, a plan detailing site access for construction vehicles, material delivery, debris removal, and any other vehicular activity associated with the project's construction.
- b. The developer shall coordinate construction activities with the City Engineer.
- c. The developer shall contribute \$500 per dwelling unit to the City of Salem Transportation Enhancement Fund (TEF), commensurate to the project's impact on the City's transportation network, prior to issuance of a Certificate of Occupancy. The TEF will be used by the city for transportation network services relating to infrastructure and or operation of the transportation network.
- d. Prior to issuance of a building permit, the developer shall submit a bicycle parking plan to the City Planner for review and approval. The bicycle parking plan shall at minimum include one (1) long term space per dwelling unit and one (1) short term space per four (4) dwelling units for residents in accordance with the City of Salem Bicycle Parking Guidelines. The bicycle parking plan shall at minimum include 2 long-term spaces to serve users and employees of the commercial uses, also in accordance with the City of Salem Bicycle Parking Guidelines.
- e. Prior to issuance of a Building Permit, the developer shall submit an Electric Vehicle parking plan to the City Planner for review and approval. The Electric Vehicle parking plan shall at minimum include four (4) designated Electric Vehicle (EV) parking spaces.

8. Sustainability and Resiliency

- a. Prior to issuance of a Building Permit, the developer shall submit a revised Net Zero Energy Questionnaire to the City Planner for review.

9. Landscaping

- a. An as built landscaping plan accompanied with a letter from a Registered Landscape Architect or certified arborist certifying compliance of the landscaping with the approved plan shall be submitted to the City Planner prior to issuance of the Certificate of Occupancy.
- b. Maintenance of all landscaping on the site shall be the responsibility of the Applicant, its successors or assigns, and any tree or shrub that does not survive shall be replaced.

10. Maintenance

- a. Refuse removal, ground maintenance, and snow removal shall be the responsibility of the applicant. "Refuse removal" includes recycling, which shall be the responsibility of the owner, successors, or assigns. The owner shall provide adequate facilities to ensure all users are able to recycle their trash. Owner is to enter into a contract with a company of the owner's choice to arrange pick-up of recyclable material. A copy of this contract is to be submitted to the City Engineer.
- b. Winter snow in excess of snow storage areas on the site shall be removed off- site.

11. Affordable Housing

- a. Forty percent (40%) of the housing units shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these housing units in the form acceptable to the Commonwealth Department of Housing and Community Development (DHCD). The restrictions shall be in accordance with the eligibility criteria for DHCD's Subsidized Housing Inventory for the purpose of ensuring that the forty percent of the dwelling housing units will be restricted as affordable housing for households whose annual incomes are sixty percent (60%) or less of Area Median Income ("Low Income Households") with a sales or rental price affordable to said households as determined by DHCD for a period of fifty (50) years from the date of the original conveyance. The Affordable Housing Restriction(s) shall be registered with the Essex South Registry of Deeds.
- b. Affordable Housing Units must be constructed and ready for occupancy at a proportion of one (1) affordable unit for every ten (10) certificates of occupancy released for the market rate units. Ready for occupancy means that 1. The affordable units have a certificate of occupancy, 2. The Affordable Housing Restriction has been registered with the Essex South Registry of Deeds and 3. The lottery has been completed pursuant to Section III of the DHCD Comprehensive Permit Guidelines.

12. Fire Department

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

13. Building Inspector

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

14. Board of Health

The owner shall comply with the following specific conditions issued by the 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 meets the DEP standards for the proposed use.
- c. A copy of the Licensed Asbestos Inspector's Report must be sent to the Health Agent.
- d. A copy of the Demolition Notice sent to the DEP, Form BWPAO6, must be sent to the Health Agent.
- e. The developer shall adhere to a drainage plan as approved by the City Engineer.
- f. 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.
- g. The developer shall maintain the area free from rodents throughout construction.

- h. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- i. 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.
- j. In accordance with Board of Health Regulation #7, the developer shall ensure that the trash contractor offer mandatory recycling to the development.
- k. The Fire Department must approve the plan regarding access for fire fighting.
- l. 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.
- m. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- n. The resultant establishment shall dispose of all waste materials resulting from its operation in an environmentally sound manner as described to the Board of Health.
- o. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

15. City Engineer & Utilities

- a. All work shall comply with the requirements of the City Engineer.
- b. The developer shall comply with all of the recommendations included in the final peer review letter issued by Bobrek Engineering & Construction dated December 29, 2022.
- c. The developer shall comply with all of the recommendations included in the final peer review letter issued by McBrie, LLC dated December 28, 2022.
- d. Prior to Engineering sign off on the building permit the applicant's engineer shall provide the required letter from the design engineer stating that the City watermain to serve the proposed development have adequate flow and pressure. Back-up data, including engineering calculations and the results of the hydrant flow tests that are not more than a year old, shall be included in the letter.
- e. Prior to Engineering sign off on a building permit the applicant's engineer shall include the estimated water demand for the project in the letter outlining existing watermain flow and pressure in accordance with the engineering rules and regulations.
- f. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide an updated site plan accurately labeling and locating all existing utility information as well as final proposed connection locations for review and acceptance by the City Engineering department.
- g. Prior to Engineering sign off on a building permit, the applicant's licensed plumber and/or fire protection engineer shall complete and submit a separate backflow prevention device design data sheet for each proposed device using the online permitting system, View Point Cloud, with the associated fee.
- h. Prior to Engineering sign off on a building permit, the applicant's engineer shall submit a detailed irrigation plan showing all components and shall complete and submit a separate backflow prevention device design data sheet for each proposed

device using the online permitting system, View Point Cloud, with the associated fee.

- i. Prior to Engineering sign off on a building permit, the applicant shall provide a summary letter and updated drawings upon completion of the utility investigations. Applicant must connect to the City water main on Bridge Street.
- j. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide a letter from the design engineer to the City Engineer stating that the City sewer system delineated on plan 252 Bridge Street- Cleaning & CCTV requirements, dated October 27, 2022, is in good condition and has adequate capacity to accommodate proposed flows. Back-up data, including engineering calculations and the results of all sewer inspections and existing sewer flow measurements of the sewer shall be included in the letter. Additionally, cleaning and CCTV inspections of the sewer main in accordance with the Pipeline Assessment Certification Program (PACP) standards will be required showing the full circumference of the pipe. A copy of the video and logs shall be submitted to the City with the letter. (Note: Any deficiency identified in the system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the City Engineer.)
- k. Prior to Engineering sign off on a building permit, the applicant's engineer shall submit a final site plan showing the proposed size of the sewer service. Applicant must connect to the City sewer main on Bridge Street.
- l. Prior to Engineering sign off on a building permit, the applicant's engineer shall submit a final site plan showing the exact location and type of oil/water separator to be installed. MEP shall show piping discharge for garage floor drains.
- m. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide final utility drawings for review and acceptance by the City Engineering Department; any structures in the public right-of-way or directly connected to City infrastructure required extended bases.
- n. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide a final utility plan showing all final locations of private utility connections for review and approval by the City Engineering Department.
- o. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide the final agreement for the proposed connection to the MBTA drainage system. If a connection to the municipal system is required, the Applicant must follow the Salem Engineering Rules & Regulations with a submission to the City Engineer for review & acceptance.
- p. Prior to Engineering sign off on a building permit, the Stormwater O&M manual shall be recorded with the South Essex Registry of Deeds for the property.
- q. Prior to Engineering sign off on a building permit, the applicant's engineer shall apply for a Drainage Alteration Permit with the City Engineer.
- r. Prior to Engineering sign off on a building permit, the applicant's engineer shall submit an updated Layout and Material Plan to include the removal and resetting of existing granite curbing within the limits of the sidewalk replacement as needed. Sidewalks must comply with state code CMR 521. Cross slopes shall be designed

to 1.5% max (2% max with 0.5% construction tolerance). Granite curb shall be removed and reset as determined by City Engineer. When a handicap ramp is being proposed as part of the sidewalk replacement, the reciprocal ramp shall also be completed by the applicant on the opposite side of the street along with associated thermoplastic striping.

- s. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide a separate sheet showing snow management/storage, truck wash location and erosion controls on an Existing Conditions Plan.
- t. Prior to Engineering sign off on a building permit, the applicant's engineer shall provide a detailed construction phase dewatering and on-site recharge plan, including any EPA Construction Dewatering Permits.
- u. Prior to Engineering sign off on a building permit, the applicant shall submit a temporary water use application to the City. The Applicant's contractor shall take appropriate steps to minimize dust generation, including use of wet methods, during drilling of blast holes and other excavation and construction operations and shall require covers to be placed over any open trucks transporting debris or fill to and from the property.

v. ***Retaining Wall***

- i. Prior to Engineering sign-off on foundation and/or building permit, applicant to provide all final design drawings/plans and calculations related to the structural and geotechnical design elements of the project, especially as related to influence/impacts to the existing retaining wall on site. Designs and calculations shall adhere to all structural and geotechnical recommendations made by McPhail Associates, LLC and Odeh Engineers that have been submitted to and reviewed by the City's peer reviewer as part of the site plan review process. Documentation provided by the applicant shall include the level of detail as required/requested by the City's peer reviewer(s). Any modification needed/recommended to ensure integrity of the existing retaining wall shall be completed by and at the expense of the applicant.
- ii. Prior to Engineering sign-off on foundation and/or building permit, applicant to provide ground improvement plans including temporary (during construction) shoring and grading plans.
- iii. Prior to Engineering sign-off on foundation and/or building permit, applicant to pay all fees for civil, structural, and geotechnical engineer peer reviewer(s) hired by the City to review design drawings and calculations provided by the applicant.
- iv. Prior to Engineering sign-off on foundation and/or building permit, applicant to pay all fees for construction phase inspection services of City's peer reviewer(s).

- v. Prior to Engineering sign-off on foundation and/or building permit, applicant shall provide preconstruction survey, including an instrument survey, of the existing retaining wall.
- vi. Prior to Engineering sign-off on foundation and/or building permit, applicant to provide details of all proposed construction monitoring activities, including vibration monitoring, as recommended by their structural and geotechnical engineer. Applicant, at applicant's expense, shall incorporate any additional construction monitoring activities as recommended by the City and its peer reviewer(s). Additionally, construction phase geotechnical monitoring described in the submitted information and a final instrument survey confirming no wall movement has occurred shall be submitted to the City, and reviewed by the City and its peer reviewer(s), prior to Engineering sign-off on certificate of occupancy.

16. Clerk of the Works

- a. A Clerk of the Works shall be provided by the City, at the expense of the Applicant, their successors or assigns, as it is deemed necessary by the City Engineer. Accordingly, it is the understanding of the Board, the City Planner, the City Engineer, and the Applicant, that the Clerk of the Works is expected to oversee and review all civil and site improvements related to the Project, including, but not necessarily limited to:
 - i. All utility cut and caps related to the City's Demolition Permit;
 - ii. All new utility installations;
 - iii. All connections to, extensions of, or improvements to publicly owned infrastructure both on the Applicant's site or within the City's right of way and any on-site stormwater or wastewater systems;
 - iv. All new installations or modifications to existing pavement, sidewalk, and curbing; and
 - v. All conditions placed on the project by an Order of Conditions from the Salem Conservation Commission.
- b. The Clerk of the Works shall review and approve all proposed, or approved, changes to the original Planning Board decision.
- c. The Applicant shall submit a construction plan that includes a detailed sequence and schedule of all construction activities related to the Clerk of the Works' purview. Once the construction plan is approved, it shall be used to create a Task Order for the Clerk of the Works.
- d. No work, including blasting, demolition, excavation, and grading shall start before an approved task order for the Clerk of the Works' services has been agreed upon and approved by all parties.

17. 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 demolition and 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, blasting or rock hammering on Saturdays, Sundays, or state and federal holidays. Blasting shall be undertaken in accordance with all local and state regulations.
- iv. All construction and staging 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 Department of Planning & Community Development prior to construction.
- v. Prior to issuance of a demolition, foundation, or building permit, the Applicant shall provide a detailed construction vehicle access, schedule, and traffic plan for review and approval by the Director of Traffic & Parking
- vi. Any roadways, driveways, sidewalks, or landscaping damaged during construction shall be restored to their original condition by the applicant.
- vii. 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.
- viii. 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.
- ix. All construction vehicles left overnight at the site, must be located completely on the site.
- x. Should contaminated materials be encountered onsite, all construction shall take place under the direction and supervision of a Licensed Site Professional in compliance with the rules and regulations of the Massachusetts Department of Environmental Protection.
- xi. The applicant shall promptly notify the Board of Health of any environmental condition encountered during construction that may adversely impact the abutters to the site.

18. As-built Plans

- a. As-built Plans, stamped by a Registered Professional Engineer, shall be reviewed and approved by the Clerk of the Works, then submitted to the Department of Planning and Community Development and Department of Public Services prior to the issuance of the Certificate of Occupancy.
- b. The As-Built plans shall be submitted to the City Engineer in an electronic file format suitable for the City's use and approved by the City Engineer, prior to the issuance of the 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 Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

19. Violations

- a. 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.

Record of Vote

The following members of the Planning Board voted nine (9) in favor and zero (0) opposed to approve the Site Plan Review application subject to the above-stated terms and conditions: Chair Bill Grisct, Kirt Rieder, Tom Furey, Sarah Tarbet, Helen Sides, Todd Waller, Carole Hamilton, and Zach Caunter.

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 Site Plan Review and Planned Unit Development, Flood Hazard Overlay District Special Permit, and Stormwater Management 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.


William Grisct
Chair