



CITY OF SALEM PLANNING BOARD

Decision

Site Plan Review and Special Permits under the North River Canal Corridor Neighborhood Mixed Use District and Flood Hazard Overlay District

4 Franklin Street (Map 26, Lot 0407)

August 5, 2021

Re: Application of CAS SALEM LLC for the property located at 4 Franklin Street (Map 26, Lot 0407) for a Site Plan Review, Flood Hazard Overlay District Special Permit, and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review; Section 8.1 Flood Hazard Overlay District; Section 8.4 North River Canal Corridor Neighborhood Mixed Use District. Portions of the site are also in the Entrance Corridor Overlay District. Specifically, the applicant proposes the construction of a business office and ambulance facility with associated employee parking area, utilities, landscaping, and harbor walk path along the North River. The business office and ambulance facility is the first phase of site redevelopment and occurs on the Franklin Street side of the site. The second phase, the plan for which has not been developed, will occur on the North River side of the site.

Procedural History

1. An application for a Site Plan Review, Flood Hazard Overlay District Special Permit, and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District under Sections 9.5, 8.1, and 8.4 of the City of Salem Zoning Ordinance was made by CAS Salem LLC and filed with the Planning Board January 28, 2021.
2. The Planning Board of the City of Salem opened the public hearing on Thursday, February 18, 2021. The public hearing was continued to March 4, 2021, April 1, 2021, April 15, 2021 (no testimony heard), May 6, 2021 (no testimony heard), May 20, 2021, June 3, 2021 (no testimony heard), June 17, 2021, July 8, 2021, and July 22, 2021.
3. On April 1, 2021, the Planning Board voted to refer the application to the Design Review Board. The Design Review Board considered the application at their April 28, 2021, May 26, 2021, and June 23, 2021 meeting.
4. On June 23, 2021, the Design Review Board voted five (5) in favor and one (1) opposed to recommend the design to the Planning Board with conditions.
5. The Planning Board closed the public hearing on July 22, 2021.
6. 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.

Site Plan Review Findings

The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 9.5 Site Plan Review:

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.

North River Canal Corridor Neighborhood District Findings

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

1) Create appropriate development while preserving our historic neighborhood character:

- a. The 2003 North River Canal Corridor master plan directly addressed this project site. The proposed project is consistent with the plan's mission in that it provides open space along the waterfront, includes low-density commercial development, improves pedestrian access along the river, and enhances the streetscape and sidewalk along Franklin Street.

Comments from the Design Review Board have been applied to the design, such as modifying the architectural scale, siding material and color, and improving the relationship of the building to Franklin Street. The building exterior will be a mix of cementitious board paneling, cementitious batten paneling, and glass panels. The building will appear modern and commercial, and blend with the surrounding industrial and commercial buildings.

2) Address transportation issues for existing and new developments:

- a. The proposed ambulance facility is not projected to significantly increase the number of vehicle trips during peak hour travel times. During Planning Board review, the applicant additionally flipped the orientation of the site so that employee vehicles and ambulances will enter and exit the facility on Franklin Street at the northern most portion of the site. This is an improvement to the initial site layout, which included an egress onto the North Street Right of Way. This initial design raised safety concerns related to the proximity and tight turning radius between the North Street Right of Way, the main section of North Street, and Franklin Street. Conditions in this decision also ensure that access will be maintained through the proposed parking lot and onto the future phase II portion of the site, which will provide appropriate design flexibility to ensure that any future phase of development has safe and convenient circulation.

The applicant has additionally included a no turn on right sign from the Franklin Street parking lot exit to minimize traffic impacts on the nearby residential neighborhood. Ambulances that are not on an active emergency call and other employee vehicles exiting the site towards North Street must abide by posted traffic signs prohibiting left turns from Franklin Street onto North Street. Ambulance vehicles will spend most of their shifts responding to calls off site.

3) Enhance the public realm in keeping with our unique neighborhood character:

- a. The development project strengthens the public realm by bringing the building envelope closer to Franklin Street and North Street. Other enhancements to the public realm include the installation of shade trees along the property line, five (5) foot wide sidewalks across the Franklin Street frontage with six (6) inch vertical granite curbing, and a new harbor walk pathway along the North River. The project also ensures an improvement to the existing phase II paved portion of the site with temporary loam and seeding, while also preserving the possibility of future improvements to a multi-modal path connection along the North Street Right of Way.

Flood Hazard Overlay District Findings

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 FEMA. A portion of the site is within FEMA Flood Zone AE. Therefore, in considering approval of the Flood Hazard Overlay District Special Permit, the Planning Board makes the following findings:

- 1) The proposed use will comply in all respects to the uses and provisions of the underlying district in which the land is located.
 - a) The subject property is located in the North River Canal Corridor, an area designated for an urban village of mixed uses. The proposed ambulance facility and business office complies in all respects to the uses and provisions of the underlying district in which the land is located.
- 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.
 - a) The entire site and adjacent public ways are in a FEMA mapped flood hazard area (AE; 100-year base flood elevation 10 feet). Adjacent public way elevations are approximately elevation 8.3 to 9.0 feet.

The proposed building pad will be raised and building slab set at elevation 12 feet, which is 2 feet above the flood elevation. Proposed grades around the building provide safe pedestrian movement above elevation 10 feet. The duration of flooding at this site is expected to be short due to tidal behavior.

Although portions of the site and the adjacent streets will be flooded in the event of a flood, all active portions of the site and all mechanical equipment will be elevated above the 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.
 - a) Pipes and utility conduits will be protected from flooding by burial between Franklin Street and the building location. Building mechanical and electrical equipment will be protected from flooding by installation above the flood elevation.
- 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: New structures or substantial improvements shall be located landward of the reach of mean high tide. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.
 - a) The project is not located within a coastal high hazard area (Zone VE).

The Planning Board, after a public hearing and review of submitted materials and testimony, hereby finds that the project meets the provisions of the City of Salem Zoning Ordinance, Section 9.5 Site Plan Review, Section 8.1 Flood Hazard Overlay District, and Section 8.4 North River Canal Corridor Neighborhood Mixed Use District.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on July 22, 2021 by a vote of seven (7) in favor, none (0) opposed to approve the proposed project subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform to “Site Plan Review for Business Office & Ambulance Service Facility, 4 Franklin Street, Salem, MA,” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Cover		Griffin Engineering Group, LLC	01.20.2021	03.25.2021; 05.11.2021; 05.20.2021
Plan Notes	C-1	Griffin Engineering Group, LLC	01.20.2021	
Existing Site Plan	C-2	Griffin Engineering Group, LLC	01.20.2021	

Demolition Plan	C-3	Griffin Engineering Group, LLC	01.20.2021	05.20.2021; 07.01.2021
Proposed Site Layout	C-4	Griffin Engineering Group, LLC	01.20.2021	03.25.2021; 05.11.2021; 05.20.2021
Proposed Grading & Drainage	C-5	Griffin Engineering Group, LLC	01.20.2021	03.25.2021; 05.11.2021; 05.20.2021
Proposed Utilities Plan	C-6	Griffin Engineering Group, LLC	01.20.2021	03.25.2021; 05.20.2021
Proposed Landscaping Plan	C-7	Griffin Engineering Group, LLC	01.20.2021	03.25.2021; 04.07.2021; 05.11.2021
Detail I	C-8	Griffin Engineering Group, LLC	01.20.2021	05.20.2021
Detail II	C-9	Griffin Engineering Group, LLC	01.20.2021	03.25.2021; 05.20.2021
Detail III	C-10	Griffin Engineering Group, LLC	01.20.2021	03.25.2021
Lighting Plan	1 of 1	WLS Lighting	11.05.2020	03.23.2021

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. Salem Design Review Board

As described in its June 24, 2021 letter to the Planning Board, the Salem Design Review Board voted five (5) in favor and one (1) opposed to recommend design approval.

- a. All construction plans shall be in accordance with the plans submitted and approved by the Planning Board. Any changes from the plans approved by this decision shall be bubbled, noted, and stamped by a licensed professional engineer or architect on the final construction plans submitted to the DRB for review and approval. This submission shall also include a brief narrative explaining any changes.

- b. The DRB shall inform the City Planner that the construction plans conform to the approved plans or note the changes indicated by the applicant. The DRB shall provide a recommendation to approve or not approve the changes. The City Planner shall review the recommendation, and if deemed necessary by the City Planner, the changes shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board.

5. Site Specific Conditions

- a. The applicant shall maintain access from Franklin Street across the parking lot to the area shown as Phase II on the Plans for the benefit of future users of the Phase II area.
- b. For the purpose of constructing sidewalks as shown on the Plans, the applicant shall submit an Easement Plan designating an easement on the site for the sidewalks along Franklin Street. The Easement Plan shall be provided for review and approval by the City Engineer prior to the issuance of a building permit.
- c. The applicant shall pay for the planting of up to eight (8) deciduous shade trees costing no more than \$2,000 each with a cap of \$16,000. The species shall comply with the current street tree recommendations. These trees shall be planted in one of the two following locations, with a determination to be made by the City of Salem Tree Warden:
 - i. These trees shall be planted, under City direction, in the slope that parallels North Street for approximately 220 linear feet. Prior to this planting, the Salem Tree Warden shall evaluate the viability of the eight (8) proposed shade trees in this specific area and issue a written determination on whether to accept the payment for this specific area. The caliper size and species shall also be determined by Tree Warden.
 - ii. If the City of Salem Tree Warden determines that none of the shade trees can be viably planted on the slope paralleling North Street, the applicant or their successor shall plant eight (8) deciduous shade trees within the boundaries of the 4 Franklin Street property, phase 2 parcel. These trees shall not be less than 2.5" to 3" calipers in size and of no more than two different species. These trees shall be front loaded along the 50-foot zone facing North Street.

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 his 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.

8. Landscaping

- a. An as built landscaping plan accompanied with a letter from a Registered Landscape Architect 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.

9. 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.

10. Fire Department

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

11. Building Inspector

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

12. 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. The Fire Department must approve the plan regarding access for fire fighting.
- k. 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.
- l. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- m. 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.
- n. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.

13. City Engineer & Utilities

- a. All work shall comply with the requirements of the City Engineer.
- b. The applicant shall submit a Drainage Alteration Permit letter to the City Engineer following Conservation Commission review. This shall be prepared by a professional engineer licensed in Massachusetts and accompanied by the corresponding fee, stating that the conditions required for issuance of Drainage Alteration Permit have been met.

14. 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.

15. 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.

16. 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.

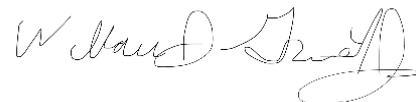
17. Violations

- 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 seven (7) in favor and none (0) opposed to approve the Site Plan Review application and Flood Hazard Overlay District Special Permit subject to the above-stated terms and conditions: Chair Bill Grisct, Kirt Rieder, Tom Furey, Todd Waller, Sarah Tarbet, Helen Sides, and Noah Koretz.

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.



William Grisct
Chair