



CITY OF SALEM PLANNING BOARD

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PLANNING BOARD
CITY OF SALEM, MASS

Decision

Site Plan Review, Flood Hazard Overlay District Special Permit, and Stormwater Management Permit 37 Winter Island Road (Map 44, Lot 0036)

July 26, 2023

Re: Application of Scott Grover, Esq., f/b/o Plummer Youth Promise, Inc., formerly known as the Plummer Farm School for the property located at 37 Winter Island Road (Map 44, Lot 0036) in the R1 Zoning District for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review and Section 8.1 Flood Hazard Overlay District Special Permit and Section 37 of the Salem Code of Ordinances, Stormwater Management Permit. The applicant specifically proposes to sequentially construct a new residential building (Building 1), which will include two independent youth residential programs, family meeting space, exercise and therapy areas, and associated program space, and the renovation of the existing Building 2. Site development will include installation of a paved two-way driveway with circular turnaround, paved parking areas, a gravel service road, stabilized stone dust pedestrian walkways, landscaping, stormwater management system, and utility installations. An amendment will be filed at a later date that will consist of additional improvements.

Procedural History

1. An application for a Site Plan Review under Sections 9.5 of the City of Salem Zoning Ordinance was made by Scott Grover, Esq., f/b/o Plummer Youth Promise, Inc. and filed with the Planning Board on April 6, 2023.
2. The Planning Board opened the public hearing on Thursday, May 4, 2023, and was continued to June 8, 2023, and July 6, 2023, and July 20, 2023.
3. The Planning Board closed the public hearing on July 20, 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. 9.5 Site Plan Review and Sec. 8.1 Flood Hazard Overlay District Special Permit as follows:

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.

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, non-profit education, is an allowed use. Thus the 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. The existing and proposed buildings, circular turnaround, parking adjacent to the building, and gravel service drive are all located above 100-year flood zone elevations. Therefore, 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, sewage disposal, and fire protection, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding. The transformer and generator will be set on a concrete slab above the 100-year flood zone. All mechanical equipment will be installed four feet or more above the flood zone.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on July 20, 2023, by a vote of nine (9) (Chair Bill Griset, Kirt Rieder, Tom Furey, Sarah Tabet, 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 "Plummer House at 37 Winter Island Road," with the sheets listed below (the "Plans"):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Context Plan	C0.01	Griffin Engineering	4.04.2023	04/27/23
Demolition Plan	C1.00	Griffin Engineering	4.04.2023	07/10/23
Erosion and Sediment Control Plan	C2.00	Griffin Engineering	4.04.2023	04/04/23
Site Layout	C3.00	Griffin Engineering	4.04.2023	07/10/23
Grading and Drainage Plan I	C4.00	Griffin Engineering	4.04.2023	06/27/23
Grading and Drainage Plan I (no drain piping shown per City request)	C4.00	Griffin Engineering	4.04.2023	04/27/23
Grading and Drainage Plan II	C4.01	Griffin Engineering	4.04.2023	04/04/23
Utility Plan	C5.00	Griffin Engineering	4.04.2023	07/10/23
Details I	C6.00	Griffin Engineering	4.04.2023	04/04/23
Details II	C6.01	Griffin Engineering	4.04.2023	04/04/23
Details III	C6.02	Griffin Engineering	4.04.2023	04/04/23
Details IV	C6.03	Griffin Engineering	4.04.2023	06/27/23
V-100	Record Conditions Plan	Meridian Associates	4.04.2023	07/06/23
L-100	Site Rendering	Meridian Associates	4.04.2023	04/06/23
L-201	Permit Materials Plan (north)	Meridian Associates	4.04.2023	06/27/23
L-202	Permit Materials Plan (south)	Meridian Associates	4.04.2023	06/27/23
L-301	Permit Landscape Plan (north)	Meridian Associates	4.04.2023	06/27/23
L-302	Permit Landscape Plan (south)	Meridian Associates	4.04.2023	06/27/23
L-501	Permit Details	Meridian Associates	4.04.2023	05/25/23
L-502	Permitting Landscape Details	Meridian Associates	4.04.2023	05/25/23
L-503	Permitting Landscape Details	Meridian Associates	4.04.2023	05/25/23
PH-101	Permit Photometric Plan (north)	Meridian Associates	4.04.2023	04/06/23
PH-102	Permit Photometric Plan (south)	Meridian Associates	4.04.2023	04/06/23
RES-A-400R	Building 1 Residence East Elevation	Roundel 47	4.04.2023	06/27/23

RES-A-401R	Building 1 Residence South Elevation	Roundel 47	4.04.2023	06/27/23
RES-A-402R	Building 1 Residence West Elevation	Roundel 47	4.04.2023	06/27/23
RES-A-403R	Building 1 Residence North Elevation	Roundel 47	4.04.2023	06/27/23
ADM-A-400	Building 2 Administration East Elevation	Roundel 47	03/31/23	
ADM-A-401	Building 2 Administration South and North Elevations	Roundel 47	03/31/23	
ADM-A-402	Building 2 Administration West Elevation	Roundel 47	03/31/23	
SHT 1 of 2	Building 2 Existing Fire Protection Plans	Roundel 47	05/11/22	
SHT 2 of 2	Building 2 Existing Fire Protection Plans, Details	Roundel 47	05/11/22	
P-01	Building 2 Existing Plumbing Legend, Schedules, and Notes	Roundel 47	05/25/22	
P-02	Building 2 Existing Plumbing Demo Plans	Roundel 47	05/25/22	
P-03	Building 2 Existing Plumbing Plans	Roundel 47	05/25/22	
RES-FP-001	Building 1 New Fire Protection Legend and General Notes	Roundel 47	06/15/23	
RES-FP-101	Building 1 New Fire Protection First Floor Plan	Roundel 47	06/15/23	
RES-FP-102	Building 1 New Fire Protection	Roundel 47	06/15/23	

	Second Floor and Low Roof Plan			
RES-P-001	Building 1 New Plumbing Legend and General Notes	Roundel 47	06/15/23	
RES-P-100	Building 1 New Plumbing Underground	Roundel 47	01/12/23	
RES-P-101	Building 1 New Plumbing First Floor Plan	Roundel 47	01/12/23	
RES-P-102	Building 1 New Plumbing Second Floor and Low Roof Plan	Roundel 47	01/12/23	
RES-P-103	Building 1 New Plumbing Attic and High Roof Plan	Roundel 47	01/12/23	
RES-P-201	Building 1 Bathroom and Laundry Plans	Roundel 47	01/12/23	
RES-P-202	Building 1 Bathroom and Laundry Plans 2	Roundel 47	01/12/23	
RES-P-601	Building 1 New Plumbing Schedules	Roundel 47	01/12/23	
RES-P-602	Building 1 New Plumbing Detail	Roundel 47	01/12/23	

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. Where HVAC units, equipment or penetrations are installed on site, they shall be visually screened. The method for screening the unit shall be submitted to the City Planner for review and approval prior to installation. Approved method for screening shall be constructed and installed prior to the issuance of a Certificate of Occupancy. If not screened, units shall be dark in color.

5. 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.

6. 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.

7. Sustainability and Resiliency

- a. Prior to issuance of a Building Permit, the developer shall submit a revised Net Zero Energy Questionnaire to the Sustainability & Resiliency Director for review.
- b. Prior to issuance of a Certificate of Occupancy, the developer shall submit a revised Net Zero Energy Questionnaire to the Sustainability & Resiliency Director for review.

8. 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 approved plan shall be the responsibility of the Applicant indefinitely, its successors or assigns, and any tree, shrub or plant 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. 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.

13. City Engineer & Utilities

- a. All will meet all requirements of the peer review letter dated 7/20/2023 and Engineering Rules & Regulations to the satisfaction of the City Engineering Department.
- b. Prior for Engineering Sign off on the Building permit, the applicant must:
 - i. Have a licensed plumber complete a building inspection to locate all water, sewer and drain lines connected to or leaving the existing building.
 - ii. Provide a formal letter from the licensed plumber that confirms the existing water pipe is adequate for reuse.
 - iii. Provide a letter stating that the City watermains have adequate flow and pressure to serve the proposed development. Include engineering calculations, the hydrant flow test results conducted on April 25, 2023, and back-up data with the letter.
 - iv. Provide detailed information on the water meter location in the building that demonstrates clear access for future maintenance and that no other connections (tees) exist before the City's main meter. (Note that a horseshoe connection is not allowed). Meter shall be located as close as possible to where the water service enters the building. Provide final plumbing plans for both existing and proposed buildings to demonstrate water meters are accessible.
 - v. Provide final fire protection plans for both the renovation of existing building and for the proposed building confirming the required size of the fire service for each building (note a backflow preventer is required for each building).
 - vi. Perform test pit(s) at the property's 4-inch domestic service connection to the City watermain within Winter Island Road to uncover the service's gate valve. Coordinate with DPS to assess the condition of this valve. If DPS determines that this valve does not function adequately, replace with new 4-inch gate valve (open right). Provide and install new ductile iron access tube and cast-iron frame and cover to be set at existing road elevation.
 - vii. A containment backflow prevention device is required for all commercial and mixed-use properties as well as residential buildings with 10 or more units.
 - viii. A Licensed Plumber must certify in writing to the City Engineer and Plumbing Inspector whether additional backflow prevention devices are required for the proposed building, aside from the required containment device.
 - ix. The Licensed Plumber and/or Fire Protection Engineer must complete and submit a separate Backflow Prevention Device Design Data Sheet for each proposed device using the online permitting system, VPC, with associated fee (\$100 each).
 - x. Sump pump or roof drain connections to the sewer are prohibited.

- x. Address the following deficiencies identified during the CCTV inspection of the private and public sewers:
 - xii. Repair void at the outlet pipe in SMH-1 with brick and mortar and ensure repair is watertight.
 - xiii. Provide details, to include materials, means and methods, for the abandonment of the existing pipe from SMH-3 to SMH-4 with the private trench permit application (sewer).
 - xiv. Within SMH-5A, seal infiltration at pipe junction (5 o'clock position) to SMH-6. Provide details describing materials, means and methods with the private trench permit application (sewer).
 - xv. Repair void in the top of the VC sewer pipe approximately 35 feet downstream of SMH-80. Repair cracks in pipe approximately 34 feet to 37 feet downstream of SMH-80. Provide details of repair to include materials, means and methods with the private trench permit application (sewer).
 - xvi. Repair broken pipe at 195 feet and 200 feet downstream of SMH-2717 due to evidence of infiltration at the farthest break.
 - xvii. Submit a Drainage Alteration Permit using the online permitting system, VPC, with associated fee (\$100) per Chapter 38, Article VI. The "application" should consist of a letter (along with associated plans/calculations) signed, stamped, and dated by the applicant's Massachusetts Registered Professional Civil Engineer, stating, and demonstrating that the "conditions for issuance" have been met. The ordinance states: "...ensure that the proposed grade changes will not adversely affect existing drainage and groundwater conditions, which would affect the public health, safety and welfare of any public way or adjoining real property."
- c. Prior for Engineering Sign off on the Certificate of Occupancy, the applicant shall submit:
- i. Replace existing fire hydrant with Darling B626B.
 - ii. An as-built drawing, stamped, signed, dated by the civil design engineer of record, showing any changes made to the original design based on the completed work and shall include profiles of all City utilities (water, sewer, drain). Submit the as-built drawing in two electronic file formats, PDF and CAD, suitable for the City's access and use.
 - iii. A completed tie card (a blank template is available through the Engineering Department) for each water, sewer and drain service constructed. This tie card information should also be included on the as-built.
 - iv. A certification letter stamped, signed, and dated by the civil design engineer of record. The letter should state that the work was completed in substantial compliance with the design documentation for which the permit(s) was (were) issued and that the systems will function as intended by the engineer's design. The letter must identify all deviations from the design drawings with an explanation for the deviation, as well as any subsequent requirements by the City Engineer to accept the deviation, and
 - v. A copy of the operation and maintenance (O&M) manuals/plans for the on-site private stormwater management systems. These manuals/plans must

be recorded with the Registry of Deeds, along with the necessary trust documentation.

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 Engineering 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 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, Josh Turiel, Helen Sides, Jonathan Berk, Carole Hamilton, and Zach Caunter.

Planning Board Decision
37 Winter Island Rd
July 26, 2023

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 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