



CITY OF SALEM PLANNING BOARD

Decision **Site Plan Review** **40 Bridge Street (Map 36, Lot 0210)**

November 20, 2023

Re: Application of Scott Grover, Esq., f/b/o 40 Bridge Realty, LLC. located at 40 Bridge Street (Map 36, Lot 0210) in the B2, BSN, and ECOD Zoning Districts for Site Plan Review in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review. The applicant specifically proposes renovations and a building addition to a hotel building at the Clipper Ship Inn. In addition, work includes concrete and paver walkways, parking and drainage improvements, a gravel sitting area, and landscaping.

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. and filed with the Planning Board on August 24, 2023.
2. The Planning Board of the City of Salem opened the public hearing on Thursday, September 21, 2023. The public hearing was continued to October 12, 2023, November 2, 2023, and November 16, 2023.
3. The Planning Board closed the public hearing on November 16, 2023.
4. The sign was excluded from Planning Board review per guidance from the City Solicitor. As such, the pre-existing project sign was not reviewed or approved by this decision.
5. 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 finds that the proposed project as conditioned complies with all review criteria as identified in Site Plan Review, Sec. 9.5.6. The pre-existing project sign was not reviewed or approved by this decision. 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 November 20, 2023, by a vote of nine (9) (Bill Griset, Kirt Rieder, Helen Sides, Carole Hamilton,

Thomas Furey, Sarah Tarbet, Zachary Caunter, Jonathan Berk, and Josh Turiel) 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 “Clipper Ship Inn,” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Existing Conditions	C1.00	Griffin Engineering	8.23.23	
Erosion & Sediment Control Plan	C2.00	Griffin Engineering	8.23.23	
Site Layout Plan	C3.00	Griffin Engineering	8.23.23	10.2.23
Grading and Drainage Plan	C4.00	Griffin Engineering	8.23.23	10.2.23
Utility Plan	C.500	Griffin Engineering	8.23.23	
Details I	C.700	Griffin Engineering	8.23.23	
Details II	C7.01	Griffin Engineering	8.23.23	
Details III	C7.02	Griffin Engineering	8.23.23	
Landscape Plan	L3	Ulrich Landscaping	9.29.23	10.3.23
Exterior Elevations	A.2.01	SV Design	5.24.23	

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. In the event that solar panels are located on the roofs of the resulting establishment, then the developer shall assure that there be no reflective glare from the panels onto abutting residential properties. This condition shall be monitored post-construction by the developer at the nearest abutting residential property lines.

- b. All of the trees planted in the Entrance Corridor Overlay District (ECOD) shall have a minimum caliper of 3.5” of the tree diameter breast height (DBH) to meet the ECOD minimum standards.
- c. All of the curbing in the ECOD shall be vertical granite at least 6” in width. This includes all curbing around landscaped areas.
- d. 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. Prior to issuance of a building permit, the applicant shall submit a revised a plan to the Director of Traffic and Parking for review and approval that includes pedestrian walking paths and crosswalks for visitors traveling between the two buildings on the site and to Bridge Street.
- b. Interior courtyard shall have ADA compliant ramps and paths.
- c. The developer shall contribute \$15,750 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.

7. 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. The applicant shall replace the juniper with low grow sumac.
- c. 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.

8. 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.

9. Fire Department

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

10. Building Inspector

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

11. 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.

12. City Engineer & Utilities

- a. All work shall comply with all requirements of the City Engineer.
- b. All work shall comply with the Engineering Rules and Regulations.
- c. The applicant shall comply with all the recommendations from the civil peer review letter, to be issued by New England Civil Engineering.
- d. The applicant must comply with conditions 1 through 3 prior to the Engineering Department sign-off on any building permits (including but not limited to building, foundation, demolition, etc.) and/or the issuance of any permits from the Engineering Department.

13. 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, crosswalks, and curbing;
 - 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.

14. 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.

15. 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.

16. 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: Bill Griset, Kirt Rieder, Helen Sides, Carole Hamilton, Thomas Furey, Sarah Tabet, Zachary Caunter, Jonathan Berk, and Josh Turiel.

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 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 Griset
Chair