



CITY OF SALEM PLANNING BOARD

Decision

Site Plan Review and Flood Hazard Overlay District Special Permit 67 Derby Street (Map 41, Lot 339)

December 26, 2023

Re: Application of Crowley Wind Services, Inc. for the property located at 67 Derby Street (Map 41, Lot 339) in the Industrial (I) Zoning District for a Site Plan Review and Flood Hazard Overlay District Special Permit in accordance with the Salem Zoning Ordinance section 9.5 Site Plan Review, section 8.1 Flood Hazard Overlay District. Specifically, the applicant proposes to create an offshore wind (OSW) marshalling terminal where turbine components will be partially assembled and deployed to OSW farms. Freighters, barges and other marine vessels will be used to deliver the components to the marshalling terminal and to transfer the partially-assembled turbines to OSW project locations for full assembly and installation. To support these efforts, renovations and improvements are proposed for the upland, shoreline, and watershed areas of the project site. This project is Phase 2 of the existing Planned Unit Development of this site.

Procedural History

1. An application for a Site Plan Review and Flood Hazard Overlay District Special Permit under Sections 9.5, and 8.1 of the City of Salem Zoning Ordinance was made by Crowley Wind Services, Inc. and filed with the Planning Board June 8, 2023.
2. The Planning Board of the City of Salem opened the public hearing on Thursday, July 6th, 2023. The public hearing was continued to July 20th, 2023; September 7th, 2023; September 21, 2023; October 12, 2023; November 2, 2023; November 16, 2023; December 7th, 2023; and December 21, 2023.
3. On August 4th, 2024, the City contracted with New England Civil Engineering (NECE) to provide an independent peer review of the proposed development plans including stormwater management and drainage for all discharges and connections to the City of Salem MS4 drainage system, and onsite engineering issues covered by the City of Salem “engineering rules and regulations for site plan review and building permit routing slip sign off” checklist” per the tasks identified in the proposal dated July 5th, 2024.
4. NECE provided a peer review letter on September 19, 2023.
5. On August 17th, 2023, the City contracted with Howard Stein Hudson (HSH) to provide an independent peer review of the proposed development plans including traffic and parking per the tasks identified in the proposal dated July 5th, 2023.
6. HSH provided peer review letters on October 17th, 2023 and December 4th, 2023.
7. On October 31st, 2023, the City contracted with LAM to provide an independent peer review of the proposed lighting plan per the tasks identified in the proposal dated October 25, 2023.
8. LAM provided initial feedback on November 15, 2023, and provided a review letter dated November 30th, 2023.
9. The Planning Board closed the public hearing on December 21, 2023.

10. 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 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:

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

- i. The property is located in the Industrial (I) Zoning District. The applicant is seeking to create an offshore wind (OSW) marshalling terminal where turbine components will be partially assembled and deployed to OSW farms. Freighters, barges and other marine vessels will be used to deliver the components to the marshalling terminal and to transfer the partially-assembled turbines to OSW project locations for full assembly and installation.

2. There is adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property, particularly in the event of flooding of the lot(s) or adjacent lot(s) caused by either overspill from water bodies or high runoff.

- ii. The project site layout and circulation have been designed to accommodate vehicular and pedestrian movement within the project site, including the parking lot facilities outside of the secured area and within the secured area for Salem Wind Port operations. The project site has also been designed with grading and drainage to minimize the effects of flood events from the main vehicular and pedestrian pathways. A flood analysis was conducted to determine whether any of the adjacent properties would be impacted by the project site under current flood and future sea level rise scenarios. It concluded that there would be no impacts from flood waters or changes in flood velocities on adjacent properties.

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

- i. Proposed utilities provided within the project site have been designed to be located and constructed to avoid damaging impacts of flooding through the depth and protection of utility lines and elevation of above-grade substations to accommodate surface floodwaters. All Service connections will be in compliance with the current edition of the Massachusetts Building Code, 780 CMR State Board of Building Regulations Standard, Appendix G: Flood-Resistance Construction.

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. New structures or substantial improvements shall be located landward of the reach of mean high tide.

The project is proposing modular structures that will be located landward of the mean high tide line. This water-dependent industrial use site will have new pile-supported structures along the shoreline below the high tide line constructed to support the berthing of large vessels and the loading and unloading of offshore wind components.

- b. The support of new structures or substantial improvements shall not be, in whole or in part, by the use of fill.

The project is proposing modular structures on-site that will substantiate the use of fill. Fill will be needed to support the heavy loads and storage of the offshore wind components. These are not substantial improvements.

Decision

In view of these findings, the Planning Board decided at a regularly scheduled meeting on December 21, 2023, by a vote of seven (7) in favor (Kirt Rieder, Zach Caunter, Carole Hamilton, Helen Sides, Tom Furey, Jonathan Berk, and Josh Turiel), and zero (0) opposed to approve the proposed project subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform to “Site Development Plans at 67 Derby Street (Assessor’s Map 31, Lot 339), Salem, Massachusetts,” with the sheets listed below (the “Plans”):

Drawing Title	Sheet No.	Prepared By	Issued	Revised
<u>Key Plan</u>	<u>LOO</u>	<u>AECOM</u>	<u>10/27/2023</u>	
General Notes and Abbreviations	<u>C001</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
General Legends	<u>C002</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Key Plan	<u>K100</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Existing Base Survey	<u>V100-V105</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Site Layout	<u>C100-C105A</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Utility Removal General Notes and Legend	<u>C200</u>	<u>AECOM</u>		<u>12/05/2023</u>
Demolition and Clearance	<u>C201-C206</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Site Grading and Drainage	<u>C300-C305A</u>	<u>AECOM</u>		<u>12/05/2023</u>
Site Prep and Environmental Control	<u>C300-C305A</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Site Utility Plans	<u>C400-C405A</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Security and Fencing	<u>C500-C505</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Site Details	<u>C600-C612</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Site Cross-Sections	<u>C700-709</u>	<u>AECOM</u>	<u>10/27/2023</u>	<u>12/05/2023</u>
Site Layout	<u>L000-L104</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Coordinates	<u>L106</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Planting Plan	<u>L200-L214</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Grading Plan	<u>L300-L301</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Irrigation Plan	<u>L400-L409</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Site Sections	<u>L500-L503</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Planting Details	<u>L600-L602</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Paving Details	<u>L610</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Guardrail Details	<u>L620</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Furnishing Details	<u>L630-L638</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Irrigation Details	<u>L640-L641</u>	<u>AECOM</u>	<u>10/27/2023</u>	11/9/23 (10/27/2023-R1)
Abbreviations and Symbols List	<u>E001</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Fixture Lighting Schedule	<u>E002</u>	<u>AECOM</u>	<u>08/21/2023</u>	
Electrical Notes 1	<u>E003</u>	<u>AECOM</u>	<u>08/21/2023</u>	
Site Lighting and Comm Plan	<u>E100</u>	<u>AECOM</u>	<u>08/21/2023</u>	
Medium Voltage Plan	<u>E101</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Overall One Line Diagram 1	<u>E400</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Overall One Line Diagram 2	<u>E401</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Substation SS1 One Line Diagram	<u>E402</u>	<u>AECOM</u>	<u>8/21/2023</u>	
6.6 K.V Shore Power One Line Diagram	<u>E403</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Substation Protection Diagram	<u>E404</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Crane Ground Check & Emergency Shutdown	<u>E405</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Substation MSA Enlarged Plan	<u>E500</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Substation SS1 Enlarged Plan	<u>E501</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Substation MSA Grounding Plan	<u>E502</u>	<u>AECOM</u>	<u>8/21/2023</u>	

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Substation SS1 Grounding Plan	<u>E503</u>	<u>AECOM</u>	<u>8/21/2023</u>	
EV Charger Plan Enlarged	<u>E504</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Grounding Details	<u>E601</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Transformer Details	<u>E602</u>	<u>AECOM</u>	<u>8/21/2023</u>	
High Mast Light Pole Details	<u>E603</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Lighting Control Details	<u>E604</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Roadway and Parking Lot Light Pole Details	<u>E605</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Landscape Light Pole Details	<u>E606</u>	<u>AECOM</u>	<u>8/21/2023</u>	
High Mast Pull Box Details	<u>E607</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Manhole Details 1 of 2	<u>E608</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Manhole Details 2 of 2	<u>E609</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Pull Box Details	<u>E610</u>	<u>AECOM</u>	<u>8/21/2023</u>	
100A Tugboat Receptacle	<u>E611</u>	<u>AECOM</u>	<u>8/21/2023</u>	
63A Shore Power Receptacle	<u>E612</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Main 12.47KV Switchgear "SWA" & "SWB" Elevation	<u>E613</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Switchboard Details	<u>E614</u>	<u>AECOM</u>	<u>8/21/2023</u>	

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Panelboard Rack Mounting Detail	<u>E615</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Ductbank Sections	<u>E616</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Ground Rod and Test Well Details	<u>E617</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Building Substation Gas Switch	<u>E618</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Building Gas Switch 2	<u>E619</u>	<u>AECOM</u>	<u>8/21/2023</u>	
480V Generator Docking Station Elevation	<u>E620</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Photometric Calculation 1	<u>E621</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Photometric Calculation 2	<u>E622</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Area 5.1 Main Wharf Typical Section	<u>E623</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Area 5.2 Main Wharf Typical Section	<u>E624</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Area 8.2 Trestle Section	<u>E625</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Concrete Bunker Details	<u>E626</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Crane Vault Details	<u>E627</u>	<u>AECOM</u>	<u>8/21/2023</u>	
LV Receptacle Vault	<u>E628</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Feeder Schedules	<u>E701</u>	<u>AECOM</u>	<u>8/21/2023</u>	
Electrical Panel Schedule	<u>E702</u>	<u>AECOM</u>	<u>8/21/2023</u>	

Drawing Title	Sheet No.	Prepared By	Issued	Revised
Electrical Panel Schedule 2	<u>E703</u>	<u>AECOM</u>	<u>8/21/2023</u>	

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.
- b. 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. Initial public access to the harbor overlook from Blaney Street Landing (SW corner) shall follow Harbormaster recommendations for 10am to 1-hour before sunset, to assess foot traffic demand and any conflicts with Wind Port operations. Applicant, operator and Harbormaster shall jointly reassess access parameters two months after certificate of occupancy granted, with an aim to increase hours to daylight hours of sunrise to sunset, similar to other Chapter 91 access restrictions. The Harbormaster may at any time restrict or curtail public access with gate- posted notice.
- b. Prior to approval of a street opening permit, the applicant shall complete a pre-construction survey of abutters and abutters to abutters of project site to establish a baseline for monitoring seismic activity and impacts to the foundations.
- c. Prior to approval of a street opening permit, the applicant shall provide the Health Agent with a baseline survey of existing ambient noise levels measured at the perimeter of the project site, in the Point Neighborhood, the Historic Derby Street neighborhood and 4 additional locations as determined by the Health Agent.
- d. Any noise levels that are not in compliance with regulations during construction shall be mitigated by the applicant as determined by the Health Agent.
- e. Prior to approval of a street opening permit, the applicant shall submit a baseline air quality report measuring contaminants along the full perimeter of the project site, in the Point Neighborhood, the Historic Derby Street neighborhood and 4 additional locations as determined by the Health Agent, to determine the current level of contaminants.
- f. During construction and during operation, the applicant shall submit air quality monitoring reports measuring contaminants for the Health Agent to review. The

monitoring reports shall be measured along the full perimeter of the project site, in the Point Neighborhood, the Historic Derby Street neighborhood and 4 additional locations as determined by the Health Agent. The first report shall be submitted after one month of construction. The Health Agent will determine the reporting frequency thereafter.

- g. Any increase in air quality contamination shall be mitigated by the applicant as determined by the Health Agent.
- h. Blade covers shall use muted colors and no advertisements shall be placed on the blade covers.
- i. No advertisements shall be placed on the light poles.
- j. *Lighting*
 - i. A lighting peer review and a Lighting 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 Planner. Accordingly, it is the understanding of the Board, the City Planner, and the Applicant, that the peer reviewer is expected to oversee and review all photometric plans, including revised plans showing the recommended revisions to the computer model. The Clerk of the Works is expected to oversee and review all light installations related to the Project, including, but not necessarily limited to post-installation on-site verification that the lighting system is operating according to the construction documents and any special permit obligations.
 - ii. The applicant shall submit a detailed design and specification documentation showing a complete working dimming control system to the City Planner for their review and approval prior to issuance of a demolition or building permit. The applicant shall submit confirmation from the controls manufacturer that the designed system will result in a working wireless control system, including that the distances between devices are not too great.
 - iii. The applicant shall provide a Sequence of Operations for the lighting controls system that defines the localized lighting “scenarios” (normal, quayside work, security, etc.) and under what conditions they would occur. The control technology and/or operational procedures, which will ensure that the lights will not be turned on to higher levels than needed and will be dimmed when not needed, should be described.
 - iv. The security light level shall be 0.5 fc average or lower.
 - v. Prior to approval of a street opening permit, the applicant shall provide the City Planner a revised fixture schedule. The revised schedule shall reflect the fixture specs shown in the final computer model photometric report. Specifications 26 56 19.50, 2.2, E and 2.4, C, 11. shall be updated to a CCT spec of 3000K.
 - vi. Prior to approval of a street opening permit, the applicant shall submit revised plans to the City Planner that clearly indicate the required aiming orientation of each fixture. The specifications shall include a requirement that the installation contractor is responsible for orienting all fixtures correctly, according to the drawings.

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 Harbormaster,

the City Engineer, the Building Commissioner, the Health Agent, Tree Warden, Police Department, Fire Department, Director of Traffic and Parking 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 Police Department and City Engineer.
- c. The applicant shall submit a construction parking plan and construction traffic management plan for review and approval by the City of Salem Police Department. The plan shall address details of the overall construction schedule, working hours, number of construction workers, worker transportation, parking, number of construction vehicles, and routes. The construction truck traffic/diesel generated vehicle trips to and from the site will avoid local neighborhood streets except for local origin/destination trips and will use designated permitted truck routes including Route 114, Bridge Street, and Webb Street. Development-related construction trip activity will be temporary and will include traffic and noise and is not expected to disproportionately affect nearby environmental justice populations. The applicant shall continue to work with the City and other state agencies to mitigate the impacts of diesel truck trips on area roadways and environmental justice populations. The applicant shall also coordinate with the City of Salem with regards to the length of the construction period and any construction permits which may be required. The construction management plan is expected to include but not be limited to the following:
 - i. Designated parking for construction employees will be on-site and accessed via the Fort Avenue primary driveway with a robust transportation demand management (TDM) program for the construction workers. There shall be no construction employee parking in the neighborhood.
 - ii. Construction periods and material deliveries will be designated to coincide with off peak travel periods of the area roadways – specifically to avoid peak school arrival/dismissal periods.
 - iii. Truck trips shall be limited to a maximum of 150 diesel trips per day at the peak of construction.
 - iv. The delivery of facility construction materials will prioritize barge transport rather than on road transport to reduce/minimize roadway impacts. Materials to be transported to the Site by truck for site stabilization, earthwork, aggregate, paving and terminal building materials will be limited to major routes that include Route 114, Bridge Street, and Webb Street.
 - v. The applicant shall establish waiting and staging areas on-site for all material deliveries and the management of truck traffic via the Webb Street gate.

- vi. At the expense of the applicant, a police detail or traffic control personnel shall be placed at the Webb Street construction gate as needed to direct traffic during peak traffic/shift periods.
- vii. The applicant shall work closely with the City to consider enhanced mitigation measures during Salem's Haunted Happenings events and other peak tourism periods.
- d. Prior to issuance of a street opening permit, the walkway connection from the Salem Ferry parking area to Derby Street shall be incorporated in the site plan package with details on the material and width.
- e. Prior to issuance of Certificate of Occupancy, the walkway connection from the Salem Ferry parking area to Derby Street shall be completed as specified in the site plan package with details on the material and width.
- f. The pedestrian path to the modular offices shown in the sketch on Sheet C505 shall be updated and submitted to the City Planner for review and approval prior to the start of construction. The paving material shall be ADA-compliance and differentiated from vehicular parking by fixed curb or wheel stops to prohibit vehicle movement onto or along this pedestrian path.
- g. The developer shall contribute \$159,000.00 to the City Engineer commensurate to the project's impact on the City's streets and sidewalks in the project area, prior to issuance of a Certificate of Occupancy.
- h. Prior to approval of a street opening permit, the applicant shall submit updated plans to the City Planner for review and approval that include five (5) bicycle racks capable of accommodating (10) bicycles at Blaney Street access.

7. Public Safety

- a. The applicant shall submit a hazardous materials plan to the City of Salem Fire Chief for review and approval prior to the issuance of a building permit. The hazardous material plan shall delineate the location and storage methods of all hazardous materials.
- b. A comprehensive site safety plan shall be submitted to the City of Salem Fire Chief for review and approval prior to issuance of a demolition or building permit.
- c. The comprehensive safety plan shall be adapted as construction progresses. Safety meetings between the developer and the City of Salem Fire Department, Police Department, Engineer, Health Agent and Planner, shall be held weekly during construction to ensure the safety plan continues to meet the project's changing needs.
- d. City of Salem Police, Harbormaster and Fire Department shall have access to the site to conduct routine site visits and safety drills during construction and operation of the facility.
- e. City of Salem Police Department shall have access to all security cameras onsite.
- f. Any future storage or use of hydrogen at the site for power or fuel usage shall be separately permitted and presented at a future date.

8. Landscaping

- a. Prior to approval of a street opening permit, the applicant shall submit revised landscaping plans to the City Planner and the Tree Warden that enlarge the "No Disturbance" zone from a minimum 6' to 15' and scale back the "shrub on slope

- planting,” to occur strictly on the 3:1 side slope, and dimensionally, no more than 13’ from the new project fence.
- b. Prior to approval of a street opening permit, the applicant shall submit revised landscaping plans to the City Planner and the Tree Warden that show five (5) shade trees flanking the pedestrian walkway in the facility parking lot.
 - c. No proposed shrub or tree planting shall occur within the canopy or "Root protection Zone" of any tree scheduled for retention.
 - d. 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.
 - e. 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.
 - f. The applicant shall maintain all landscaping, walkways, and viewpoints for the life of the facility, including the Derby Street to Blaney Street Connector, also known as the Harborwalk Extension and the point access walkway.
 - g. The applicant shall obtain a surety bond naming the city as insured to protect the trees that are not protected by the City Tree Ordinance in the area of trees along Derby St between Beckett and Webb streets. The surety bond shall be in the amount of \$110,500 for a minimum of five years post occupancy. A copy of the surety bond shall be provided to the Tree Warden prior to issuance of an occupancy permit.
 - h. Prior to releasing the surety bond required in condition 8.f, the applicant shall submit a tree evaluation report to the City Tree Warden. If any tree is found to be irreparably damaged, severely stressed or dying it shall be replaced according to the City of Salem standards prior to release the bond.
 - i. The applicant shall submit a revised landscaping plan to the Tree Warden for review and approval prior to issuance of a street opening permit. The revised plan shall replace the proposed *amelanchier canadensis* trees with a tree that is tolerant of saltwater inundation.
 - j. The applicant shall submit a Full Tree Survey, Tree Protection Plan, Arboricultural Impact Assessment and Arboricultural Impact Assessment Plan to ANSI standards prepared by a certified arborist to the Tree Warden for their review and approval prior to issuance of a street opening permit. The plan shall include references to the construction drawings used to produce the arboricultural drawings and include a minimum of 10 cross sections with dimensions at equal distance along the area containing the honeylocust trees that are not protected by the City Tree Ordinance in the area of trees along Derby St between Beckett and Webb streets.

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 approval of a street opening permit, demolition, and/or blasting and shall send a copy of the exterminator's invoice to the Health Agent.
- g. The developer shall submit to the Health Agent a plan for rodent control and 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 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.

14. Engineering 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 including 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 all proposed changes to the original Planning Board decision and coordinate with the City before accepting any changes.
- 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. The submitted and accepted construction plan with sequence and schedule 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 a task order for the Clerk of the Works' services has been agreed upon 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, unless waived by City Council.
 - 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 accepted 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 acceptable to 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 zero (0) opposed to approve the Site Plan Review and Flood Hazard Overlay District special permit application subject to the above-stated terms and conditions: Kirt Rieder, Zach Caunter, Carole Hamilton, Helen Sides, Tom Furey, Jonathan Berk, and Josh Turiel.

Planning Board Decision
67 Derby Street
December 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 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.

A handwritten signature in black ink, appearing to read "KIRT RIEDER". The signature is stylized and somewhat cursive.

Kirt Rieder
Vice Chair