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CITY OF SALEM, MASSACHUSETTS

BOARD OF APPEALS 2019 MAY 29 PM 2:39

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CITY CLERK
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May 29, 2019

Decision

City of Salem Board of Appeals

Petition of NORTH SHORE MEDICAL CENTER, INC. for variances from Sections 4-50 and 4-51 of the Salem Code of Ordinances for height of signs to allow four new building signs at the North Shore Medical Center hospital campus at 81 HIGHLAND AVENUE (Map 24, Lot 1); 108 Jefferson Avenue (Map 24, Lot 88); Old Road (Map 24, Lot 19); 1 Dove Avenue (Map 24, Lots 216 & 218); 79 Highland Avenue (Map 14, Lot 129); 55 Highland Avenue (Map 24, Lot 220); 57 Highland Avenue (Map 24, Lot 2); and 24 Old Road (Map 24, Lot 221) (R1 Zoning District). Three of the signs are on the Dove Avenue side of the campus; one is on the Highland Avenue side.

A public hearing on the above Petition was opened on May 15, 2019 pursuant to M.G.L. Ch. 40A, § 11 and closed on that date with the following Salem Board of Appeals members present: Mike Duffy (Chair), Peter A. Copelas, Jimmi Heiserman, Patrick Shea, Jimmy Tsitsinos, and Paul Viccica (Alternate).

The Petitioner seeks variances from Sections 4-50 and 4-51 of the Salem Code of Ordinances for height of signs.

Statements of Fact:

1. In the petition date-stamped April 24, 2019, the Petitioner requested variances from Sections 4-50 and 4-51 of the Salem Code of Ordinances for height of signs to allow four new building signs at the North Shore Medical Center hospital campus.
2. Attorney Joseph Correnti, representing petitioner North Shore Medical Center, Inc., presented the petition.
3. The property is a hospital located at the following addresses in the Residential One-Family (R1) zoning district: 81 Highland Avenue, 108 Jefferson Avenue, Off Old Road, 1 Dove Avenue, 79 Highland Avenue, 55 Highland Avenue, 57 Highland Avenue, and 24 Old Road.
4. As the petitioner noted in the application, this hospital is "located in the R-1 zone, making all the structures and hospital use legally nonconforming and specially permitted."
5. Section 4-50 of the Salem Code of Ordinances discusses "Limitations in residential districts" for signage. Section 4-51 discusses "On-premises signs in nonresidential districts."
6. Section 4-50 *Limitations in residential districts* states, in relevant part:
"In any residential district as defined in the zoning ordinance, there shall not be any sign except as follows:
(6) One sign, accessory to a nonconforming use, which conforms with section 4-51; provided, however, that the area of the sign does not exceed one-half of the area allowed in nonresidential districts under section 4-51."

7. Section 4-51 *On-premises signs in nonresidential districts* of the Salem Code of Ordinances regulates the height of signs, stating in relevant part:
 - “(a) The following on-premises signs in nonresidential districts are permitted:”
 - “(2) A wall sign attached parallel to a building which projects no more than 15 inches from the building surface, provided that the top of such sign is no higher than whichever of the following is lowest:
 - a. Twenty-five feet above sidewalk or finish grade;
 - b. The top of the sills of the first level of windows above the first story; or
 - c. The height of the building at the building line.”
8. Section 4-44 *Variances* of the Salem Code of Ordinances states in relevant part: “The board of appeals may vary the sections of this article in specific cases which appear to it not to have been contemplated by this article and when its enforcement would involve practical difficulties or unnecessary hardship if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this article, but not otherwise. Sections of this article may be varied only by a decision of four of the five members of the board, which shall specify any variance allowed and the reasons therefor.”
9. The requested relief, if granted, would allow the petitioner to exceed the allowed height of signs to erect four new building signs at the North Shore Medical Center.
10. The application was accompanied by an Overall Site Plan for the North Shore Medical Center, prepared by Shepley Bulfinch Richardson & Abbott and VHB, dated April 8, 2016. The application was also accompanied by elevations showing the design and dimensions of the signs, prepared by United Sign Co. for the location 81 Highland Ave and dated April 8, 2019.
11. At the May 15, 2019 public hearing, Attorney Joseph Correnti and Mary Jo Gagnon, Senior Vice President of Operations at North Shore Medical Center presented the proposal. Attorney Correnti explained that North Shore Medical Center is undergoing a major campus renovation, including a new emergency department building, and renovation of another building, which will be the Epstein Center for Behavioral Health.
12. At the public hearing, Attorney Correnti noted that the Code of Ordinances regulates elements of signs including size, height, and more. He stated that the signs proposed meet the size requirements, but not the height requirements. Attorney Correnti noted that one sign will be on the Highland Avenue side of the campus; three signs will be on the Dove Avenue/Jefferson Avenue side. Mary Jo Gagnon noted that the emergency room is being moved from the Highland Avenue side to the Dove Avenue side, and that signage is there for wayfinding, so people can locate the emergency room. The building containing the emergency room will also feature a North Shore Medical Center emblem. There is another sign for the Epstein Center for Behavioral Health.
13. At the public hearing, Ms. Gagnon noted that the signage will not be visible to the public from Jefferson Avenue, and that there are not close residential neighbors facing this portion of the property. The signs will be illuminated at night. Ms. Gagnon noted that there will be a sign on the Highland Avenue side for visibility at one of the main entrances. This sign will include the hospital name (“North Shore Medical Center”) and emblem. Ms. Gagnon noted that people have complained that this looks like a factory and do not know which door to go into.
14. In response to a question from Board member Peter Copelas, Attorney Correnti noted that the Planning Board approved the project a few months ago and reviewed and weighed in on the proposed signage, with the exception of the Epstein Center lettering.

15. At the May 15, 2019 public hearing, one (1) member of the public spoke in favor of the petition and no (0) members of the public spoke in opposition to the petition.
16. Chair Duffy spoke to the variance criteria, as noted below.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearing, and after thorough review of the petition, including the application narrative and plans, and the Petitioner's presentation and public testimony, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

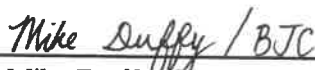
Findings for Variance:

1. This case, regarding a hospital in a residential district, appears not to have been contemplated by the existing Article II *Signs and Billboards* of Chapter 4 of the Salem Code of Ordinances.
2. For a hospital, which requires clear signage for patients seeking services – including emergency services – complying with the signage standards of the Residential One-Family (R1) zoning district presents practical difficulties.
3. The desired relief may be granted without substantially derogating from the intent and purpose of Article II *Signs and Billboards* of Chapter 4 of the Salem Code of Ordinances.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (5) in favor (Mike Duffy (Chair), Patrick Shea, Jimmy Tsitsinos, Jimmi Heiserman, and Peter A. Copelas) and none (0) opposed to grant the requested variances from Sections 4-50 and 4-51 of the Salem Code of Ordinances for height of signs to allow four new building signs at the North Shore Medical Center hospital campus at **81 HIGHLAND AVENUE (Map 24, Lot 1); 108 Jefferson Avenue (Map 24, Lot 88); Old Road (Map 24, Lot 19); 1 Dove Avenue (Map 24, Lots 216 & 218); 79 Highland Avenue (Map 14, Lot 129); 55 Highland Avenue (Map 24, Lot 220); 57 Highland Avenue (Map 24, Lot 2); and 24 Old Road (Map 24, Lot 221) (R1 Zoning District)**, subject to the following **terms, conditions, and safeguards**:

Standard Conditions:

1. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.



Mike Duffy, Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK.

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.