



# CITY OF SALEM PLANNING BOARD

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## **Amended Decision**

### **Site Plan Review, Planned Unit Development Special Permit, Drive-Through Special Permit, and Flood Hazard Overlay District Special Permit**

**73 Lafayette Street (Map 34, Lot 430), 75 Lafayette Street (Map 34, Lot 431), 85 & 87 Lafayette Street (Map 34, Lot 432), 89 Lafayette Street (Map 34, Lot 433), 315 Derby Street (Map 34, Lot 444), 9 Peabody Street (Map 34, Lot 232), and 15 Peabody Street (Map 34, Lot 435)**

**May 3, 2024**

Re: Application of North Shore Community Development Corporation (NSCDC) and North Shore Community Health Center (NSCHC) for the property located at 73 Lafayette Street (Map 34, Lot 430), 75 Lafayette Street (Map 34, Lot 431), 85 & 87 Lafayette Street (Map 34, Lot 432), 89 Lafayette Street (Map 34, Lot 433), 315 Derby Street (Map 34, Lot 444), 9 Peabody Street (Map 34, Lot 232), and 15 Peabody Street (Map 34, Lot 435) for amendments to a Site Plan Review, Planned Unit Development Special Permit, Drive-Through Special Permit, and Flood Hazard Overlay District Special Permit for a project in the B-5 and Entrance Corridor Overlay District in accordance with the following sections of the Salem Zoning Ordinance: Section 9.5 Site Plan Review; Section 7.3 Planned Unit Development; Section 6.7 Drive-Through Facilities; Section 8.1 Flood Hazard Overlay District.

Specifically, the applicant proposes to amend an existing Site Plan Review, Planned Unit Development Special Permit, Drive-Through Special Permit, and Flood Hazard Overlay District Special Permit decision dated January 24, 2023. For the building on the corner of Lafayette and Derby Street, the applicant proposes to eliminate one floor of the community health clinic, diminish the commercial space, and reduce the number of public parking spaces from 15 to 12. For the building at 9 Peabody, the number of affordable elderly housing units remains at 29, but the public community space and total residential square footage has increased. Three of the parking spaces previously made public will now be reserved for residents, amounting to a total of six spaces reserved for residents. Long-term bike parking spaces have increased from 21 to 30 spaces.

### **Procedural History**

1. An application for an amendment to a Site Plan Review under Section 9.5, and special permits under 8.1, 6.7, and 7.3 of the City of Salem Zoning Ordinance was made by Scott Grover and filed with the Planning Board on March 21, 2024
2. A notice for the first public hearing was first issued on April 4, 2024.
3. The Planning Board of the City of Salem opened the public hearing on April 18, 2024 and was continued to May 2, 2024.

4. The Planning Board closed the public hearing on May 2, 2024.
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.

### **Special Permit Findings**

The Planning Board, after a public hearing and review of submitted materials and testimony hereby finds that the proposed project meets the provisions of the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development, Sec 9.5 Site Plan Review, Sec. 6.7 Drive-Through Facilities, 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:

#### **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 Central Development (B5) Zoning District as well as Flood Hazard Overlay District, (FHOD) and Entrance Corridor Overlay District (ECOD). The applicant is seeking to construct two (2) buildings, one of which will occupy the corner at Lafayette and Derby and the second at the nearby site at 9 Peabody. At 73 Lafayette Street the applicant proposes a 5-story mixed-use building with commercial space on street level. Along Derby Street, the applicant proposes a new approximately 26,000 sf community health clinic. The applicant proposes that North Shore Bank will relocate from its current ground floor location on Derby to front on Lafayette Street. At 9 Peabody Street 29 units of age-restricted affordable housing are proposed in addition to parking, and a publicly accessible community room.

**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.**

- i. The project has been designed to allow adequate convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property. Building and garage entries are located above the FEMA Flood Zone “AE” (elevation 10), which will prevent flooding of homes, except with respect to 9 Peabody where the elevation change takes place inside the building. A small section of parking is located below elevation 10, but it is not expected that residents will regularly use this parking, and impacts will be minimal. While the entry to the site is below elevation 10, the depth of water is only expected to be about 1.5 feet during the 100-year-flood, which should still provide access for emergency vehicles.

**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. All surface utilities (transformer, electric, gas and water meters, hydrant) will be located above the FEMA Flood Zone elevation 10 , except where prohibited by the service provider(s) . Underground pipes and conduits, sanitary sewer structures and storm sewer structures that cannot be located above the FEMA Flood Zone elevation 10, will be watertight and protected against any damage occurring from flooding.
- ii. 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.

- i. There is no coastal high hazard area (Zone VE) on the subject property.

**Planned Unit Development Findings**

The Planning Board hereby makes the following findings pertaining to the City of Salem Zoning Ordinance, Sec. 7.3 Planned Unit Development:

7.3.8.1 The proposed planned unit development is in harmony with the purpose and intent this ordinance and the master plan of the City of Salem as this project will add vitality to the Central Development district of the city by adding a community health center clinic

complete with urgent care, lab, pharmacy and medical services, as well as a bank and affordable housing for residents who earn below 50% and 30% of the area median income.

7.3.8.2 The planned unit development is designed to provide various types of land use which can be combined in compatible relationship with each other as part of a totally planned development. As proposed, the mixture of residential, commercial and open space is compatible with each other, thereby meeting the purpose and intent of good zoning practices and the master plan of the City of Salem. The compatible relationship among the mixture of uses combined with the inclusion of affordable housing, and pedestrian access to the river front to render it appropriate to depart from the strict provisions of the underlying zoning classifications.

7.3.8.3 The planned unit development would not result in a net negative environmental impact, based on the information from the Environmental Impact Statement and plans. The proposed development is considering LEED, passive house, and a carbon net zero footprint building. The redeveloped site will result in improvements to stormwater management; the mixture of uses and site improvements will promote walking and cycling. As such, the development will result in net improvements to the natural environment.

## **Decision**

In view of these findings, the Planning Board decided at a regularly scheduled meeting on May 2, 2024, by a vote of nine (9) (Chair Bill Griset, Kirt Rieder, Tom Furey, Helen Sides, Carole Hamilton, Zach Caunter, Jonathan Berk, Sarah Tarbet, and Josh Turiel) in favor, and zero (0) opposed to approve the proposed project subject to the following conditions:

### **1. Original Decision**

- a. All conditions set forth in the original decision dated January 24, 2023, shall remain and be adhered to by the applicant, unless explicitly eliminated or amended in this decision.
  - i. Should any work include the amendment of any utilities, stormwater systems, landscaping, and/or site design as proposed in the original decision dated January 24, 2023, the applicant will be subject to an additional peer review by Woodard and Curran. The applicant shall comply with all recommendations provided by Woodard and Curran in a supplemental peer review letter.
  - ii. The number of long-term bicycle parking spaces to be installed within the buildings has increased from forty-five (45), as previously stated in condition 6e in the original decision dated January 24, 2023, to fifty (50).

### **2. Conformance with the Plan**

- a. Work shall conform to “El Centro – 73 Lafayette Street & 9 Peabody Street, Salem, MA” with the sheets listed below (the “Plans”):

Planning Board Decision

73 Lafayette Street, 75 Lafayette Street, 85 & 87 Lafayette Street, 89 Lafayette Street, 315 Derby Street, 9 Peabody Street, and 15 Peabody Street

May 3, 2024

<b>Drawing Title</b>	<b>Sheet No.</b>	<b>Prepared By</b>	<b>Issued</b>	<b>Revised</b>
Requirements, Summaries, Aerial Views	G0.1	MASS Design Group	3.21.24	
Existing Conditions Survey	G0.2	MASS Design Group	3.21.24	
Area Diagrams	G0.3	MASS Design Group	3.21.24	
Lafayette Building Floor and Roof Plans	LF-A.1.1 – LF-A1.6	MASS Design Group	3.21.24	
Lafayette Building Overall Building Elevations	LF-A2.1 – LF-A2.2	MASS Design Group	3.21.24	
Lafayette Building Overall Building Sections	LF-A3.1	MASS Design Group	3.21.24	
Peabody Building Floor and Roof Plans	PB-A1.1 – PB-A1.6	MASS Design Group	3.21.24	
Peabody Building Overall Building Elevations	PB-A2.1	MASS Design Group	3.21.24	
Peabody Building Overall Building Sections	PB-A3.1	MASS Design Group	3.21.24	
Landscape Materials Plan – PH2	L1.10B	MASS Design Group	4.8.24	4.26.24
Landscape Layout Plan - PH2	L1.20B	MASS Design Group	4.8.24	4.26.24
Landscape Planting Plan - PH2	L1.30B	MASS Design Group	4.8.24	4.26.24
Landscape Grading Plan – PH2	L2.00B	MASS Design Group	4.8.24	4.26.24
Details – Paving	L5.10	MASS Design Group	4.8.24	
Utility Demolition, Erosion Control and Sedimentation Plan	C-100	MASS Design Group	4.5.24	
Site Utility Plan	C-200	MASS Design Group	4.5.24	
Civil Details	C-300 – C-302	MASS Design Group	4.5.24	
Lighting Plan		LAG	4.4.24	
Turning Analysis – Passenger Car	C-1 – C-3	MASS Design Group	4.5.24	
Turning Analysis – Salem Fire Truck	C-4	MASS Design Group	4.5.24	

Turning Analysis – Single Unit Truck	C-5	MASS Design Group	4.5.24	
Turning Analysis – Trash/Waste/Recycler	C-6	MASS Design Group	4.5.24	

- b. Prior to issuance of a building permit, the applicant shall submit revised plans, showing the following changes:
  - i. Adding five (5) more long-term bicycle spaces at the Peabody Building and relocating them to provide direct access from the exterior.
  - ii. Applicant shall provide a revised grading plan sheet L2.00B complying with ADA (<2% cross slopes) on pavements between water and rear door for pedestrian access and programming.

**3. 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.

**4. Site Specific Conditions**

- a. Prior to issuance of a Building Permit, the applicant shall submit a revised Landscape Planting Plan (sheet L1.30B) to the Tree Warden for review and approval. The revised plan shall replace *Carya ovata* with *Nyssa sylvatica*, *Quercus rubra* with *Quercus bicolor*, and *Amelanchier* with *Syringa reticulata* tree species.
- b. The crosswalk on Lafayette Street nearest to the site driveway to the South shall be constructed by the applicant.

**5. City Engineer and 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 must comply with conditions 1 and 2 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.

**6. Traffic and Circulation**

- a. Prior to issuance of Certificate of Occupancy, the applicant shall coordinate with the Traffic and Parking Director to install signage by all twelve (12) public parking spots that details regulations regarding the use of the public parking spots.

**6. Violations**

May 3, 2024

- 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.

## 7. Lapse

- a. The site plan review and special permits shall lapse after two years from the grant thereof if actual construction thereof has not sooner commenced except for good cause as approved by the Planning Board. Such approval may, for good cause, may be extended in writing by the Planning Board upon the written request of the applicant.

## 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 and Special Permit application subject to the above-stated terms and conditions: Chair Bill Griset, Kirt Rieder, Tom Furey, Helen Sides, Carole Hamilton, Zach Caunter, Jonathan Berk, Sarah Tarbet, 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 and Planned Unit Development Special Permit, Drive-Through Special Permit, and Flood Hazard Overlay District Special Permits 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