



CITY OF SALEM PLANNING BOARD

2017 NOV -8 AM 10:30

CITY CLERK
SALEM, MASS

Flood Hazard Overlay District Special Permit Decision

November 8, 2017

Findings and Decision

Re: Application of Kris and James Klein LLC for a Flood Hazard Overlay District (FHOD) Special Permit

Kris and James Klein LLC for a Flood Hazard Overlay District Special Permit in accordance with Salem Zoning Ordinance, Section 8.1 - Flood Hazard Overlay District (FHOD) to renovate the existing single-family dwelling located at 48 Bay View Avenue (Map 44, Lot 141) located in the AE Flood Zone. The renovation of the building consisting of raising the dwelling approximately two (2) feet in height to install a new foundation and gain extra height on the ground floor; site work to create a two-car driveway and a new walkway; and removal and replacement of an existing fence with a stone wall.

Procedural History

1. A Flood Hazard Overlay District Special Permit application to renovate the existing single-family dwelling located at 48 Bay View Avenue (Map 44, Lot 141) located in the AE Flood Zone pursuant to Section 8.1 of the Salem Zoning Ordinance was made by the above referenced owner and filed with the Planning Board on October 12, 2017.
2. This FHOD special permit application is accompanied by and augmented by a Development Plan, entitled "Proposed Plot Plan for Dennis Aletter at 83 North Street Salem, MA," dated August 29, 2017, revised September 19, 2017.
3. The Planning Board of the City of Salem opened a Public Hearing for the Flood Hazard Overlay District Special Permit on November 3, 2017.
4. Susan St. Pierre, AICP, 74 Bay View Avenue, Salem, MA 01970 presented the project at the November 3, 2017 Planning Board hearing.
5. At the public hearing, one (1) member of the public spoke in favor of the application and none (0) spoke in opposition.
6. The public hearing was closed on November 3, 2017 with the following Planning Board members present: Chair Ben Anderson, Vice Chair Matt Venio, Noah Koretz, Dale Yale, Kirt Rieder, Bill Grisct, and Helen Sides.

7. 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.

Findings

a. General

1. The applicant proposes a renovation of the building located at 48 Bay View Avenue (Map 44, Lot 141) consisting of raising the dwelling approximately two (2) feet in height to install a new foundation and gain extra height on the ground floor (basement); site work to create a two-car driveway and a new walkway; and removal and replacement of an existing fence with a stone wall.
2. The top of the foundation will be extended above the ground to the 100-year flood elevation (elevation 11).
3. The driveway will be built using stone pavers or similar materials.

b. FHOD Special Permit Criteria

1. 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 existing dwelling is a non-conforming residential use located in the R-1 Zoning District. The applicant submitted a Special Permit to the Salem Zoning Board of Appeals to allow renovations to an existing nonconforming use. The Zoning Board of Appeals voted to approve the Special Permit on August 16, 2017.
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 property has approximately 40 feet of frontage on Bay View Avenue, a public way. The dwelling has existing access/egress from the front of the structure facing Bay View Avenue, as well as in the rear of the structure. Currently a paved area in the rear of the property is used for parking. A new two car driveway is proposed on the Bay View Avenue portion of the property which will provide easier access and egress in the event of a flood.

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 utilities, including but not limited to the electrical panel, gas service and hot water heaters will be installed above the 100-year flood elevation (elevation 11).
 - ii. The basement will be flood proofed, as required pursuant to condition 3.a. of this decision.
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 are no proposed uses within the VE zone as mapped by FEMA on the site.

Decision

In view of the foregoing, the Planning Board hereby decided that the aforesaid project meets all the requisite criteria. It is therefore decided to grant a FHOD Special Permit for the development of in accordance with the terms and conditions stated below.

1. **Conformance with the Plan**
 - a. Work shall conform with the set of plans prepared by LeBlanc Survey Associates, Inc. 161 Holten Street, Danvers, MA entitled, "Existing Conditions Plan 48 Bay View Avenue, dated October 25, 2016 and "Proposed Site Plan dated August 31, 2017," and the plan entitled Kline Residence Renovation Project, prepared by Livermore Architecture, Inc. 53 Mason Street Suite 204, Salem, MA 01970, Sheets A1.1 and A3.1 dated June 20, 201
2. **Amendments**
 - a. Any amendments to the approved plans referenced in 1.a. shall be reviewed by the City Planner and if deemed necessary by the City Planner, shall be brought to the Planning Board. Any waiver of conditions contained within shall require the approval of the Planning Board.
3. **Site Specific Conditions**
 - a. Floodproofing construction shall be certified by a registered professional engineer or architect as to the elevation of floodproofing measures and as to compliance with the applicable sections of the Massachusetts State Building Code concerned with flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood. Floodproofing is only required in areas of the building below the 100 year flood elevation.
4. **Board of Health**
 - b. All Board of Health requirements shall be strictly adhered to.
5. **Fire Department**
 - a. All work shall comply with the requirements of the Salem Fire Department.

6. Building Inspector

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

7. City Engineer

- a. All work shall comply with the requirements of the City Engineer.

8. As-built Plans

- a. As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Planning Department and Engineering Department prior to the issuance of the final Certificate of Occupancy.

9. 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 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 or blasting on Saturdays, Sundays, or holidays. Blasting shall be undertaken in accordance with all local and state regulations.
 - iv. 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.
 - v. 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.
 - vi. All construction vehicles left overnight at the site must be located completely on the site.
 - vii. All construction 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 City Planner prior to construction.
 - viii. Any roadways, driveways, sidewalks, or landscaping damaged during construction shall be restored to their original condition by the applicant.

10. Violations

- a. Violations of any condition 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 vote to grant a Flood Hazard Overlay District Special Permit subject to the above-stated terms and conditions: Ben Anderson, Matt Veno, Noah Koretz, Dale Yale, Kirt Rieder, Bill Griset, and Helen Sides.

None of the members of the Planning Board are in opposition to the grant a Flood Hazard Overlay District Special Permit.

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 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 and/or 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 "Ben J. Anderson", with a stylized flourish at the end.

Ben J. Anderson
Chairman