



CITY OF SALEM PLANNING BOARD

2016 SEP 22 P 12: 58

FILE #
CITY CLERK, SALEM, MASS.

Decision

September 15, 2016

Site Plan Review and Special Permits under the North River Canal Corridor Neighborhood Mixed Use District and Flood Hazard Overlay District

On April 21, 2016, the Planning Board of the City of Salem opened a Public Hearing for a Site Plan Review, Flood Hazard Overlay District Special Permit, and Special Permits associated with the North River Canal Corridor Neighborhood Mixed Use District (NRCC) to allow the removal of three (3) structures on the property, the construction of 50 residential dwelling units within two (2) separate buildings and a commercial retail space with parking provided on the site located at 70-92 ½ Boston Street (Map 15, Lot 299 & Map 16, Lot 139).

The petitioner requests the following Special Permits to reflect the plans as referenced:

1. Special Permit per Sec. 8.4.5 (4.4) of the NRCC to allow multi-family residential uses as primary uses in townhouse, row house, flats or multi-story arrangements.
2. Special Permit per Sec. 8.1.4 to allow construction within the Flood Hazard Overlay District.

The Public Hearing was continued to May 5, 2016, May 19, 2016, June 2, 2016, June 16, 2016, July 7, 2016, July 21, 2016, September 1, 2016 and September 15, 2016.

In considering approval of the NRCC Site Plan Review, the Planning Board finds that the development meets the goals of the North River Canal Corridor Plan, as stated in the Salem Zoning Ordinance, as follows:

1. Create appropriate development while preserving our historic neighborhood character:

The proposed project was unanimously recommended for approval by the Salem Design Review Board (DRB) on June 22, 2016. The DRB's role is to review proposals to ensure they are designed to complement and harmonize with adjacent land uses with respect to architecture, scale, landscaping and screening. In a recommendation letter to the Planning Board dated June 30, 2016 the DRB details how the applicant satisfactorily addressed design issues.

The Planning Board considered the request to grant five (5) Density Bonus housing units under the NRCC Mixed Use District, Section 8.4.11(2):

- a. Pursuant to condition 8.a. *Affordable Housing Units*, five (5) housing units will be set aside as affordable housing units. A density bonus of five (5) housing units will not exceed 25 percent of the maximum number of units permitted, and the density bonus is not, in the aggregate, more than one and one half of the maximum number of units permitted in the district. Therefore, the Planning Board awards five (5) density bonus units.

Flood Hazard Overlay District Special Permit

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. A small portion of the site is within Zone AE. Therefore, 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:

- a. The proposed uses comply in all respects to the uses and provisions of the underlying districts in which the land is located.
 - i. The subject property is located in the North River Canal Corridor, an area designated for urban village of mixed uses. The project complies in all respects to the uses and provisions of the underlying district in which the land is located.
- b. 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 proposed stormwater management system is effective for mitigating the peak flow rates of runoff from the limit of the watershed analysis for 2, 10, 25, and & 100 year storm events.
 - ii. All utilities are designed based on standard engineering practices and applicable standards. Utilities, including gas, electricity, fuel, water and sewage disposal, shall be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding.
- c. 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.

Sheet	Title	Prepared By:	Last Revised:
A-105	Townhouses-Schematic Floor Plans	Khalsa Design Inc.	8/25/2016
A-3000	North & West Elevations	Khalsa Design Inc.	8/25/2016
A-301	South & East Elevations	Khalsa Design Inc.	8/25/2016
A-302	Townhouse Exterior Elevations	Khalsa Design Inc.	8/25/2016
A-303	Enlarged Exterior Elevations	Khalsa Design Inc.	8/25/2016
A-400	Site Section	Khalsa Design Inc.	8/25/2016
AV-1	Neighborhood Photos	Khalsa Design Inc.	8/25/2016
AV-2	Perspective Views	Khalsa Design Inc.	8/25/2016
AV-3	Perspective Views	Khalsa Design Inc.	8/25/2016
AV-4	Perspective Views	Khalsa Design Inc.	8/25/2016
AV-5	Locus Plan	Khalsa Design Inc.	8/25/2016
L-1	Proposed Residents at 70-92 Boston Street Salem, MA Illustrative Landscape Plan	Blair Hines Design Associates	9/16/2016
L-2	Boston Street Residences Salem, MA Tree Plantings	Blair Hines Design Associates	8/25/2016
L-3	Boston Street Residences Salem, MA Fences, Greenscreens, Seatwalls	Blair Hines Design Associates	8/25/2016

Civil Plans:

Sheet	Title	Prepared By:	Last Revised:
C-1	Location Plan	William & Sparages	8/24/2016
C-2	Existing Conditions Plan	William & Sparages	8/24/2016
C-3	Site Plan	William & Sparages	8/24/2016
C-4	Layout Plan	William & Sparages	8/24/2016
C-5	Layout Plan	William & Sparages	8/24/2016

- d. The owner, developer or assignee shall apply for a sign permit through the Department of Planning and Community Development for DRB review. All future changes to signage and/or proposed installation of signage for retail tenants, shall be reviewed and approved administratively by the Department of Planning and Community Development. All signage shall conform to the City of Salem's Sign Ordinance and NRCC zoning code requirements.

7. Conservation Commission

- a. All work shall comply with the requirements of the Salem Conservation Commission
- b. The applicant shall receive all necessary approvals from the Salem Conservation Commission.

8. Affordable Housing Units

- a. Five housing units shall be set aside as affordable housing units. The Applicant shall place an Affordable Housing Restriction on these five (5) housing units in the form acceptable to the Commonwealth Department of Housing and Community Development (DHCD). The restrictions shall be in accordance with the eligibility criteria for DHCD's Subsidized Housing Inventory for the purpose of ensuring that the five (5) dwelling units will be restricted as affordable housing for households whose annual incomes are eighty percent (80%) or less of Area Median Income ("Low Income Households") with a sales or rental price affordable to said households as determined by DHCD for a period of ninety nine (99) years from the date of the original conveyance. The Affordable Housing Restriction(s) shall be registered with the Essex South Registry of Deeds.

9. Traffic Mitigation

- a. Proposed plans and details of the mitigation measures below are to be submitted for review by the City Engineer, City Electrician, City Planner, and the Traffic Division of the Salem Police Department.
- b. The owner shall reconstruct the sidewalk along the Boston Street frontage with concrete prior to the issuance of a Certificate of Occupancy.
- c. The owner shall provide one (1) bicycle parking space for every ten (10) vehicle spaces.

10. Maintenance of Stormwater System

- a. Applicant is to submit an Operations and Management Plan for the stormwater system, including a narrative describing the frequency of cleaning and maintenance of catch basins and Stormceptors and clearly define responsible party for maintenance, prior to the issuance of a building permit.

11. Board of Health

- a. The owner shall comply with the following specific conditions issued by the Board of Health:

- c. Developer/owner shall prepare a Fire Apparatus Access Plan for review and approval of the Salem Fire Department prior to issuance of a building permit.
- d. The developer/owner shall install pavers at grade in the Boston Street turnaround, in accordance with the Fire Apparatus Access Plan, dated August 24, 2016, by William & Sparages, prior to the issuance of a Certificate of Occupancy.

13. Building Inspector

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

14. Utilities

- a. Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.

15. City Engineer

- a. All work shall comply with the requirements of the City Engineer.
- b. The Developer/Owner shall amend the Operation & Maintenance Plan in the stormwater report to include inspection and maintenance of catch basins to four (4) times per year prior to issuance of a Certificate of Occupancy.
- c. Developer/Owner shall conduct testing of stormwater runoff from the site twice (2) a year and document findings to demonstrate compliance for five (5) consecutive years that the stormwater management system complies with Final Pathogen TMDL of the North Coastal Watershed (CN 155.0). Findings of each test shall be submitted to the City Engineer for review. If findings demonstrate non-compliance, the Developer/Owner shall implement alternative mitigation measures and demonstrate compliance.
- d. Developer/Owner shall provide an electronic copy of a Stormwater Pollution Prevention Plan (SWPP) to the City Engineer and Department of Planning and Community Development Conservation Commission prior to issuance of a building permit.
- e. Prior to building permit issuance, the applicant shall coordinate with the City Engineer to review any service piping that extends to the street encountered during construction of the foundation and/or site work. Existing utility services encountered onsite that have not been abandoned shall be discontinued in accordance with the City of Salem Engineering Department requirements, prior to issuance of building permit.
- f. The applicant shall submit a final roof design for review and approval by the City Engineer prior to building permit issuance. The final plan shall show that the roof runoff will be collected by proposed roof drains and will discharge directly into the existing drainage system.

16. Clerk of the Works

- a. A Clerk of the Works shall be provided by the City, at the expense of the applicant, his successors or assigns, as it deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction,

- xi. 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.
- xii. 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.


18. 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.

19. 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.

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 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


Matt Venio
Vice Chairman