



CITY OF SALEM PLANNING BOARD

2017 DEC 28 AM 9:30

CITY CLERK
SALEM, MASS

Flood Hazard Overlay District Special Permit Decision

December 28, 2017

Findings and Decision

Re: Application of BHCM Inc. for a Flood Hazard Overlay District (FHOD) Special Permit in accordance with Salem Zoning Ordinance, Section 8.1 on the property located at 8 White Street, 10 White Street and 57-R Turner Street. (Map 41; Lots 284, 283 and 298).

Procedural History

1. An FHOD Special Permit application for the property located at 8 White Street, 10 White Street and 57-R Turner Street was made by the above referenced owner and filed with the Planning Board on October 26, 2017.
2. The FHOD special permit application is accompanied by and augmented by narrative prepared by Thomas A. Pozerski P.E. LEED of Merrill Engineers and Land Surveyors, dated October 24, 2017; A Certification Letter per Section 8.1.5.4 of the Salem Zoning Ordinance, prepared by Edward Moll, P.E. of Structures North, dated October 20, 2017; a HVAC Narrative Report, prepared by Garcia, Galuska, and DeSousa Consulting Engineers Inc., dated June 7, 2017 and revised October 17, 2017; and a Development Plan, entitled "Brewer Hawthorne Cove Marina Site Plan," prepared by Merrill Engineers and Land Surveyors, dated August 18, 2017, revised August 22, 2017, September 5, 2017, and October 24, 2017.
3. The Planning Board of the City of Salem opened a Public Hearing for the Flood Hazard Overlay District Special Permit on November 16, 2017. The following Planning Board members present: Chair Ben Anderson, Vice Chair Matt Venio, Kirt Rieder, Bill Grisette, and Helen Sides.
4. Attorney George Atkins, 65 Congress St., Salem, and Thomas A. Pozerski PE LEED-AP, Merrill Engineers and Land Surveyors presented the project at the November 16, 2017 Planning Board hearing.
5. At the public hearings on November 16, 2017 no members of the public spoke in favor or in opposition of the application. The Planning Board continued the hearing to the regular meeting on December 7, 2017.
6. On December 4, 2017, the applicant submitted plans with a December 1, 2017 revised date.
7. On December 7, 2017, the Planning Board continued the hearing to the regular meeting on December 21, 2017 (no testimony was heard).

8. The public hearing was closed on December 21, 2017 with the following Planning Board members present: Chair Ben Anderson, Kirt Rieder, Helen Sides, Carole Hamilton, Bill Grisett, Dale Yale and Noah Koretz.
9. Dale Yale and Carole Hamilton submitted a signed affidavit of service certifying they have examined all evidence pertaining to the project distributed at the single missed session on November 16, 2017.
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.

Findings

a. General

1. The subject project is located at 8 White Street, 10 White Street and 57-R Turner Street, as shown on the entitled "Brewer Hawthorne Cove Marina Site Plan," prepared by Merrill Engineers and Land Surveyors, dated August 18, 2017, last revised on December 1, 2017.
2. The applicant proposes to remove the existing offices, sheds, tents and existing drainage system for the building of a new 7,500 sq. ft. boatyard and marina building, as well as installing Stormwater quality improvements with a new drainage outfall and to upgrade utilities.

b. FHOD 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 applicant is seeking to continue the existing marina-boatyard use. The proposed building complies with the Salem Zoning Ordinance by means of a variance decision of the Salem Board of Appeals dated February 1, 2012.
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 office and administrative areas used by employees, patrons and the public will be elevated above the VE Zone.

- ii. The site affords adequate and safe maneuver areas for vehicles and pedestrian access. In the event of flooding the occupants can adequately and conveniently leave the site by walking or driving up White Street, which is directly adjacent to the proposed building.
- 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 mechanical equipment, gas, electricity, and ducting will be elevated a minimum of one (1) foot about the Zone AE elevation 10 and two (2) feet above the velocity zone, elevation 13.
 - 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.
 - iii. Installation of electrical wiring and outlets, switches and junction boxes and panels below the base flood elevations will conform to the provisions of 527 CMR 12.00.
 - iv. Waterproof, breakaway fitting and shutoffs will be provided as required.
 - v. All floor and wall penetrations for plumbing, mechanical, and electrical systems will be watertight to prevent floodwater seepage through spaces between penetration and wall construction materials.
 - vi. The sanitary sewer systems will be provided with shutoff vales or closure devices to prevent backflow during conditions of flooding.
- 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. A portion of the proposed use is located within the VE Zone. The portions of the proposed use contained in the VE Zone are properly elevated and proposed in full compliance with the Salem Zoning Ordinance's FHOD requirements, the current edition of the Massachusetts Building Code, 780 CMR State Board of Building Regulations, Appendix G, Flood Resistant Construction.

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 entitled, "Brewer Hawthorne Cove Marina Site Plan," prepared by Merrill Engineers and Land Surveyors, dated August 18, 2017, revised August 22, 2017, September 5, 2017, October 24, 2017 and December 1, 2017.

- 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. Board of Health**
 - a. All Board of Health requirements shall be strictly adhered to.
- 4. Fire Department**
 - a. All work shall comply with the requirements of the Salem Fire Department.
- 5. Building Inspector**
 - a. All work shall comply with the requirements of the Salem Building Inspector.
- 6. City Engineer**
 - a. All work shall comply with the requirements of the City Engineer.
- 7. 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.
- 8. 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.
- 9. 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:

Chair Ben Anderson, Kirt Rieder, Helen Sides, Carole Hamilton, Bill Grisct, Dale Yale and Noah Koretz.

No 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