



CITY OF SALEM PLANNING BOARD

2016 DEC 22 P 4: 55

FILE #
CITY CLERK, SALEM, MASS.

Site Plan Review Decision

December 22, 2016

On Thursday, October 20, 2016, the Planning Board of the City of Salem opened a Public Hearing for a Site Plan Review in accordance with the Salem Zoning Ordinance Section 9.5 for the site located at 2 Paradise Road and 539 Loring Avenue (Map 21, Lots 231 and 232) for demolition of the existing structure at 539 Loring Avenue, expansion of the Vesuvius Restaurant kitchen, and construction of a new street level, café-style restaurant and second floor office space.

The Public Hearing was continued to November 3, 2016; December 1, 2016; and December 15, 2016. The public hearing was closed at the regularly scheduled meeting of the Planning Board held on December 15, 2016, and the Board, based upon the plans submitted and evidence presented at the public hearings, voted by a vote of 9 (nine) in favor (Chair Ben Anderson, Vice Chair Matt Veno, Helen Sides, Carole Hamilton, Kirt Rieder, Bill Griset, Noah Koretz, Dale Yale, Tony Mataragas) and none (0) opposed, to approve the application of the 2 PARADISE RD, LLC for a Site Plan Review, subject to the following conditions:

1. Conformance with the Plan

- a. Work shall conform with the set of plans entitled, "Site Plan Review for Building Addition to Vesuvius Restaurant," Civil Sheets C-1 through C-5, D-1 through D-3, prepared by Griffin Engineering Group, LLC dated September 27, 2016, revised November 30, 2016; and plans entitled, "Café Vesuvius Plaza," Sheets A-1 through A-2, prepared by Silverwatch Architects, LLC dated January 15, 2016, revised November 24, 2016.

2. Amendments

- a. Any amendments to the site plan 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. Landscaping

- a. Maintenance of all landscaping on the site shall be the responsibility of the Applicant, its successors or assigns, and any tree or shrub that does not survive shall be replaced.
- b. Final completed landscaping shall be done in accordance with the approved plans and shall be subject to approval by the City Planner, for consistency with such plan, prior to the issuance of a Certificate of Occupancy.

4. Lighting

- a. No light shall cast a glare onto adjacent parcels or adjacent rights of way.

- b. After installation, lighting shall be reviewed by the City Planner, prior to the issuance of a Certificate of Occupancy.

5. Maintenance

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the developer, his successors or assigns.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.

6. Board of Health

- a. All Board of Health requirements shall be strictly adhered to.
- b. The individual presenting the plan to the Board of Health must notify the Health Agent of the name, address, and telephone number of the project (site) manager who will be on site and directly responsible for the construction of the project.
- c. If a DEP tracking number is issued for this site under the Massachusetts Contingency Plan, no structure shall be constructed until the Licensed Site Professional responsible for the site certifies that soil and ground water on the entire site meets the DEP standards for the proposed use.
- d. The developer shall adhere to a drainage plan as approved by the City Engineer.
- e. The developer shall employ a licensed pesticide applicator to exterminate the area prior to construction, demolition, and/or blasting and shall send a copy of the exterminator's invoice to the Health Agent.
- f. The developer shall maintain the area free from rodents throughout construction.
- g. The developer shall submit to the Health Agent a written plan for dust control and street sweeping which will occur during construction.
- h. The developer shall submit to the Health Agent a written plan for containment and removal of debris, vegetative waste, and unacceptable excavation material generated during demolition and/or construction.
- i. The Fire Department must approve the plan regarding access for fire fighting.
- j. Noise levels from the resultant establishment(s) generated by operations, including but not limited to refrigeration and heating, shall not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the property line.
- k. The developer shall disclose in writing to the Health Agent the origin of any fill material needed for the project.
- l. The resultant establishment(s) shall dispose of all waste materials resulting from its operations in an environmentally sound manner as described to the Board of Health.
- m. The developer shall notify the Health Agent when the project is complete for final inspection and confirmation that above conditions have been met.
- n. The developer shall install grease traps, to contain grease in gray water, prior to it entering the city sewer system in developments with 10 or more units and in compliance with the requirements of the City Engineer.
- o. Salem sits in a Radon Zone 1 and the risk of radon entering buildings is extremely high. Therefore, the installation of radon mitigation systems is required.

7. Fire Department

- a. All work shall comply with the requirements of the Salem Fire Department.

8. Building Inspector

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

9. Utilities

- a. Underground utility installation shall be reviewed and approved by the City Engineer prior to the issuance of a Building Permit.
- b. Water meter sizing calculations from the licensed plumber shall be submitted to the City Engineer with a listing of fixture for review and approval by the City Engineer.

10. City Engineer

- a. All work shall comply with the requirements of the City Engineer.
- b. Prior to issuance of a demolition permit from the City, the applicant shall cut and cap all existing utilities at the main following the requirement from the Engineering Department.
 - i. The existing water meter and reading devise from 539 Loring Avenue shall be returned to the Engineering Department after the water service is abandoned.
- c. Prior to issuance of a building permit from the City, the applicant shall submit a plan showing the location of the new water meter in the building. The new water service for the building shall be 1" or 1.5"
- d. Prior to issuance of a certificate of occupancy the applicant shall complete one day worth of cleaning and video inspection of the sewer system and the drain system in the locations directed by the City Engineer. Copies of the videos and logs shall be submitted to the Engineering Department. Any deficiency identified in any system, shall be corrected by the applicant, at the applicant's expense, to the satisfaction of the Engineering Department.
- e. A building inspection and dye testing program shall be completed to confirm the sewer and any potential drain from the existing building are connected to the correct system in the City street. This inspection shall be scheduled with the city consultant directly and result of this inspection and testing shall be submitted to the Engineering Department prior to the issuance of building permits.
- f. 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 that were not shown in the site utility plan. 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 building permit issuance.

11. 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 is deemed necessary by the City Planner. Notwithstanding the foregoing, the parties acknowledge the Project shall be subject to controlled construction, which requires oversight by licensed engineer and architects. Accordingly it is the understanding of the Board, the City Planner and the Applicant that the Clerk of the Works is expected to oversee and review all civil/site improvements related to the project located within the public way, including all utility connections to publicly owned infrastructure. It is also

mutually understood that the expense associated with the Clerk of the Works shall be for a reasonable number of hours and at a customary rate of service.

12. 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, or sidewalks damaged during construction shall be restored to their original condition by the applicant.

13. 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.
- b. The As-Built plans shall be submitted to the City Engineer in electronic file format suitable for the City's use and approved by the City Engineer, prior to the issuance of the final Certificate of Occupancy.
- c. A completed tie card, a blank copy (available at the Engineering Department) and a certification signed and stamped by the design engineer, stating that the work was completed in substantial compliance with the design drawing must be submitted to the City Engineer prior to the issuance of the final Certificate of Occupancy; as well as, any subsequent requirements by the City Engineer.

14. 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.

A handwritten signature in black ink, appearing to read 'Ben J. Anderson', with a stylized flourish at the end.

Ben J. Anderson
Chairman