



# CITY OF SALEM PLANNING BOARD

2016 APR 25 A 11:17

FILE #  
CITY CLERK, SALEM, MASS.

Site Plan Review Decision  
114 Derby Street (Map 41, Lot 14)

April 25, 2016

114 Derby Street Nominee Trust  
343 Essex Street  
Salem, MA 01970

RE: Site Plan Review–114 Derby Street

On Thursday, April 21, 2016, the Planning Board of the City of Salem opened a Public Hearing regarding the application of 114 Derby Street Nominee Trust for a Special Permit pursuant to Section 9.5 of the Salem Zoning Ordinance, Site Plan Review, for a six-unit residential development located at 114 Derby Street (Map 41, Lot 14). The project includes the renovation of the existing structure on 114 Derby Street (existing structure presently used by the City of Salem School Department) into six residential units, with nine (9) exterior parking spaces.

The Public Hearing was closed on April 21, 2016. At a regularly scheduled meeting of the Planning Board held on April 21, 2016, the Board voted by a vote of Seven (7) in favor (Matt Venno, Dale Yale, Tony Mataragas, Bill Griset, Kirt Rieder, Carole Hamilton) in favor and none opposed, to approve the application as complying, subject to the following conditions:

## **1. Conformance with the Plan**

- a. Work shall conform with the Site Plan, Landscape Concept Plan and Elevations entitled, "114 Derby Street Nominee Trust," prepared by Seger Architects, Inc., dated March 30, 2016, and Plot Plan entitled, "114 Derby Street" prepared by LeBlanc Survey Associates, Inc., dated March 30, 2016.

## **2. Transfer of Ownership**

- a. In the event of the transfer of the site as a whole, within five (5) days of such transfer, the Owner shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the Owner and its successors and/or assigns.

### **3. 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.
- b. Any waiver of conditions contained within shall require the approval of the Planning Board.

### **4. Construction Practices**

- a. All construction shall be carried out in accordance with the following conditions:
- b. All provisions in the City of Salem's Code of Ordinance, Chapter 22, Noise Control, shall be strictly adhered to.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. All construction vehicles left overnight at the site must be located completely on the site.

### **5. Office of the City Engineer**

- a. All work shall comply with the requirements of the City Engineer.
- b. A Licensed Plumber shall provide a letter to the Engineering Department stating the condition of the existing water pipes to make sure they are adequate to be reused for the proposed condos. This letter shall be submitted to the Engineering Department prior to the issuance of building permits.
- c. A video inspection of the sewer service will be necessary to understand the current condition of the pipe to determine if still in good condition to be reused for the proposed condos. A copy of the video and logs shall be submitted to the Engineering Department prior to the issuance of building permits.
- d. A building inspection and dye testing shall be completed to confirm the sewer and drain services are connected to the correct system in the street. This inspection shall be schedule 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.

- e. Applicant shall correct any deficiencies found from the inspections and testing that are required per conditions 5c and 5d.
- f. The applicant shall submit plans to the Engineering Department showing how the runoff from the new impervious area will be handled. Keeping in mind that runoff should stay in the property and recharge to the ground to the extent possible. This plan shall be submitted to and approved by the Engineering Department prior to the issuance of building permits.

#### **6. Fire Department**

- a. All work shall comply with the requirements of the Salem Fire Department.
- b. The building shall be equipped with a full automatic fire sprinkler system.

#### **7. Building Commissioner**

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

#### **8. Utilities**

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

#### **9. Department of Public Services**

- a. The Applicant shall comply with all requirements of the Department of Public Services.

#### **10. Board of Health and Health Department**

- a. All work shall comply with the requirements of the Salem Board of Health and Health Department.
- b. Adequate trash storage must be provided based on the number of units and collection frequency.

#### **11. Maintenance**

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant. "Refuse removal" includes recycling, which shall be the responsibility of the owner, his successors or assigns. The owner shall provide adequate facilities to ensure all users are able to recycle their trash. Owner is to enter into a contract with a company of the owner's choice to arrange pick-up of recyclable material. A copy of this contract is to be submitted to the City Engineer.
- b. Winter snow in excess of snow storage areas on the site shall be removed off-site.

- c. Maintenance of all landscaping shall be the responsibility of the applicant, his successors, or assigns. The applicant, his successors or assigns, shall guarantee all trees and shrubs for a two- (2) year period.

## **12. 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.

## **13. HVAC**

- a. If an HVAC unit is located on the roof, the City Planner will inspect the installed equipment and report back to the board after the site inspection. If the Planning Board determines it is necessary to visually screen the equipment based on visibility from the abutting property lines and/or visibility from the public right of way, the method for screening the unit, including colors and materials, shall be submitted to the City Planner for review and approval prior to the issuance of a Certificate of Occupancy.

## **14. Landscaping**

- a. A revised landscaping plan that substitutes the pear trees for an alternative tree species shall be submitted to the Department of Planning and Community Development subject to approval by the City Planner prior, to building permit issuance. The City Planner will consult with a Planning Board member when reviewing the revised landscaping plan.
- b. All landscaping shall be done in accordance with the approved set of plans.
- c. Maintenance of all landscaping on the site shall be the responsibility of the Applicant. The Applicant, his successors or assigns, shall guarantee all trees and shrubs for a two (2) year period, from issuance of the Certificate of Occupancy and completion of planting.
- d. Any street trees removed as a result of construction shall be replaced. The location of any replacement trees shall be approved by the City Planner prior to replanting.
- e. Final completed landscaping, done in accordance with the approved set of plans, shall be subject to approval by the City Planner prior, for consistency with such plans, to the issuance of a Certificate of Occupancy.

## **15. 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.

## **16. 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 /h*

Matt Venio  
Vice Chair