



# CITY OF SALEM PLANNING BOARD

2017 SEP 28 PM 4:01

CITY CLERK  
SALEM, MASS

## Flood Hazard Overlay District Special Permit Decision

September 28, 2017

### Findings and Decision

Re: Application of Northfields Development LLC for a Flood Hazard Overlay District (FHOD) Special Permit

Northfields Development 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 two vacant single-story buildings located at 83 North Street (Map 26, Lot 59) and 1 South Mason Street (Map 26, Lot 60) located in the AE Flood zone. The renovation of the building on 83 North Street consists of demolition of a 20' by 50' square foot portion of the building and replacement thereof with a 20' x 38' single story structure within the existing footprint. Renovation of the building located at 1 S. Mason Street consists of roof replacement, new siding, windows, doors, insulations, interior finishes electrical, mechanical and plumbing systems, in addition to modifications to comply with accessibility requirements.

### Procedural History

1. An application to renovate two vacant single-story buildings located at 83 North Street (Map 26, Lot 59) and 1 South Mason Street (Map 26, Lot 60) 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 August 31, 2017.
2. The Planning Board of the City of Salem opened a Public Hearing for the Flood Hazard Overlay District Special Permit on September 21, 2017. The hearing was closed on that date with the following Planning Board members present: Chair Ben Anderson, Vice Chair Matt Veno, Noah Koretz, Dale Yale, Kirt Rieder, Carole Hamilton, and Helen Sides.
3. 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.
4. 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 83 North Street (Map 26, Lot 59) and 1 South Mason Street (Map 26, Lot 60), as shown on the Development Plan entitled "Proposed Plot Plan for Dennis A1letter at 83 North Street. Salem, MA," dated 8-29-2017.
2. The applicant proposes a renovation of the building on 83 North Street which consists of demolition of a 20' by 50' square foot portion of the building and replacement thereof with a 20' x 38' single story structure within the existing footprint. The application also proposes a renovation of the building located at 1 S. Mason Street which consists of roof replacement, new siding, windows, doors, insulations, interior finishes electrical, mechanical and plumbing systems, in addition to modifications to comply with accessibility requirements.

### 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 subject site is within the North River Canal Corridor Zoning District.  
An office use is permitted in the NRCC.
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 primary frontage on North Street. The Finished Floor Elevation (FFE) at the North Street entrance is 9.8 feet, (.02 feet below the 10 foot flood elevation). The renovated section on the building (with frontage on South Mason Street), which also has a point of egress, will have a FFE above the flood elevation, of 10.1 feet.
  - ii. In the event of a flood emergency, the property manager and/or owner will immediately notify tenants and request that they evacuate the premises as required pursuant to condition 3.c. of this decision.
  - iii. Emergency egress in such situations will be via North Street of South Mason Street/Waters Street.

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. Mechanical and electrical equipment will be elevated above the 100-year flood elevations (AE elevation 10), as required pursuant to condition 3.a. of this decision.
  - ii. The gas line extension from North Street will be designed based on standard engineering practices and applicable standards. It will be located and constructed so as to protect against breaking, leaking, short-circuiting, grounding or igniting or any other damage due to flooding, as required pursuant to condition 3.b. of this decision. No electricity, water or sewage disposal is proposed.
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 entitled, "Proposed Plot Plan for Dennis Aletter at 83 North Street Salem, MA," dated August 29, 2017, revised September 19, 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. Site Specific Conditions

- a. Mechanical and electrical utilities in the existing building shall be moved above the floodplain prior to issuance of a Certificate of Occupancy.
- b. 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. In the event of a flood emergency, the property manager and/or owner will immediately notify tenants and request that they evacuate the premises.

**4. Board of Health**

- a. 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:

*Matt Veno, Noah Koretz, Dale Yale, Kirt Rieder, Carole Hamilton, and Helen Sides*

The following members of the Planning Board are in opposition to the grant a Flood Hazard Overlay District Special Permit.

*Ben J. Anderson*

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.



Ben J. Anderson  
Chairman